



**15TH ANNUAL** GOVERNMENT-TO-GOVERNMENT  
TRIBAL CONSULTATION

VIRTUAL EVENT | OCTOBER 27-30, 2020

ANNUAL REPORT OF PROCEEDINGS



## Disclaimers

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This document is a summary of testimony provided at the 2020 15th Annual Government-to-Government Violence Against Women Tribal Consultation, held pursuant to Section 903 of the Violence Against Women Reauthorization Act of 2005, as amended. The document itself has no force or effect of law and does not create any legally binding rights or obligations binding on persons or entities.

This document does not reflect the opinion or position of the Department of Justice; rather, it provides a comprehensive overview of four days of testimony and dialogue at the 2020 15th Annual Government-to-Government Violence Against Women Tribal Consultation. The complete transcript for the 2020 Tribal Consultation is available upon request. Please note hard copy requests may incur a charge for printing.



**U.S. Department of Justice**

**Office on Violence Against Women**

*Office of the Director*

Washington, DC 20530

15 March, 2021

Dear Tribal Leader:

On behalf of the Office on Violence Against Women (OVW) and the United States Department of Justice, I would like to thank each of you who were able to join us for our 15th Annual Government-to-Government Tribal Consultation held virtually on October 27-30, 2020. We are truly grateful to the many representatives from across Indian Country who were able to share their recommendations and concerns about violence against American Indian and Alaska Native women. We are also grateful to those of you who took the time to submit written recommendations to OVW about how the U.S. Department of Justice and other federal agencies can help improve the federal response to violence against Indian women.

Please find enclosed a copy of the 2020 Government-to-Government Violence Against Women Tribal Consultation Annual Report, which summarizes the recommendations that OVW received from tribal leaders at last year's consultation. OVW remains committed to supporting the efforts of tribal governments to respond to violence against women and depends on the recommendations received from tribal leaders to guide our work in tribal communities.

OVW is currently planning the 2021 Government-to-Government Violence Against Women Tribal Consultation to be held in August 2021. If you have any questions or comments regarding the 2020 report, please contact OVW's Deputy Director for Tribal Affairs, Sherriann Moore at [Sherriann.Moore@usdoj.gov](mailto:Sherriann.Moore@usdoj.gov) or (202) 307-6026.

Sincerely,

*Nadine M. Neufville*

Nadine M. Neufville  
Acting Director

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## Introduction

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When the Violence Against Women Act (VAWA) passed in 1994, it established a framework for the federal government to respond to domestic violence, sexual assault, and stalking. The legislation authorizes programs and funding streams designed to help protect victims and promote justice. Subsequent reauthorizations of VAWA added dating violence and included specific provisions for addressing violence against American Indian and Alaska Native (AI/AN) women, including responses to sex trafficking. Among these provisions, the 2013 reauthorization of VAWA affirmed the inherent authority of federally recognized tribal governments to prosecute certain non-Indian perpetrators for crimes of domestic or dating violence or violations of qualifying protection orders in Indian country.

VAWA, as amended, requires the Attorney General to conduct annual government-to-government consultations with tribal nations to gather input on how best to administer tribal funds and programs established by VAWA and subsequent legislation. The Department of Justice (DOJ), Office on Violence Against Women (OVW) hosts this annual tribal consultation, at which representatives from the DOJ, the Department of Health and Human Services (HHS), and the Department of the Interior (DOI) hear testimony from tribal leaders and their delegates and seek recommendations regarding:

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

This report summarizes oral testimony provided by tribal leaders and their delegates during the 2020 tribal consultation virtual event or subsequently submitted to OVW in writing.

## Consultation Framing Papers | Questions

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OVW provided three framing papers to registrants prior to the tribal consultation: the first, requesting input on streamlining OVW's FY 2021 tribal grant application process; the second, discussing potential changes to OVW's Tribal Jurisdiction grant program; and the third, addressing the impact of the COVID-19 pandemic on the National Baseline Study. (See Appendix 5 for the full text of the framing papers.) As part of their oral or written testimony, tribal representatives were asked to respond to the following tribal consultation questions from the framing papers:

### Streamlining OVW's FY 2021 Tribal Grant Application Process

- For those tribes that applied under the Tribal COVID-19/VAW solicitation, was the application easier to complete in comparison to applications for other OVW grants or other federal grants? Which parts of the solicitation or application process worked well or which did not work well? Is there any part of the prior process that you prefer?
- OVW has already received some feedback from tribal applicants that combining two grant programs in the Tribal COVID-19/VAW solicitation was confusing and did not work well. Do tribal leaders also recommend against this approach?
- Some tribal applicants found the chart for completing the "what will be done" section of the project narrative to be helpful, but others found it too limiting or confusing. The chart was optional but encouraged; the idea behind it was to make it easier to complete the project narrative without needing a professional grant writer to prepare the narrative. Would tribal leaders recommend continuing to give this option or making any adjustments to it? Are there other steps OVW could take to guide applicants through the application, particularly those that do not have a grant writer on staff?
- At the June/July 2020 consultations and listening sessions, some testified that it is hard for new, smaller applicants to compete against experienced applicants. OVW is considering a short, easy application for new TGP applicants that would like to obtain a limited number of smaller awards to plan or begin to develop a project. Applying for a planning grant would not be mandatory for new applicants. New applicants could choose to apply for a planning grant or to immediately compete for a standard/larger award. Do tribes support this idea?
- Do tribes have any additional ideas for streamlining the application process for OVW's tribal-specific grant programs or enhancing tribes' access to OVW funding, beyond those discussed here or raised in the accompanying report on the June/July consultations and listening sessions?

### Potential Changes to OVW's Tribal Jurisdiction Grant Program

- Do tribes support the concept of a separate, simplified process for awarding grants to tribes interested in funding to support expenses associated with exercising Special Domestic Violence Criminal Jurisdiction (SDVCJ)?
- Do tribal leaders have any suggestions as to how OVW might administer these separate funds? Would tribal leaders support the simplified application process described above? Please keep in mind that the Tribal Jurisdiction program statute does not authorize OVW to reimburse past expenses related to the exercise of SDVCJ, only to issue grants to tribes to cover future expenses.
- Do tribal leaders have any additional recommendations for ensuring that all Tribal Jurisdiction Program funds are expended each year?



## National Institute of Justice Framing Paper on the Impact of the COVID-19 Pandemic on the National Baseline Study

- What precautions have tribal nations put in place regarding human subject research during the COVID-19 pandemic?
- What are the challenges tribal leaders are experiencing with tribal engagement during the COVID-19 pandemic?
- What challenges are tribal leaders experiencing using only virtual methods to communicate with other government entities and tribal citizens?
- What are some effective ways to launch tribal outreach to recruit randomly selected tribes for the National Baseline Study (NBS) during and post the COVID-19 pandemic?
- What are some strategies for building trust with the randomly selected tribes using only virtual methods during the COVID-19 pandemic?
- What are the best ways to collaborate with tribal communities to implement the NBS during the COVID-19 pandemic?

# Tribal Consultation Event

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OVW held its 15th Annual Government-to-Government Violence Against Women Tribal Consultation on October 27-30, 2020, through an online virtual platform. Participants included 50 tribal leaders, 16 authorized designees, 99 federal representatives; and 484 other attendees from the tribal community, including tribal organizations and coalitions, for a total of 649 registered attendees.

## Traditional Opening Ceremony

Sherriann C. Moore, Deputy Director, DOJ, Office on Violence Against Women, Tribal Affairs Division, called the tribal consultation to order. The Southern California Native Veterans Color Guard and La Jolla Band of Luiseño Indians and Avellaka Program Youth performed the flag ceremony and pledge of allegiance. Shelley Buck, President, Prairie Island Indian Community, Welch, MN, offered an opening prayer. Tribal Domestic Violence and Sexual Assault Coalition members conducted the traditional shawl ceremony to pay homage to victims of violence. Members of the Tribal Coalitions placed shawls on six chairs to symbolize domestic violence, child/youth victims, elder abuse, LGBTQ/2S victims, murdered or missing, and sexual assault.

## Welcoming Remarks

### **Laura Rogers, Principal Deputy Director, DOJ OVW**

Ms. Rogers welcomed the attendees to the tribal consultation and thanked the participants in the opening ceremonies for creating a beautiful virtual opening. She pointed out that this is the first year that the event has been held virtually and further mentioned that this may be one reason the consultation had a much larger attendance than in the past. She also commented that the DOJ recognizes the importance of in person consultation and as long as it is safe, the next consultation will be in person.

Ms. Rogers gave a brief introduction to the Honorable William P. Barr, Attorney General, U.S. Department of Justice. She recognized that the Trump Administration has made the partnership with tribal leaders a top priority and discussed the steps that Attorney General Barr has taken to support the tribal communities:

- On November 26, 2019, President Trump signed an Executive Order forming the task force on missing and murdered American Indians and Alaska Natives, also known as Operation Lady Justice.
- The Attorney General also launched a national strategy to address missing or murdered American Indians and Alaska Native people known as the Initiative on Missing and Murdered Indigenous People.
- DOJ has expanded tribal access to federal crime information databases.
- The DOJ Office for Victims of Crime has implemented the Tribal Victim Services Set-aside Formula Program. The program has made 133 awards totaling over \$112.9 million to over 200 tribes and tribal consortia.

### **The Honorable William P. Barr, Attorney General, DOJ**

The Attorney General, Honorable William P. Barr, welcomed everyone to the consultation on behalf of President Trump, his administration and the DOJ. He stressed that supporting AI/AN communities is a top priority and thanked everyone for their dedicated work to the mission. He further mentioned that President Trump has directed them to address the serious concerns of AI/AN communities regarding missing and murdered women and girls. Mr. Barr acknowledged how devastating the COVID-19 pandemic has been for tribal communities and further thanked the front line workers who are working to ensure that the justice system continues to function. He

mentioned that the DOJ, DOI, and the HHS, are determined to continue the important work of preventing violence against women throughout these challenging times.

Mr. Barr mentioned that due to the COVID-19 pandemic he was not able to spend as much time in Indian country as planned. He recently was able to visit the Cherokee Nation and is planning to visit with a tribal leader from Creek Nation in a week. Mr. Barr highlighted several of DOJ's recent successes regarding violence against AI/AN women, which include the following:

- **Operation Lady Justice:** Through the Operation Lady Justice Task Force, members can review cold cases in Indian country, strengthen law enforcement protocols, and work with tribes to improve investigations and information sharing. The goal is a more seamless, effective response to missing persons investigations. Mr. Barr has asked the 11 U.S. Attorney's Offices with direct links to tribal communities to identify coordinators to work on response plans, data issues, and other ways to enhance coordination. He noted that the funding for this work did not come out of the funds appropriated for tribal governments.
- **Additional Funding:** Mr. Barr recognized the need for federal funding to promote justice, prevent violence and support victims of crime in Indian country. He mentioned that \$300 million in funding was awarded last month to support tribal efforts. He also reminded participants that the federal leaders will be listening intently on priorities for future funding decisions. He reiterated that the DOJ has an office dedicated to reducing violence against women, led by Laura Rogers. Laura and her colleagues in OVW work with other leaders across the DOJ to ensure that we understand and support Indian country needs.
- **Special Assistant United States Attorneys (SAUSAs):** One of the most important initiatives that the office has undertaken is the creation of Special Assistant United States Attorneys (SAUSAs), for tribes. The Tribal SAUSA is a cross-designated prosecutor who maintains an active caseload in tribal court, federal court, or both. The goal is to ensure that jurisdictional barriers do not prevent us from holding criminals accountable. The SAUSA program focuses on both violence against women crimes, such as domestic violence, dating violence, sexual assault and stalking, and any criminal cases that are a priority for the tribes and for the U.S. Attorney's Office.

Mr. Barr concluded by thanking Laura Rogers and OVW for helping launch the Government-to-Government Tribal Consultation program. He further recognized the invaluable work and effort they have done to meet the goals of the program. He stressed the importance of consultation with tribal leaders and its crucial role in meeting the shared vision of preventing violence, holding offenders accountable, and supporting victims of crime.

### **Laura Rogers, Principal Deputy Director, DOJ OVW - Welcome Part 2**

Ms. Rogers thanked Attorney General Barr for his leadership and reiterated OVW's commitment to supporting their tribal partners to promote justice. She further stated that after last year's consultation she promised DOJ's tribal partners that there would be changes - not empty promises unkept. Here are some of the changes that are happening thanks to tribal leaders' recommendations:

- **Operation Lady Justice Task Force:** OVW has been a strong partner in this effort to create a more seamless, effective response to missing persons and murder investigations.
- **Section 904 Task Force:** On October 22, 2020, OVW held the first virtual meeting for the 904 Task Force on Research on Violence Against AI/AN women. With the expertise of advisory committee members,

federal officials have access to information and advice on a broad range of issues affecting federal policies and programs regarding domestic violence and sexual assault facing AI/AN communities.

- **Streamlining Grant Application Process:** The process of applying through the Coordinated Tribal Assistance Solicitation (CTAS) has presented challenges for tribal communities. Based on the opinions expressed during OVW's summer 2020 consultation, the Tribal Governments Program will now be administered outside of CTAS and directly through OVW. Tribal leaders have suggested looking to expand the length of the grant for projects that have been proven to be effective; this in turn could bring in more applications and make administration of the grants less burdensome for tribes. For tribal solicitations, OVW is extending the term for new grantees from three years to five years, when grantees are meeting project goals and spending their funds on schedule. This includes working with grantees to address any challenges in project implementation at the 18-month mark. OVW also issued a streamlined solicitation to assist tribes in responding to violence against women during the COVID-19 pandemic in July 2020.
- **Annual Update Report:** Tribal leaders recommended in 2019 to report back on specific recommendations made by tribal leaders. Accordingly, OVW produced Appendix B of the 2020 Update Report, which is a table of tribal leader recommendations with brief responses and ways to find more information about how OVW and other agencies have responded to them.
- **Lack of Enforcement of Tribal Protection Orders:** OVW launched a new project focused on full faith and credit enforcement of tribal protection orders in Alaska. This project has two parts: Part One is an award to the State of Alaska to train state actors, including law enforcement, prosecution, and courts, to enforce tribal protection orders. Part Two is a funding partnership with BJA, for a community-based tribal organization in Alaska to provide training for tribes on issuing orders of protection that are entitled to full faith and credit enforcement by the state. This project is intended to make a difference for protection order enforcement in Alaska, while also serving as a model for addressing the issue in other parts of the Indian country. OVW continues to support targeted training and technical assistance through the National Center on Protection Order and Full Faith and Credit.
- **Access to Critical Care for Sexual Assault:** Ms. Rogers mentioned her extensive background as a San Diego Deputy District Attorney and her prosecutorial experience in child abuse and family violence, prosecuting child homicides, domestic violence homicides and sexual assaults. She understands the importance for sexual assault survivors to get access to critical care and support, particularly in remote tribal communities. OVW worked with the Office for Victims of Crime to award \$7 million through the FAST Initiative, which stands for sexual assault Forensic-medical and Advocacy Services for Tribes. OVW made six awards, including two in Alaska, to increase the availability of medical forensic exams and victim advocacy in tribal communities. This initiative is intended to address the high rates of victimization and the limited reach of the justice system in tribal communities.
- **Enactment of the Savanna's Act:** Enhancing the safety of Indian women from homicide and improving access to crime information databases and criminal justice information systems are specifically included in the OVW consultation statute as a result of this legislation.
- **2020 Framing Papers:** OVW sought feedback on the application process for OVW's tribal-specific grant programs, and the COVID-19/Violence Against Women Assistance to Tribes Solicitations application process. In addition to the OVW Tribal Jurisdiction program for tribes seeking to implement special

domestic violence criminal jurisdiction, OVW has proposed creating a separate process to award a portion of the appropriated funds for basic costs associated with the implementation of special domestic violence criminal jurisdiction specifically for those tribes that are already exercising the jurisdiction. The National Institute of Justice (NIJ) framing paper sought feedback on the impact of the COVID-19 pandemic on NIJ's National Baseline Study.

Ms. Rogers also shared that she had a cousin who went missing and was murdered by her kidnapper. She shared these details of her life so people could understand that her personal experiences inspire her work. She has worked hard to honor her cousin's memory through her work.

### **Sherriann C. Moore, Deputy Director, DOJ OVW**

Sherriann Moore thanked Laura Rogers for her leadership and commitment, and for keeping a promise to listen to the tribal community and take action. She reminded participants that the many achievements Ms. Rogers referenced are in the 2020 Tribal Consultation Update Report on the DOJ OVW website. She also mentioned that the three framing papers referenced in Ms. Rogers' remarks are posted on the website.

Ms. Moore thanked federal partners from the Departments of Health and Human Services (HHS) and the Interior (DOI) for attending and collaborating and reminded attendees of the Friday afternoon question-and-answer session. She encouraged participants to post their questions throughout the consultation so OVW can make sure the questions are addressed.

### **Introductions of Federal Representatives from DOJ, DOI, and HHS**

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

- **Claire McCusker Murray**, Principal Deputy Associate Attorney General
- **Phil Keith**, Director, Office of Community Oriented Policing Services
- **The Honorable Trent Shores**, United States Attorney, Northern District of Oklahoma
- **Jessica Hart**, Director, Office for Victims of Crime
- **David Muhlhausen**, Director, National Institute of Justice
- **Gina Allery**, Deputy Director, Office of Tribal Justice
- **Marcia Good**, Executive Director, Presidential Task Force on Missing and Murdered American Indians and Alaska Natives

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

- **Jeannie Hovland**, Deputy Assistant Secretary for Native American Affairs, Commissioner, Administration for Native Americans, Administration for Children and Families
- **Michelle Sauve**, Executive Director, Secretary's Intradepartmental Council on Native American Affairs, Intergovernmental Affairs Specialist, Administration for Native Americans
- **Ben Smith**, Deputy Director, Intergovernmental Affairs, Indian Health Service
- **Dr. Glorinda Segay**, Director, Division of Behavioral Health, Indian Health Service
- **CAPT Andy Hunt**, Deputy Director, Division of Behavioral Health, Indian Health Service
- **Erica Gourneau**, National Forensic Nurse Coordinator, Division of Behavioral Health, Indian Health Service
- **Shawndell Dawson**, Director, Family and Youth Services Bureau, Division of Family Violence Prevention and Services

- **Dr. Alec Thundercloud**, Director, Office of Tribal Affairs and Policy, Substance Abuse and Mental Health Services Administration

The representative from DOI was:

- **Jessie Young**, Senior Counselor, Office of the Assistant Secretary-Indian Affairs

### **Jeannie Hovland, Commissioner, Administration for Native Americans, HHS**

Since assuming my role at HHS, my mission has been to promote the concerns received directly from tribal leaders and community members. These concerns have often focused on missing and murdered Native Americans, human trafficking, and vulnerable populations, such as our children in the foster care system, run away and homeless youth, LGBTQ and, victims of domestic violence. It is grassroots community members and tribal leaders that have pushed for justice for our relatives in a resolution on these issues for years.

According to the Centers for Disease Control and Prevention (CDC), homicide is the third leading cause of death for AI/AN men between 1 and 44 years of age, and the 6th leading cause of death among AI/AN women between ages of 1 to 44. The NIJ has reported that more than four in five AI/AN women have experienced violence in their lifetime. These statistics are staggering and expose the deep impact violence has in the lives of our Native women and men on families and in our communities. Research has shown that children who witness domestic violence can also suffer long term consequences including changes to their mental and physical development. This can result in worse health outcomes, learning disorders and continuation of a cycle of violence over generations.

While these statistics and potential impacts are grim, it's important that we not look at this as a foregone conclusion, but rather work together to make change. Recently the CDC released their five-year strategic plan for violence prevention using evidence based approaches that can be effective in reducing violence, but these approaches have not been broadly implemented yet. The strategic plan will take proactive steps to prioritize efforts that create societal and community level impact. We look forward to partnering with the CDC and tribal leaders on the implementation phase.

Collaboration across HHS and other federal agencies on education, training and policies that can help address the underlying factors that can make Native people vulnerable to going missing or being murdered is a main priority. HHS is also committed to working in partnership with tribal communities to end the crisis of missing and murdered Native Americans by strengthening and empowering our vulnerable populations. Lack of data, challenges in identifying race, interconnection of human trafficking and MMNA are common concerns in the community. In addition, HHS has been working diligently to identify ways in which we can provide wraparound services and support from the public health perspective. The public health approach means working on primary prevention to address the underlying factors that make individuals more susceptible to trafficking, domestic violence, going missing, or being murdered.

As a Native woman, I know the resiliency of our people. Knowledge of our languages and traditions gives us strength and have been shown to serve as protective factors. With the input that we receive from tribal leaders, tribal program directors, first responders, educators, Native youth and elders, the Administration for Children and Families has completed a public health framework for action on missing and murdered Native Americans. This framework is a culturally informed, multifaceted approach to strengthening our vulnerable and high-risk populations.

In partnership with the National Council of Urban Indian Health, ACF obtained direct feedback from urban Indian programs across the nation about contributors to Native people disappearing or being murdered. We have also received input from Native American state legislators, several of whom were instrumental in introducing and/or passing state laws to combat this epidemic. On our ACF Tribal Advisory Committee, members have given input and an internal ANA Think Tank to look at human trafficking and MMNA was formed. A staff member on the Think Tank completed data mining on ACF Consultation summary, spanning a period of nine years. The Consultation sessions were held across the country and contributed to an assessment of common themes over time. All of this input was woven into the ACF framework that I am happy to announce is now available to the public. The ACF framework will provide resources and tools to support prevention, intervention and healing for families, victims and communities affected by MMNA. It will also assess policy and program changes, as well as actions the agency can take to reduce vulnerability to protect Native people from victimization.

One of my most memorable moments in this position was in November 2019, when I attended the signing ceremony with President Trump, where he signed Executive Order 13898, creating the federal task force dedicated to missing and murdered AI/AN. I have the honor to serve as the HHS representative to the seven member task force called Operation Lady Justice. And I have a broader platform to advocate for the current concerns I have heard from tribal leaders and community members across the country.

Since the establishment of Operation Lady Justice Task Force, the DOJ, DOI, and HHS have increased our information sharing, collaborative decision making, and have grown in the understanding of how our work contributes to making communities a safer place for our relatives and future generations.

To support the role of HHS within Operation Lady Justice Task Force, we created an MMNA subcommittee comprised of subject matter experts from across the department, including members from the Centers for Disease Control and Violence Prevention Division, the Indian Health Service, the Substance Abuse and Mental Health Services Administration, the Administration on Community Living and others.

These experts are helping to identify resources and craft actions for HHS to undertake the operation like the Lady Justice Task Force. Within HHS, we have developed partnerships to develop education and training tools and raise awareness for factors that can lead to MMNA. This forum was a collaboration with federal and local partners, including the IHS, SAMHSA, ACF and Alaska partners, including the Alaska Native Tribal Health Consortium and Council on Domestic Violence and Sexual Assault. The Administration for Native Americans is partnering with the Office on Trafficking in Persons on many human trafficking efforts, including a virtual human trafficking awareness training in partnership with the Department of Veterans Affairs Office on Tribal Relations to reach Veteran service providers. The delivery of an in-person training for the National Johnson-O'Malley Association on human trafficking, the delivery of an in-person training on identifying and responding to human trafficking to staff from over 20 Bureau of Indian Education operated schools from across the country. Also, the first-ever Native American co-host to join the Human Trafficking Leadership Academy and partner with the Office on Trafficking in Persons and the Center for Native American Youth.

We also developed the Stop, Observe, Ask and Respond (SOAR), for Native communities training, which will provide support for professionals serving indigenous populations, enabling them to build trauma informed and culturally responsive interventions to human trafficking in AI/AN, Native Hawaiian and Pacific Islander communities. We created a Native youth toolkit on combating human trafficking to raise awareness and prevent trafficking of Native youth by defining the issue, highlighting available resources, featuring stories from those with lived experience and providing safety tips and suggestions for how to mobilize their communities. Additionally, this

year, the Office on Trafficking in Persons awarded nearly \$1.5 million for demonstration grants to strengthen the response to victims of human trafficking and Native communities. These efforts are just the beginning, as we work to assure that assistance provided is culturally relevant and that resources are accessible to communities that need them most.

As I travel around our nation, I continue to hear from families whose loved ones have gone missing or have been found murdered. The agony they feel is indescribable. It is my prayer that one day these families will receive the answers and justice they deserve and be able to begin their journey to healing.

Tribal Leaders, communities, and grassroots organizations around the country have been raising awareness and seeking justice for our missing and murdered relatives for a long time and often without resolution. That is why I am passionate about ensuring that we are intentional in addressing prevention measures, as well as addressing law and justice reform.

This is not just a Native American crisis; this is an American crisis. And as Native people, we have withstood much adversity, we have overcome many challenges and we remain resilient. I believe, from my heart, that together we can, and we will end the crisis of missing and murdered Native Americans.



## Tribal Testimony

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In total, 32 tribal leaders and designees representing 30 tribes shared oral testimony at the tribal consultation. The following sections summarize this testimony, with the NCAI VAWA Task Force kicking off the testimony, followed alphabetically by tribe and accompanied by the name and title of the speaker(s).

Some tribal representatives who spoke at the tribal consultation also provided written comments to underscore or elaborate on their oral testimony. In those cases, the written comments are integrated into the summarized testimony below.

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

*Juana Majel-Dixon & Shannon Holsey, Co-Chairs, NCAI Task Force on Violence Against Women*

*Kelbie Kennedy, Policy Council, NCAI Task Force on Violence Against Women (Written)*

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

The NCAI is the oldest, largest, and most representative AI/AN organization dedicated to protecting the rights of tribal nations to practice self-determination and achieve self-sufficiency. Since 2006, the NCAI Task Force on Violence Against Women has worked with tribal nations and advocates to identify, monitor, and compile issues, concerns, and recommendations from past annual consultations, regional tribal organization resolutions, and numerous national meetings. Tribal leaders and advocates raised concerns about barriers to protecting AI/AN women at numerous national meetings with the administration, federal departments and agencies, and with their respective Congressional delegations. The statements made by tribal leaders during the past consultations clearly demonstrate that the issues raised are not new, but instead depict the complicated, ongoing legal and policy barriers embedded in the layers of federal Indian law. There are many common concerns and issues that the tribal nations and their advocates have continued to address for more than a decade.

To achieve the purposes of Title IX of VAWA, the NCAI Task Force on Violence Against Women recommends that the executive and legislative branches of the federal government address the following issues and coordinate with tribal nations regarding implementation of the proposed recommendations:

#### **Topic 1: Issues Regarding Implementation of VAWA**

*Tribal Jurisdiction Over Non-Indian Offenders and Special Domestic Violence Criminal Jurisdiction (SDVCJ)*

The lack of tribal jurisdiction over non-Indian offenders on tribal lands continues to be a key reason for the perpetration of disproportionate violence against AI/AN women. VAWA 2013 addressed this issue for certain crimes of domestic violence, dating violence, and protection order violations for some tribal nations. While a step forward, the 2013 reauthorization failed to make the changes needed for tribal nations to fully protect AI/AN women from abusers, rapists, traffickers, and predators. It also did not address protections for tribal children and public safety personnel in the context of domestic violence crimes. The 2013 VAWA reauthorization also failed to include 228 tribal nations in Alaska and Maine. For tribal nations that are implementing the jurisdiction provision of VAWA 2013, funding and resources are a significant problem. For

example, the tribal nations are concerned about payment of healthcare costs for non-Indian inmates sentenced by tribal courts and this issue has caused many penitentiaries to release perpetrators and/or prisoners early because of COVID-19.

***Recommendations for DOJ and DOI:***

1. DOJ and DOI should support the following tribal jurisdiction fixes identified in the Violence Against Women Reauthorization Act of 2019, (H.R.1585 and S.2843) and other legislation as follows:
2. Restore tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking for all federally recognized Indian tribes.
3. Support the inherent authority of tribal nations in the State of Maine to utilize SDVCJ.
4. Creation of an Alaska pilot project under which tribal SDVCJ will extend over non-Indian perpetrators that commit domestic violence, sexual assault, dating violence, stalking, and sex trafficking on all lands within any Alaska Native village. This would allow all 228 Alaska Native villages to become eligible to fully exercise SDVCJ after the Alaska pilot program ends.
5. Extend protections to children and public safety personnel on tribal lands as also provided in the Native Youth and Tribal Officer Protection Act (H.R. 958 and S.290).
6. Restore tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking and stalking, as provided by the Justice for Native Survivors of Sexual Violence Act (H.R. 3977 and S. 288).
7. Request increase funding for tribal nation implementation of SDVCJ.

**Topic 2: Failure of the U.S. Attorney General to Submit the Statutorily Mandated Annual Tribal Consultation Reports to Congress**

The NCAI Task Force recently learned that the U.S. Attorney General failed to submit the 2015, 2016, 2017, and 2018 VAWA Annual Tribal Consultation Reports to Congress annually as required by 34 U.S.C. Section 20126(c). The legislative and executive branches must coordinate and collaborate on violence against AI/AN women issues to enact change that will address the disproportionate violence against AI/AN women.

***Recommendations for DOJ:***

1. DOJ must explain to tribal nations why the U.S. Attorney General has failed to submit the VAWA Annual Tribal Consultation Report to Congress as required by statute.
2. The U.S. Attorney General and DOJ must consistently submit the VAWA Annual Tribal Consultation Report to Congress on time.
3. The U.S. Attorney General and DOJ must publish the transmittal letters for each VAWA Annual Consultation Report to Congress on the DOJ website going forward.

**Topic 3: Outstanding Injustice of Missing and Murdered Indigenous Women (MMIW)**

The federal response to the MMIW crisis is a breach of a federal trust responsibility and a human rights violation as reflected in the statistical disparities documented by the NIJ. According to the 2018 DOJ Indian Country Investigations and Prosecution Report, the 94 offices of federal prosecutors, respective FBI Offices, and BIA offices are responsible for responding to crimes for 200 tribal nations, which represent fewer than half of all federally recognized Indian tribes. An adequately resourced local tribal response to prevent abductions and murders is critically important in Indian country. In 2018, the DOJ noted in their report to Congress that it is the Department's position that prioritization of initiatives in Indian country, including the effort to build capacity in Tribal courts, will lead to enhanced public safety for Native Americans. The lack of resources for tribal nations is a continuation of the history of genocide committed against the indigenous

people of this country. AI/AN women are missing and/or murdered without little to no response from law enforcement. The lack of response is exacerbated by the federal government's failure to adequately fund tribal services and tribal law enforcement.

***Recommendations for DOJ, DOI, and HHS:***

1. MMIW often occurs in connection with domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that OVW, FVPSP, and IHS increase tribally based victim advocacy services for the families and community members of abducted, missing, and/or murdered AI/AN women. Such increased services should include: counseling for the children of the victim; burial assistance; community healing such as walks for justice and to honor the missing or murdered; community meals and gatherings; and other tribal-specific activities. OVW does not currently allow grant funds to be used to provide services to families of MMIW except within the intersections of domestic and sexual violence. Specifically, DOJ, DOI, and HHS should implement the following recommendations:
  - Implement NCAI recommendations regarding tribal set-aside from the crime victim fund to assure that resources reach victims, survivors, and their families.
  - Fully implement the 2005 reauthorization of VAWA NIJ research program and provide tribal nations information regarding missing and murdered AI/AN women.
  - DOJ and DOI should review, revise, and create law enforcement and justice protocols, appropriate to the disappearance of AI/AN women and girls, including interjurisdictional issues as provided by the Savanna's Act and Not Invisible Act.
  - Support efforts of the Government Accountability Office (GAO) to prepare and submit a report on the response of law enforcement agencies and their reports on missing or murdered Indians, including recommendations for legislative solutions as provided by the Studying the Missing and Murdered Indian Crisis Act of 2019 (H.R. 2029 and S.336).
  - Coordinate efforts across all federal departments to increase support for tribal responses to missing or murdered AI/AN women and girls as required by the Savanna's Act.
  - Coordinate efforts in consultation with tribal nations to increase the response of state governments, where appropriate, to cases of the disappearance or murder of AI/AN women and girls.

**Topic 4: 2020 Consultation Priority Issues**

***Support Flexible COVID-19 Emergency Funding for Tribal Domestic Violence and Sexual Assault Programs and Assure Proper Notification When Perpetrators are Released***

The COVID-19 pandemic completely changed the landscape for tribal nations, tribal domestic violence programs, and AI/AN victims and survivors throughout Indian country. During the last nine months, many AI/AN victims have been trapped in their homes with their abusers, unable to reach out for help or attempt to leave their homes due to the lack of resources and safe housing. The NCAI received reports of an increased number of victims reaching out to tribal domestic violence programs for assistance. However, these programs are limited by funding, space, and lack of personal protective equipment for staff and victims. AI/AN victims also have a higher need for transportation, transitional housing, and non-congregate sheltering during the pandemic.

Proper notification needs to be given to tribal nations and AI/AN victims and survivors when a perpetrator is released from prison due to COVID-19 risk. Releasing the perpetrator back into Indian country without adequate safety measures or necessary quarantines to prevent the spread of the virus poses a risk for transmission of COVID-19 to tribal nations and tribal citizens. Tribal nations, AI/AN victims, and survivors are

not receiving notice when a perpetrator is released from federal, state, or county facilities due to COVID-19 policies. The AI/AN victims and survivors must take steps to assure their safety within their tribal community once their perpetrator returns. DOJ must assure that this oversight and notification is immediately remedied for the health and safety of tribal citizens.

***Recommendations for DOJ, DOI, and HHS:***

- DOJ, DOI, and HHS should support emergency funding to tribal nations to support AI/AN victims and survivors of domestic violence. The emergency funding must be flexible to meet the needs of the AI/AN victims in Indian countries, which are often different than the needs of victims living in more urban locations.
- Assure that the proper tribal nation authorities and victims are notified when perpetrators are released from federal, state, or county prison during the COVID-19 pandemic.

**Topic 5: Tribal Funding and Disbursement of Crime Victim Fund (CVF) and Support for a Permanent Tribal Set-Aside Fix**

AI/ANs experience some of the highest crime victimization rates in the country. In 2018, the Commerce, Justice, Science and Related Agencies (CJS) appropriations bill directed that three percent of overall CVF disbursements go to tribal nations to address the needs of crime victims. The 2018 appropriation amounted to \$133.1 million for tribal nations. In 2019, the tribal set-aside in the CJS bill was increased to five percent, which resulted in a total of \$167 million for tribal nations. In 2020, the CJS bill maintained the five percent tribal set-aside for a total of \$132 million for tribal nations. While the establishment of a tribal set-aside in the CVF represented a long overdue recognition of the needs in this area, DOJ's efforts to administer the funding in the first two years raised significant concerns about their capacity and commitment to ensure that the funds reached tribal nations. However, after hearing from tribal leaders in a specific tribal set-aside consultation, the Office for Victims of Crime (OVC) released a solicitation that reflected the concerns and recommendations raised by tribal leaders and moved forward with a formula distribution for this funding.

***Recommendations for OVC:***

1. Continue to engage in the Government-to-Government Consultations with tribal nations to improve the distribution of the tribal set-aside funds to determine how regulations should be tailored to address unique tribal needs.
2. Utilize a tribally-based view of what constitutes activities that will improve services to victims of crime as set forth in the CJS appropriations bill. Different tribal nations will have different needs and CVF funding must be used in a flexible manner. The needs of victims in tribal communities differ significantly from those in non-tribal communities. Congress enacted the tribal set-aside to rectify a longstanding inequity between tribal nations, state, and territorial governments. OVC must respect the sovereign right of tribal nations to self-determination as they respect the sovereign right of state governments to self-determination.
3. Extend the CVF grant project period for up to four years. A project period of up to four years to spend any funds would allow tribal nations to use the time necessary at the start of the award period for project planning and needs assessments.
4. Support a permanent tribal set-aside fix to the Victims of Crime Act (VOCA) tribal funding stream as provided by the SURVIVE Act (H.R.1351 and S.211).
5. Approve no cost extension requests from tribal nations impacted by COVID-19 since the pandemic has severely impacted tribal nations' ability to utilize and spend down CVF funds.

## **Topic 6: OVW Rescission from Tribal Programs**

OVW continues to apply congressionally mandated rescissions to tribal programs. For example, the \$3.2 million that was taken from the 2016 Grants to Tribal Governments Program (TGP). The NCAI Task Force understands that OVW has the discretion to determine how to apply the rescission across its funding line. Due to the unique federal trust responsibility, heightened federal obligations to tribal nations, and the disparities in crime and victimization against AI/AN women, future rescissions should not be applied to tribal grant programs.

### ***Recommendation for OVW:***

1. Stop any future application of rescissions to any tribal grant programs.

## **Topic 7: Bureau of Indian Affairs (BIA) Disparities in Funding**

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

### ***Recommendations for BIA:***

1. BIA should continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.
2. BIA should seek to end the disparity in funding between tribal nations based on their location within or outside of a P.L. 280 state.

## **Topic 8: Accountability of Extractive Industries for Violence Against AI/AN Women**

The escalation of sexual and domestic violence, including sex trafficking, due to the presence of extractive industries on tribal lands must be addressed by DOJ, DOI, DoD, and HHS. Extractive industries must be held accountable for the resulting violence of itinerant workforces that are used within tribal communities by these industries. AI/AN women and their children should not be exposed to violence by felons or serial predators employed by these industries.

### ***Recommendations for DOJ, DOI, HHS, and DoD:***

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

4. The DOJ and the DOI should establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers and murderers from assignments with extractive industries on tribal lands to prevent predators from accessing vulnerable and often unprotected populations of AI/AN women and children.

#### **Topic 9: 2020 Special Summer Tribal Consultation Funding and Meaningful Consultation**

On May 29, 2020, OVW released a letter to tribal leaders announcing a special Summer 2020 Government-to-Government Tribal Consultation. The letter invited tribal leaders and representatives to discuss OVW's proposal to alter the application process for the OVW's tribal specific grant programs separate and apart from DOJ's Coordinated Tribal Assistance Solicitation (CTAS), including issuing a special COVID-19/ Violence Against Women Solicitation for tribal nations. The letter and DOJ's framing papers were not only confusing, but also raised many serious questions. OVW failed to fully inform and provide a meaningful consultation process with tribal nations concerning the critical issue of the administration of tribal programs and funds.

OVW justified the special summer 2020 government-to-government tribal consultation as a way to seek input on a special COVID-19 solicitation. However, the source of the funding for the solicitation was a \$6 million carryover of tribal funding. The amount of tribal carryover funding was larger than in previous years. Tribal leaders voiced their concerns that OVW failed to manage and award the \$6 million in funds in a timely manner. OVW has regularly reduced funding amounts to tribal nations because it claims to have received tribal requests that far exceed available tribal appropriations. The \$6 million carryover in tribal funding is concerning to tribal nations and a full accounting of the funds must be provided.

##### ***Recommendations for OVW:***

1. OVW should provide an accounting of the \$6 million that was awarded under the 2020 special summer solicitation and how much funding remains as carryover to be awarded in the upcoming fiscal year to tribal nations.
2. OVW should not narrow the tribal purpose areas of the Grants to Tribal Government Program without robust and timely government-to-government consultation with tribal nations. In 2005, tribal leaders worked to develop purpose areas to provide stable identified categories to support long-term development of broadened tribal nation responses under the Grants to Tribal Government Program established under VAWA.
3. OVW should provide more than 30 days for tribal leaders to prepare for tribal consultations. Adequate notice of the consultation allows tribal leaders time to fully prepare opinions regarding the consultation issues. OVW released its tribal leader consultation letter on May 29 of 2020, providing only 30 days for tribal leaders to prepare for the consultation. Given that many tribal nations are closed and/or operating under social distancing restrictions with limited staffing, such notice was inadequate and prevented meaningful participation from tribal leaders. Providing such notice during a deadly pandemic that is disproportionately impacting tribal nations fails to meet the requirement of meaningful consultation.

#### **Topic 10: Federal Accountability and Compliance with Section 212 of the Tribal Law Order Act of 2010 (TLOA)**

TLOA Section 212 requires the U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute a crime on the reservation. Sharing this type of information is critical to keeping AI/AN women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual

assault and/or domestic violence cases. This way, when the perpetrator is an Indian defendant, a tribal prosecutor may then proceed with the tribal prosecution of the crime. In cases with non-Indian defendants, it is still important that the U.S. Attorneys notify tribal officials. Tribal nations can then notify the victim about the status of the case, which allows the victim to take the necessary steps for their protection.

***Recommendation for the U.S. Attorney General:***

1. The U.S. Attorney General should direct U.S. Attorneys to implement the law and be accountable for the necessary coordination and reporting duties with tribal justice officials under the TLOA. Failure to implement the law should be tied to employee performance and merit-based reviews.

**Topic 11: TLOA, Section 234, Enhanced Tribal Sentencing Authority**

Section 234 provides tribal courts the ability to sentence offenders for up to three years imprisonment for any one offense under tribal criminal law if certain protections are provided. This is a significant improvement, although this maximum sentence still falls short of the average sentence of four years for rape in other jurisdictions. Crucial for our purposes, tribal nations must have the capacity to house the offender in detention facilities that meet federal standards; otherwise, the enhanced sentencing power is meaningless.

***Recommendation for DOJ:***

1. DOJ should work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

**Topic 12: TLOA, Section 261, Prison Release and Reentry**

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

***Recommendation for DOJ:***

1. Ensure that tribal justice officials are notified of prisoner release and reentry on tribal lands, regardless of the process by which this occurs (i.e., whether the BOP Director gives notice directly to tribal justice officials or whether they give notice to the U.S. Attorney and the U.S. Attorney is responsible for relaying that message to tribal justice officials). Proper implementation of this provision is critical to the safety of AI/AN women.

**Topic 13: Administration of Children and Families, Family Violence Prevention and Services Program**

During the 2019 consultation, tribal leaders raised concerns about the lack of shelter and support services for tribal nations. The Family Violence Prevention and Services Act (FVPSA) is the only dedicated federal funding source for domestic violence shelters across the country. However, the FVPSA authorization expired in 2015. FVPSA must be reauthorized with key enhancements to increase funding for tribal nations and allow tribal coalitions to access FVPSA funding as well.

***Recommendation for HHS:***

1. HHS should support FVPSA reauthorization with amendments to increase the tribal set-aside for tribal nations and funding for tribal coalitions.



## Akiak Native Community

*Michael "Mike" Williams, Chief - Tribal Leader (Oral & Written)*

The Akiak Native Community supports NCJ's resolution on violence against AI/AN women.

### **Topic 1: Regarding two sections of the VAWA's Tribal Title (Section 901 & 903)**

- Section 901- finding #6: The U.S. has a legal federal trust responsibility to assist tribal governments in safeguarding their community.
- Sec 903: Annually, HHS, DOI, and DOJ shall solicit recommendations from Indian tribes concerning administering funds, enhancing safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking, and strengthening the federal response to these crimes.

#### ***Recommendations:***

1. OVW solicitations and awards need to be revised to be clear-cut, non-competitive, separate solicitation (not combining tribal programs into one solicitation), streamlined, and easier to understand. They should also be respectful of tribal sovereignty.
2. Tribes need grant writing assistance. OVW should fund the Alaska Native Women's Resource Center (ANWRC) to provide assistance for Alaska tribes.
3. Provide for optional planning grants to assist tribes who don't currently receive OVW funding.
4. Regarding OVW's Tribal Jurisdiction Program, the Akiak tribe supports the concept of a separate, simplified process for awarding grants to support all expenses associated with exercising SDVCJ.

### **Topic 2: COVID-19**

COVID-19 has exacerbated what most tribal communities are struggling with: reliable, affordable internet, and cell phone service; lack of services to respond to and prevent alcohol abuse; lack of police protection; and the need for more housing.

#### ***Recommendation:***

- NIJ should work with the ANWRC to implement the National Baseline Study and facilitate discussions with Alaska tribes.

### **Topic 3: OVW Policy on Batterers Re-Education Funding**

Local governments should be responding 24/7 to crimes against Native women. Federal and state governments are not local governments and are not rooted in tribal culture. The policy that funds can not be used for batterers re-education unless it's part of a graduated range of sanctions and court-ordered does not enhance Native women's safety. State courts fail Native people every day, and they do not hold perpetrators accountable.

#### ***Recommendation:***

1. OVW should revise this policy so the tribes can choose to use their funds to enhance women's safety and hold perpetrators accountable by developing and conducting perpetrator's re-education.





## Alaska Native Justice Center (ANJC) / Cook Inlet Tribal Council (CITC)

*Gloria O'Neill, President & Chief Executive Officer - Tribal Leader (Written)*

### **Topic 1: Enhancing the Safety of AI/AN Women from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking**

Violence against Alaska Native women is at an epidemic level. Eighty percent of Alaska Native women will see violence in their lifetime. In 2018-2019, Alaska law enforcement referred 621 sex offense cases for prosecution and only 322 referrals were accepted.

#### ***Recommendations:***

1. Prioritize research on enhancing the safety of AI/AN women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking.
2. Include AI/AN women who live off-reservations and in urban areas in any research and services funding in order to ensure the full scope of the problem is considered and addressed.

### **Topic 2: Strengthening the Federal Response to the Crimes of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking.**

The lack of tribal jurisdiction over non-Indian offenders on Indian lands provides for the perpetuation of disproportionate violence against AI/AN women.

#### ***Recommendations:***

1. Remove the barriers that currently inhibit the ability of Alaska tribes to exercise inherent criminal jurisdiction and utilize criminal remedies.
2. Provide recurring base funding for Alaska tribes to develop and sustain tribal court systems, assist in the provision of law enforcement and related services, and assist with intergovernmental agreements.
3. BIA should support additional congressional appropriations to address the public safety crisis explicitly for law enforcement, public safety, and courts.
4. BIA should provide support to Alaska tribes seeking Special Law Enforcement Commissions.

### **Topic 3: Administering Funds and Programs for Tribal Governments Established by the 1994 VAWA and Subsequent Legislation.**

ANJC and CITC requests making funding and access to funding as simple and flexible as possible.

#### ***Recommendations:***

1. Ease the restrictions on the funding so tribes can determine at the local level the most effective and efficient way to use the funds.
2. Streamline the process an awardee must go through after having a grant awarded to eliminate costly delays and administrative burden.
3. Support requests to explore compacting authority for DOJ programs. Alaska tribes need to be able to partner to build and maintain public safety, law enforcement, and tribal justice infrastructure; competitive grants are a stop gap measure for Alaska tribes.

#### **Topic 4: National Baseline Study (NBS)**

The NIJ's framing paper regarding the NBS referenced their commitment to completing the NBS study and requested comment and recommendations to adjust outreach and engagement protocols for recruiting tribal participants during the ongoing pandemic.

##### ***Recommendations:***

1. To advance the NBS outreach with Alaska tribes, partner with Alaska Native organizations to identify tribes that may be interested in participating and to help build trust.
2. Regarding virtual communication, transition tribal engagement and work to a virtual model during the pandemic to include meeting by phone as internet access may be limited.
3. Regarding human subject research, NIJ should engage the Alaska Area Institutional Review Board or Southcentral Foundation to learn more about the process for research review.



#### **Association of Village Council Presidents**

*Vivian Korthuis, Chief Executive Officer - Tribal Leader (Oral & Written)*

The Association of Village Council Presidents (AVCP) is the largest tribal consortium in the nation with 56 federally recognized tribes as members. Our region is extremely rural and is approximately 55,000 square miles, with a population of 25,000 who reside in 48 communities along the Yukon River, Kuskokwim River, and Bering Sea Coast.

Tribes on the Wide Koyuk Delta and across rural Alaska are facing a double emergency. An unprecedented COVID-19 pandemic on top of the public safety crisis.

I want to share a story where about a week ago there were seven people going from one village to another and have been lost. We currently have a pandemic occurring. We have very limited resources. We have been working with the state and the Coast Guard, but I believe those searches have been called off. So, the position that our communities, our tribes are in right now is, we still are looking for those seven individuals along the coast at the mouth of the Kacapon River and they have not been found. I just wanted to highlight the reality of public safety and the crisis that we are experiencing on top of the pandemic.

#### **Topic 1: The Public Safety Crisis of Violence Against Women in Rural Alaska**

Alaska is the deadliest state for women with approximately 59% experiencing partner violence, sexual violence or both. Alaska Native women continue to suffer the highest rate of forcible sexual assault and have reported rates of domestic violence up to ten times higher than in the rest of the United States. In 2016, AVCP held its annual convention and our tribes voted public safety as the number one priority in our region. Since that time, AVCP has strategically focused on identifying the necessary components of public safety service delivery in rural Alaska. In rural Alaskan villages, the tribal government is often the primary government authority responsible for keeping community members safe. Located in a P.L. 280 state, Alaska's tribes have been left without the means to enforce laws to protect Alaska Natives living in remote communities.

**Recommendation:**

- DOJ should support the passage of the Alaska Tribal Public Safety Empowerment Act. There are disproportionately high rates of crimes against AN women in our communities.

**Topic 2: Compacting Authority for Department of Justice Programs.**

Alaska's tribes need a sustained and direct source of funding to respond to the public safety crises, such as the lack of law enforcement in rural Alaska and the VAW crisis in Indian country. The cycle of competitive grants with long and complicated application processes have always been and continue to be a stopgap measure for Native villages.

**Recommendation:**

1. AVCP believes that there would be significant benefit if the DOJ, including OVW, would study the possibility of compacting and contracting funds to develop more "subregional" concepts that may address issues such as violence against women. After the study, recommendations should be made for what is necessary for pilot projects that can be expanded to all Indian country. Through compacting, Alaska's tribes have developed a successful model for social services and healthcare delivery that can also be used to deliver public safety.

**Topic 3: Annual Government-to-Government Violence Against Women Tribal Consultation Platform**

The Annual Government-To-Government Violence Against Women Tribal Consultation is indispensable. To improve the response to violence against women in rural Alaska we must listen to and support each other.



**Cahuilla Band of Indians**

*Samantha Thornsberry, Program Director/Advocate - Authorized Designee (Oral & Written)*

What we talk about at this consultation will bear greatly on the lives of our tribal community members (our families), and those solutions and positive outcomes can change the trajectory of lives, and even save lives. This isn't just talk.

**Topic 1-A: Enhancing the Safety of AI/AN Women from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking**

It's easy to think "enhancing safety" means that a victim is assisted with 1) obtaining a restraining order, 2) getting into a shelter, and 3) given some food and clothes. In reality, enhancing the safety of a survivor involves a multitude of actions and services that occur simultaneously and/or build off of one action/service to another, and may involve multiple service providers, across multiple counties, and jurisdictions, and all of this takes time and space to get done.

**Recommendation:**

1. We support and recommend that funding allow for the flexibility, and cultural sensitivity, for increased services that may or may not fit into federal guidelines or special conditions. We'd like to provide more counseling for the whole family, holistic therapies, legal assistance, process server assistance, basic home

or car repair, credit repair, community meals to launch prevention and awareness campaigns, advertising that gets positive and preventative messaging or alerts out on a national level, and much more.

### **Topic 1-B: MMIW**

On the issue of our MMIW, I feel the need to say this to our federal partners and anyone who will listen that my life has value and matters. I am not disposable; we are not disposable. If I am assaulted, I deserve justice. If we are assaulted, we deserve justice.

#### ***Recommendation:***

1. We still need to focus on the justice protocols that speak to MMIW and the jurisdictional issues that still exist and hamper the response to recovering and seeking justice for our murdered and missing, and equally we need to shine a light on and discuss openly, the accountability and lack of response to MMIW.

### **Topic 1-C: COVID-19**

With COVID-19, it's been hard times. By June, our program had assisted as many victims as we had for all of 2019. I'd be remiss if I didn't say that I am very concerned for our team and for all of the front-line boots on the ground advocates across Indian country as we are dealing with the stress that none of us have ever experienced in our lifetime.

#### ***Recommendation:***

1. I'd ask that we consider self-care activities for our teams as allowable expenses. Perhaps, the TA providers can assist with developing self-care activities.

### **Topic 2-A: Strengthening the Federal Response**

Give equitable federal funding to all tribes, so that we can protect our own people. I'd ask that the federal government support every tribe's desire to govern themselves, as we are sovereigns.

#### ***Recommendation:***

1. If tribes are asked to be held accountable to meet timelines, project outcomes and objectives, work with a budget, and provide justification for budget modifications, then so too must our federal partners.

### **Topic 2-B: P.L. 280**

We need to address P.L. 280 and the disparities that exist for the 65% of tribes that are located in P.L. 280 states. Here at Cahuilla, we can't even begin to discuss the development of a special DV court when we are still without tribal law enforcement.

#### ***Recommendation:***

1. Our federal partners, including the BIA, should work with tribes to form some type of exploratory committee that would look into the issues of P.L. 280, and who could obtain comments from tribes to better understand the issues in depth.

### **Topic 3: Administering Tribal Funds and Programs**

For the COVID-19 OVW solicitation, we did not feel like the application was easier. In fact, due to the pandemic, gaining signatures and getting the correct person to fill out the correct form was pretty difficult.

***Recommendations:***

1. Templates are great, like the "what will be done" section of the project narrative, but I would suggest, be flexible and make these things optional.
2. I found the five-page limit tough. Maybe the narrative should be solely a chart.
3. I am hopeful that the JustGrants system will allow for the document hub that was discussed at the summer consultation. I will say that I am nervous that all of the awards and applications did not migrate over into the JustGrants system from GMS, and I think we still have a number of technical issues to work out.

I would like to say that we support the testimony put forth by the NCAI Task Force on VAW. Additionally, we also support FVPSA reauthorization with amendments to increase the tribal set-aside.



## Citizen Potawatomi Nation

*Linda Capps, Vice Chairman - Tribal Leader (Written)*

Citizen Potawatomi Nation responded to the DOJ regarding OVW's application process.

### **Topic 1: DOJ OVW Proposal to Streamline the Application Process for OVW's Tribal-specific Grant Programs and Feedback on COVID-19 Assistance.**

Citizen Potawatomi Nation (CPN) supports a simplified process to allow all tribes access to funding that supports the tribal communities. The opportunity for tribes to continue to offer input to improve the application process is encouraging.

***Recommendation:***

1. CPN strongly supports a non-competitive formula-based funding distribution that requires tribes to submit a multi-year action plan for approval by the department.

### **Topic 2: Combining Two Grant Programs in the Tribal COVID-19/VAW Solicitation**

The concept of combining two grant programs sounds appealing and could be a positive change with clearly defined program requirements and adequate training for applications. The COVID-19/VAW solicitation was unsuccessful because of timing; tribes lacked time and resources to learn and adapt to a new process while dealing with keeping their communities safe during the COVID-19 pandemic.

***Recommendation:***

1. To effectively learn and assess a new process, tribes should have adequate time and additional training, outside a time of crisis.

### **Topic 3: Completing the "What Will Be Done" Section of the Project Narrative and Steps to Guide Applicants Through the Application Process.**

A chart to describe “what will be done” could be very beneficial for tribes; however, this should be optional with no penalty for tribes who elect not to complete the chart. OVW has also outlined future changes to include drop-down menus and checkboxes within the application, and other streamlining efforts.

***Recommendation:***

1. CPU Supports these simple time-saving improvements that have a big impact on streamlining the process.

**Topic 4: Response to OVW’s Question Regarding Consideration of a Short, Easy Application for New TGP Applicants to Compete Against Experienced Applicants**

CPN supports simplifying the application and process to enable more tribes the ability to access funding.

Tribes need stable funding to develop and sustain programs and services that are tailored to meet the unique needs of each tribe. Stable-base formula allows tribes the ability to not only develop, but sustain programs to prevent, mitigate, and respond to domestic violence.

**Topic 5: Additional Ideas for Streamlining the Application Process for OVW’s Tribal-specific Grant Programs**

The COVID-19 pandemic has provided insight into the inequities and daily challenges faced by Indian country. Many tribal communities lack the capacity and resources to implement even the most basic precautionary measures to combat the pandemic. Yet even in the most difficult times, tribes are required to complete extremely complex processes and compete to secure funding. Tribes that manage to navigate the needlessly challenging process are then awarded funds that include burdensome programmatic data recording and reporting requirements.

OVW formed a working group of tribal leaders and advocates to explore the possibility of using a formula approach to OVW. CPN was not represented on the working group which recommended against using a formula approach. CPN strongly disagrees with the recommendation. In stark contrast, the nation supports non-competitive, formula-based funding.

***Recommendations:***

1. Tribes need greater flexibility to respond to the specific needs of their communities. Stable-base formula funding allows tribes the ability to not only develop but sustain programs to prevent, mitigate, and respond to domestic violence.
2. OVW should require tribes to submit a multi-year action plan, approved by the department at the outset and then funded at a predicate, recurring level.



# Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

*N. Kathryn Brigham, Chair, Board of Trustees (Written)*

## **Topic 1: VAWA Reauthorization**

Umatilla was among the first three tribes that were granted early authority to exercise limited domestic violence criminal jurisdiction over non-Indians. However, we have not been able to charge many of the crimes that occurred during the acts of domestic violence. In particular, we have not been able to charge non-Indians whose crimes entailed domestic violence assaults in the presence of children.

### ***Recommendation:***

1. DOJ and federal leaders should support the House of Representatives' version of the VAWA reauthorization, which extends tribal criminal jurisdiction to include sexual assault, stalking, and similar crimes without regard to the relationship between the perpetrator and victim as well as crimes against law enforcement officers, obstruction of justice related crimes, and offenses involving children, such as endangering the welfare of a minor. These changes are easier to implement for tribes than some competing bills.

## **Topic 2: Bureau of Prisons (BOP) Tribal Law and Order Act (TLOA) Pilot Program**

The CTUIR implemented TLOA felony sentencing in March of 2011. This program was successful for CTUIR and is critical to the ability to continue exercising their felony sentencing authority.

### ***Recommendation:***

1. The BOP Pilot Program needs to be made permanent.

## **Topic 3: Federal Full Faith and Credit and State Compliance**

CTUIR has developed a comprehensive tribal protection order system through which three different types of protection orders can be issued, all of which meet federal full faith and credit requirements. The tribe successfully used the Tribal Access Program to ensure these orders were available and recorded in NCIC and NICS as well as in the Criminal Justice Information Services hub.

However, most states fail to afford full faith and credit to tribal protection orders. Instead, programs are developed to try and create "work arounds" that involve heavy state oversight of tribal processes. CTUIR is concerned that the DOJ is encouraging "workarounds" and touting them as successful ways to deal with tribal protection orders and full faith and credit provisions.

### ***Recommendations:***

1. CTUIR encourages DOJ to freeze state OVW funding until each state provides a detailed plan on how they are going to ensure they give qualifying tribal court protection orders full faith and credit as required by federal law. Plans should also ensure state prosecutors know how to charge violations of foreign or tribal protection orders.
2. Encouragement should be given to states to allow easy tribal access to recording of tribal orders in state criminal databases without unnecessary hurdles or requirements that may endanger victims. OVW should also encourage tribes to obtain access to the TAP program, ensuring the tribal protection orders meet the requirements for full faith and credit, and to enter those orders into NCIC and NICS directly and independently of any state.

#### **Topic 4: Funding to support the Expenses Associated with Exercising SDVCJ**

CTUIR has substantial costs associated with the exercise of SDVCJ, particularly with regard to public defense contracts, incarceration and medical care. We are also concerned about the cost of medical care for any non-Indian who is detained as they are ineligible for IHS funding coverage.

***Recommendation:***

1. CTUIR strongly supports OVW providing two separate application processes under the Tribal Jurisdiction Program that would allow tribes currently exercising SDVCJ to request financial support for anticipated costs associated with the general exercise of enhanced jurisdiction like public defense, jail services, and associated medical costs.

#### **Topic 5: Intersection of Domestic Violence and Child Welfare**

Like many jurisdictions, the CTUIR struggles with the complexity of child dependency cases involving domestic violence. For example, it is common among jurisdictions to consider failure to protect children in domestic violence situations as a basis for finding jurisdiction in a child welfare proceeding that can include removal of the children from the victim's care. Child dependency structures should not operate so as to blame and punish a victim of domestic violence for being a victim. Yet, the exposure to domestic violence and sometimes substance abuse is a concern with regard to the welfare of children.

***Recommendation:***

1. It would be very helpful if OVW and DOJ developed best practices, and even model codes, policies, and systems on how best to deal with domestic violence cases in child welfare systems, and to provide technical assistance to tribes trying to deal with this complex issue.



### **Eastern Shawnee Tribe of Oklahoma**

*Cathleen Osborne-Gowey, HAVEN Program Administrator - Authorized Designee (Written)*

Over the past few years, the Eastern Shawnee Tribe of Oklahoma has seen the increase of victims of violence cases. Our program office opened in 2012 and over the past eight years, we have supported approximately 200 victims and 500 of the victims' children. The requests for services are increasing due to an increase in poverty and homelessness related to COVID-19. The OVW Tribal Governments Program grant has allowed their program to open a program office, staff advocates, and provide services. The largest hurdle to using this grant is that it is competitive. The OVW grant is essential for tribal communities to combat domestic violence and sexual assault for Native communities. However, it is ineffective to make tribal communities compete for essential services. OVW must honor tribal sovereignty and work to help tribal communities combat violence on our tribal lands.

***Recommendation:***

1. It is essential that the OVW grants' to Indian tribal governments are noncompetitive and tribes are allowed to apply based on their population and service area size. The grant alone cannot be based on just the size of the population and the money given should be left up to the tribe to determine how to best use the funds.



Below is a story by the Eastern Shawnee Tribe of Oklahoma's Lead Advocate and Program Director, it describes the fatigue advocates feel while showing the level of impact a good advocate can have in their community.

*"This job is hard and some weeks/months are certainly worse than others. Sometimes as an advocate you can get overwhelmed and wonder if you are even making a difference. This October (2020) was one of those months for me. I left early one Friday to go to the eye doctor and was thankful to get out of the office as I was feeling defeated and overwhelmed; my heart was hurting. I was sitting in the exam room getting ready to have the air puffed in my eye and the receptionist said, "That is the Eastern Shawnee Logo on your shirt?" I said, "yes, it is." She asked, "Are you Eastern Shawnee?" I replied, "I feel like I am, I have worked at the tribe for almost 13 years now." She said, "Do you know Kellie Jo?" I was a bit shocked and said, "I am Kellie Jo." She immediately began to sob and came over and gave me one of the most sincere hugs I think I have ever received. It took her a bit to gain composure and then she said, "You saved my daughter's life!"*

*I am humbled and honored to help those in need but sometimes a reminder that I make a difference makes all the difference in the world. I am so thankful to work for the Eastern Shawnee Tribe and help victims of domestic violence and sexual assault.*



## Havasupai Tribe

*Carletta Tilousi, Council Member - Tribal Leader (Oral)*

The Havasupai Tribe was awarded OVW funding in 2018. We are a very small tribe in a geographically isolated area. The grant money has helped us establish for the first time, a domestic violence program. We need continued support and technical assistance from OVW in the ongoing development and sustainment of the Havasupai Domestic Violence Program.

The following are the on-going unique challenges the tribe faces:

### **Topic 1: Geographic Isolation**

The Havasupai reservation is adjacent to the Grand Canyon and is located eight miles from any roads. Access to the Havasupai Village is only possible via hiking, horseback riding, or helicopter. The two helicopters run two to three days a week, and one of them will not carry community passengers, only federal contractors. Thus, if a victim needs to leave on a day that a helicopter does not operate or transports only federal contractors, the victim is unable to do so. We are working hard to find a solution to these transportation problems. Because it is not easy to leave Havasupai, victims often stay.

The tribe also has a tribal court with a judge, a prosecutor, and a public defender, who are all outsiders and come into the village either one to two times a month. We also have an appellate court, which consists of three seated judges. The tribe receives law enforcement services from the BIA, and there are only one to two officers on site for the entire reservation. The location and size of the tribe poses a unique challenge in dealing with the domestic violence issues and sexual assaults. The COVID-19 pandemic has only worsened their challenges.

## **Topic 2: Havasupai's Newly Created Tribal Domestic Violence Program**

Prior to 2018, the tribe did not have an established domestic violence program. However, we received a CTAS grant and hired a grant program manager who, with the help of the Southwest Indigenous Women's Coalition (SWICA), is working very hard to establish a basic framework for a domestic violence program. The program, which focuses on domestic violence, sexual assault, and the unique issues to the LGBTQ community, provides training and awareness for the community, and for the criminal justice personnel in the tribal court. The domestic violence program also provides resources for victims, drafts policies, and procedures. The program has provided services to almost 30 families. Overall, there has been a lot of progress since establishing the domestic violence program. However, the pandemic forced the tribe to close the canyon in order to protect the community. This has interrupted the momentum of the program.

## **Topic 3: Housing**

The Havasupai tribe does not have a domestic violence shelter. Over the last year, the program has worked with the Havasupai lodge and tribal housing to secure emergency lodging for victims who need to leave the home. This has been a temporary fix, but emergency lodging continues to be a major challenge.

## **Topic 4: Counseling Services**

Most counseling and therapy services come from outside of the canyon, on a limited basis. Often there is nowhere to go when a person is in crisis and needs immediate help. The IHS provides medical and limited counseling services, but it is not enough to meet the need.

## **Topic 5: Law Enforcement**

Because of our remote location, there is a high turnover rate for BIA law enforcement officers. The tribe has worked with over 20 BIA officers in the last five years. BIA has funded hiring of additional officers, but is unable to fill the positions. On any given day, one to two officers are on duty for the entire reservation. The tribe has a small detention center, but lacks the infrastructure for long-term incarceration. To exacerbate the issue of housing (mentioned earlier), the Havasupai jail is only a holding facility. An offender will often be released the next day and because the victim has nowhere to go, she recants, and the crime is not prosecuted. There is often a delay in responding to emergency calls. When a Havasupai person calls 911, the call goes to the Hualapai Indian reservation. The call then gets rerouted to Havasupai.

### ***Recommendation Summary:***

1. Law enforcement needs to provide more resources to its officers to combat domestic violence in Havasupai. BIA needs training in responding to domestic violence situations.



## **Jamestown S'Klallam Tribe**

*The Honorable Loni Greninger, Vice Chairwoman - Tribal Leader (Oral & Written)*

Stopping violence against women will take a multifaceted approach and must include (but not exclude) the following:

1. Homing in on Data - studying trends and patterns.

2. Increasing the recognition of tribal sovereignty. Tribes' jurisdictional limitations contribute to the crime victimization rates in tribal communities.
3. Expanding VAWA to extend protection outside of intimate partners.
4. Improving communication, coordination, and cooperation across federal agencies with overlapping activities and delegations of power.

The S'Klallams entered into the Point-No-Point Treaty with the U.S. in 1855 effectively sanctioning the tribes' unique status as a sovereign nation and solidifying their legal standing in accordance with the U.S. Constitution. The tribe relinquished vast tracts of our tribal homelands and resources in exchange for the U.S. government's solemn promise to uphold and protect the tribes' inherent right to self-govern and to provide adequate resources to secure the well-being of our community and tribal citizens. Recent reports show that despite the U.S. government's trust obligations, federal funding and unmet needs in tribal communities is at a crisis level. Based on recent appropriations, the BIA is funding law enforcement at 20% of need, detention at 40% of need, and courts at 3% of need. The U.S. Commission on Civil Rights 2018 Report, "Broken Promises: Continuing Federal Funding Shortfall for Native Americans" has recommended that Congress substantially invest in AI/AN programs and services and ensure that tribes have appropriate funding, training, resources, and tools for effective governance.

With the goal of self-reliance, we acknowledge the barriers that impede tribes' ability to reach sovereignty: the persistent underfunding of tribal programs and services, the absence of federal data to support funding requests, federal paternalism, federal management weaknesses, the consistently late distribution of funding, overly burdensome regulatory requirements, and federal policies that effectively diminish tribal self-governance and self-determination.

## **Topic 1: Enhancing the Safety of AI/AN Women from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking**

### **Respect for Tribal Sovereignty & Jurisdiction:**

The ongoing unequal treatment of tribal governments and lack of full recognition of the sovereign status of tribal governments by the state and federal governments' laws and policies effectively diminish tribal self-determination and negatively impact public safety and justice outcomes for tribal communities and citizens. Jurisdictional limitations have contributed to the crime victimization rates in tribal communities. VAWA 2013 was an attempt to fix a broken system; however, additions need to be made to VAWA 2013 to include:

- Extending protection to children, elders, family members, law enforcement and court personnel.
- Assaults that are committed by anyone- not just those with intimate relationships to the victim or community.
- Availability for all tribes including those in Alaska and Maine who are currently not allowed to invoke VAWA.

Another public safety and justice quagmire that exists in Indian country is P.L. 280 which diminishes tribal sovereignty and self-determination by imposing state jurisdiction onto tribes. We retain concurrent jurisdictional authority but the lack of funding impedes most tribes' ability to exercise this authority. We need the BIA to authorize the provision of funding for law enforcement and/or tribal courts.

The TLOA attempted to revitalize tribal justice systems, but there are tribes who have requested for re-assumption of federal jurisdiction but have gone unaddressed or been denied. Although TLOA provides significant new authority to tribal governments to reduce the prevalence of violent crime, effective implementation of TLOA is contingent upon adequate federal funding.

***Recommendations:***

1. Take action to fix the jurisdictional processes and limitations that have contributed to the high crime victimization rates in tribal communities.
2. If a state is refusing to exercise their criminal authority it is incumbent upon the federal government to step in and assume that responsibility.
3. Tribes in P.L. 280 states should be considered eligible to receive federal funding for law enforcement and courts because they retained concurrent jurisdiction. If a state is not providing services to tribes, it is incumbent upon the federal government to provide those tribes services.
4. There should be a process whereby tribes in P.L. 280 states are allowed to circumvent the state's authority if they can demonstrate that the state has not been effectively implementing their authority in regards to TLOA.
5. Tribes need jurisdictional authority to address crimes such as stalking, sexual assault, sex trafficking, and other ancillary crimes that often accompany domestic violence offenses.
6. In order to implement several of the new comprehensive authorities and provisions in TLOA, Congress needs to appropriate funding.

**Holistic Approach to Addressing Violence in Tribal Communities**

Inadequate funding and woefully undeveloped infrastructure create obstacles for tribes trying to address the needs of victims of domestic violence in Indian country. There are currently fewer than forty tribal domestic violence shelters in all of Indian country and these shelters often struggle to keep their doors open due to a lack of sufficient funding.

***Recommendations:***

1. Victims of domestic violence need access to a broad range of services and tribes need adequate funding and the infrastructure to support victims of violence in their communities.
2. Tribes should have stable base funding to support their programs and services.
3. Tribes need flexibility to design programs and services that are culturally appropriate and best address the needs of their community members.
4. Allow tribes to use funding for holistic services and processes.
5. Allow tribes to provide services to offenders who are often partners and/or parents of tribal citizens and community members.
6. Allow tribes the authority to provide services to offenders that address factors such as substance abuse, mental health issues, poverty, homelessness, other social issues, and violence. Providing these services allows the offender to be held accountable and take steps to heal and eventually integrate back into the community.

**Topic 2: Strengthening the Federal Response to the Crime of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking.**

**Critical Need for Public Safety and Justice Data:**

There is a lack of available data and data gathering across the federal agencies. Coordination and collaboration across agencies to improve data collection, research, reporting and analysis are critical elements that support crime reduction and bolster safe communities in Indian country. Data is essential to support tribal policy goals, implementation of programs and services, managing impacts of the federal investment, and community planning for program success.

***Recommendations:***

1. Federal agencies need to be held accountable and directed to work in partnership with tribes to collect data that quantifies the true unmet needs in Indian country with credible metrics that will provide an accurate profile of the unmet needs in tribal communities.
2. Establish an interagency working group to share expertise and develop and improve systems and methodologies that the federal government agencies could replicate for the collection of accurate and disaggregated data on small and hard to count populations such as the AI/AN people.
3. Implement TLOA provision that requires the collection and reporting of crime data in Indian country.
4. OMB and the agencies must work together with tribes to develop measures that track federal spending for Native American people.

**Coordination and Cooperation Across Federal Agencies:**

Executive Order 13175 (E.O. 13175) requires that all executive departments and agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities. Many areas of government agency activities are fragmented with overlapping delegations of power, and they do not collaborate or share information, catching tribes in the middle.

***Recommendations:***

1. DOJ and DOI should adhere to the directives in E.O. 13175
2. Interagency coordination and collaboration are critical to improving data collection, research, reporting, and analysis. This requires a shared centralized framework across organizational barriers that is flexible, and roles that are clearly defined.
3. A systematic effort is needed to institutionalize coordination and cooperation to improve efficiencies, effectiveness, and accountability.
4. The White House Council on Native American Affairs is well positioned to promote coordination and could play a critical role in ensuring cooperation.

**Topic 3: Administering Funds and Programs for Tribal Governments Established by the original VAWA and Subsequent Legislation**

**Provide Formula-Driven Base Funding Directly to tribes as Opposed to Short-Term Grant Funding for Public Safety and Justice Programs**

Insufficient base funding and the growing trend among Congress and the federal agencies to utilize competitive grants as the primary funding mechanism has only institutionalized federal paternalism by subjecting tribes to overwhelmingly burdensome and excessive administrative and reporting requirements that impede tribes from fully exercising their inherent sovereignty.

Grant funding is highly competitive, short-term, the application process is complex, the administrative burden on tribes is excessive, and there are numerous restrictions imposed on how tribes may use the funds. Not every tribe has the capacity to apply for grant funding. Grants are also for a specified period of time, so if a

tribe is unable to secure another grant or find alternative sources of funding, they may be forced to end their program or terminate staff.

Grant funding does not align with the trust and treaty obligation because it shifts the burden from the federal government to the tribal governments to prove program success and justify funding needs.

Although we appreciate OVW's attempt to streamline the grant application process and eliminate some of the reporting and regulatory barriers, the reality is that competitive grants do not work well as the main funding source for public safety and justice programs and services.

***Recommendations:***

1. Provide formula-driven based funding to tribes as opposed to short-term grant funding for public safety and justice programs.
2. Support self-governance and self-determination by increasing base funding dollars. This would be a complete shift in paradigm on the part of our federal partners involving how they choose to fund tribal programs and services.
3. Tribes should be afforded the same considerations as state and local governments as far as being able to rely on consistent sources of funding for essential governmental programs and services.
4. Tribal governments, not federal agencies, should determine the public safety needs and priorities within their homelands and know best how to serve their citizens and communities. Grants should not be the primary funding mechanism for tribal public safety and justice programs; rather, grants should serve as an appendage to base funding.
5. We support OVW exploring other funding mechanism options outside of CTAS, but urges use of a formula-driven base funding.
6. Ensure that funds are available and accessible to all tribal governments on an equitable basis and reduce administrative inefficiencies, improve program effectiveness, and increase the ability of tribes to leverage the federal funding.

**COVID-19 Specific Funding Solicitation**

Current COVID-19 funding is spread across numerous agencies and programs, all with their own administrative and reporting requirements, making it difficult for tribes to identify and access this critical funding. This is about life and death and tribes are not merely another grantee.

***Recommendations:***

1. Federal COVID-19 relief funding, response, and recovery efforts must be focused on rapid and equitable deployment to tribal nations.
2. We oppose the use of grants to distribute emergency funding and ask that the administration work with tribes to advocate for this change in funding mechanisms.
3. OMB should consider permanently removing burdensome regulatory policies and allow tribes more flexibility on what and how to use the funds. Tribally determined uses of funding for cultural and traditional practices should be deemed acceptable.
4. If OVW intends to solicit grantees, it should ensure that the grant offers the broadest flexibilities with respect to the use of funding and program implementation. There should be minimal, if any, regulatory and reporting requirements, and tribes should be allowed to receive funding through their self-governance compacts and self-determination contracts.

### **Honoring Self-Governance and Self-Determination – Contract and Compact Funding Options**

The Indian Self-Determination and Education Assistance Act (ISDEAA) P.L. 93-638 is the most successful federal program and, if adequately funded and utilized to the maximum extent, could prove effective in enhancing the safety of AI/AN women.

Some of Jamestown S'Klallam Tribes' more notable successes include most of their tribal citizens seeking secondary or higher education degrees, the growth of their tribal businesses and revenue, and the tribe's status as the second largest employer in their region, the Northern Olympic Peninsula in Washington State. The success they have attained demonstrates that continued federal support for self-governance and self-determination is invaluable to growing sustainable tribal economies, bolstering surrounding regional economies, and securing the public safety and justice of our citizenry and community.

### **477/ISDEAA-like Proposal**

The 477 program administered by the BIA authorizes tribes to combine funds from employment, training, and related programs from twelve different agencies into a single consolidated 477 plan that is approved by the Secretary of the Interior with a consolidated budget and a single reporting system. The ability to consolidate funding and reporting requirements is the key to the success of the program.

#### ***Recommendations:***

1. OVW should collaborate with tribes to develop new processes using a tribally driven agenda that includes maximum flexibility and minimal bureaucratic oversight.
2. Tribes should be allowed to receive funding through their self-governance compacts and self-determination contracts. Continued federal support is invaluable.
3. DOI, DOJ, DHS, and HHS should establish a public safety and justice funding program similar to the 477 program.

## **Topic 4: Additional Funding Resources are Needed in Order to Effectively Implement VAWA, VOCA, and the Family Violence and Prevention Services Act.**

### **Violence Against Women Act (VAWA)**

One of the key provisions of VAWA is the restoration of the inherent sovereign authority of tribal governments to exercise criminal jurisdiction over certain crimes committed by non-Indian perpetrators within tribal communities. In 2015, DOJ announced the Tribal Access Program for the National Crime Information Systems; however, there has never been permanent funding provided for this program.

#### ***Recommendation:***

1. In order to effectively administer the new provisions of VAWA, adequate funding is needed to cover the costs incurred by tribes.

### **Crime Victims Fund/Victims of Crime Act (VOCA) Funding**

Congress created the CVF in 1984 with the idea that money collected from those that commit crimes should be set-aside to assist those that have been victimized. The grant process for the tribal set-aside rollout left the DOJ having \$24 million of the FY2018 tribal set-aside and the significant drop in the number of tribal applicants receiving funds in FY2019 despite the overwhelming need.

**Recommendation:**

1. For this funding to achieve its intended purpose, permanent, direct funding provided through block grants or a distribution formula developed in consultation with tribal governments is imperative.

**Family Violence and Prevention Services Act (FVPSA)**

FVPSA is the sole funding source for critical life-saving programs and services, to include domestic violence shelters, crisis hotlines, counseling services, and other programs and services for AI/AN victims of violence.

**Recommendation:**

1. Increased federal investment is needed to ensure that anyone who seeks help is provided assistance.



## Kenaitze Indian Tribe

*Mary Ann Mills, Council Member - Tribal Leader (Written)*

*Bernadine Atchison, Vice Chair - Tribal Leader (Written)*

*Maria Guerra, Director of Family and Social Services - Authorized Designee (Oral & Written)*

### Topic 1: Mary Ann Mills - Testimony

With regards to “The Birth Of A Nation”, Dr. Martin Luther King Jr. stated:

*“Our nation was born in genocide....We are perhaps the only nation which tried as a matter of national policy to wipe out its indigenous populations. Moreover, we elevated that tragic experience into a noble crusade. Indeed, even today we have not permitted ourselves to reject or feel remorse for this shameful episode.”*

This genocide has never ended, leaving a path of systemic racism that has touched people of color, here within the United States as recent as today. During my 50 years advocating for Alaska Native Peoples, I have witnessed violence against Natives getting worse, substance use and suicides increase, an increase in MMNW and sex trafficking. AI/AN rank on top for almost every ugly statistic there is in the nation. To strengthen the federal response to VAW, the federal government must hold its agents responsible, as well as strengthen federal responses to such crimes. The Services\* Training\* Officers\* Prosecutors (STOP) Program will not work in Alaska. Alaska has a long historical stance that “tribes do not exist in Alaska” and a long history of hostility towards Alaska Natives and the tribes. The STOP Program requirement is for the states to consult with all state and federally recognized tribes. However, the STOP Program statute does not require states to certify that all tribes in the state have participated in the planning process, nor does it require tribes to participate, thus rendering the STOP Program ineffective and non-binding in Alaska.

If the TGP is removed from CTAS, would it increase the numbers of application processes the tribe must navigate? To my knowledge, the OVW streamlined application process is presently unknown and we don’t know if it will be user friendly, as some are hoping.



**Recommendations:**

1. For the DOJ and OVW to make a positive change, the departments will need to reflect and collaborate with Native people and tribal governments to discuss what has created these grave issues and solutions.
2. An audit of the legal system to review each case and include in the audit an interview with the victim.
3. Training of staff, police, and judiciary in cultural competence, as well as best practices.

Colonization through social engineering, which took place in Alaska, has created traumas that are so despicable that Dr. Robert Alberts, psychiatrist in private practice and a member of the Advisory Council of the Alaska Federation of Natives, stated that Alaska Natives suffer the same symptoms as prisoner of war victims.

The Indigenous Peoples of Alaska are recognized as subjects of international law with an international legal and political status that has never been ceded or relinquished. The United States placed Alaska on the list of Non-Self-Governing Territories under United Nations General Assembly resolution \*66(I) in 1946.

The mission of the Kenaitze Indian Tribe is that The Kahtnuht'ana Dena'ina thrive forever. Our survival is based on truth. The truth is that we, along with other Alaska Indigenous Peoples have the right to nationhood, not only by the United States Constitution, but by International Treaty and International Law. The truth is that our presence in our homeland is both offensive and bothersome to the United States and state governments, and our right to equal justice under law has not been honored. Free us so we can become self-determined and thrive.

**Topic 2: Bernadine Atchison - Testimony**

We need our sovereignty, we need our tribes to have all the tools to be successful, and we need to understand that this will not happen in three years, but may be a lifetime of healing depending on how much damage was done. So when planning, you need to think of it as a lifetime until the balance has returned to our victims.

Prior to being sexually assaulted, I was an outgoing child. Everyone in school was my friend and I would say I was one of the popular kids. I had no worries, and the world of adventure, learning and loving life was at my fingertips. My heart smiled with all the good in my life. The night this event happened, darkness, fear, shame, confusion, worthlessness, became my new life. I did not know who I could trust. The people who were my protectors, my parents, were drunk and neither one of them was there to protect me. I lost trust in them and I wondered if they even loved me because they let this happen to me. These were the thoughts through the eyes of a child. After that night I dressed in layers of clothes to hide that I was a growing woman. I did not want anyone to know that I had breasts as I was afraid it would attract attention to me and the same thing would happen again. I dressed like a boy. I no longer was popular and had narrowed my friends down to four, who all dressed the same as me and I can only assume that they had violence in their lives and were trying to hide as well. I felt so lost at times that I remember at the age of 14, hiding in the corner of my bedroom and asking God "Why am I alive? What good am I? No one loves me". As I was talking to God I had my dad's razor blade in my hand and was rubbing it against my wrist. I believe Naq'eltani was watching out for me as I started crying and fell asleep, but today I think about those who don't fall asleep. School became a problem because now that I was not popular, I now became a target for teasing by kids, mostly boys, who were once my friends. At that point I started drinking, smoking pot and smoking cigarettes. I managed to get through high school and married three months later. Because I did not think highly of myself, at the age of 19 - I married someone who had drug problems. On our honeymoon he took me to a striptease club in Anchorage and when I saw the women who were topless it made me go back to when I was 13 and I felt shame to be there and I wanted to

hide again - to hide my body and all those feelings came back from that night six years ago. I got pregnant on my honeymoon and when my child was one-year-old, I separated from my husband.

Within months I met my second husband in a bar where I worked as a waitress. At that time I had two jobs. My day job was working for a carrier and night job was waitressing. My parents helped with my son. The person I met up with was a better person than my first husband, but he was verbally abusive and sexually attracted to other women, which again brought back those feelings from when I was sexually assaulted. Because I did not want to face those feelings, I buried them and tried to hide them. I kept thinking I need to let it go. It is done and over and in the past. The only way to push those thoughts out of my mind was to drink alcohol. Between my drinking and my husband's infidelity and other issues, we separated.

I was 50 years old when I quit drinking. I was 57 when I spoke those words out loud that I was sexually assaulted. It took every ounce of courage for me to say those words that felt so strange and how dare I to think that they were even real. But it was real, it did happen, and it controlled my whole life with fears, anxiousness, was I worthy to be alive and was I worthy to my partner. After speaking those words and surrounding myself with people I trusted, I finally started to heal. I started to understand why I took the paths I did. How I buried this trauma with other traumas on top of it. In understanding my life I feel I was an empty shell walking on this earth until I faced my darkest fear, my darkest trauma. I started living a healthy balanced life at the age of 57, I am 61 now.

In sharing this story, I know that the violence that happened to me was not my fault, I know this happened because of alcohol abuse, I know the perpetrator violated himself and had other traumas in his life that he was trying to bury from his past and from service in the Army.

Why I share my story is that you understand this is not a three-year plan to heal those who have been violated, but it is a lifetime. A generational plan needs to be in place and ensure that it is at the tribal level. It was through a tribal program that I was able to get the help I needed, but that only focused on one aspect of the problem. We need to provide meaningful wrap-around services that embrace the tribe's culture and its sovereignty.

### **Topic 3: Maria Guerra: Testimony**

The Kenaitze Indian Tribe experiences high staff turnover for advocacy workers with domestic violence and sexual assault because it is difficult and traumatic. Specialized training for staff in best practice response to victims is critical in a trauma informed approach. Our advocates need ongoing training on self-care in order to continue to serve our community in a stronger way.

The only law enforcement officials who are demonstrating specialized training (Sexual Assault Response Team) are the investigators. Victims interface with their first responders before they come in contact with an investigator. Therefore it is critical that all victim service providers are trained. The adverse impact in dismissing the gaps/areas of concern in response to victims by law enforcement will result in unnecessary re-traumatizing of victims, increasing the risk that victims will return to their perpetrators and further emotional, mental, and physical injury to include possible death. Tribes understand their community better than anyone else and know the most appropriate cultural competence training needed for crisis response to their people.

There is also a need for better screening programs for hiring law enforcement officers. Locally, there have been two recent victims who reported sexual assaults by law enforcement. The level of concern by the victims

led to collaboration with the Alaska FBI to investigate the alleged assaults and creating protection/safety plans.

Victims are further traumatized by systems that indirectly communicate the lack of their importance by dropping their cases or settling for plea deals when victims had been otherwise prepared to fight their perpetrator legally. We need to recognize and honor the courage it takes for a victim to disclose abuse and reach out for help and protection, by fighting with them.

Ongoing therapies and culturally appropriate supports are necessary for true healing and it takes time. Those recovering from addiction are not readily equipped with the tools to successfully re-enter the workforce and support their families immediately. We can further help those we serve by providing transitional housing to provide the time for healing and successful re-entry in the workforce leading toward self-sufficiency. COVID-19 has made it even more difficult for the one and only local shelter to take in additional victims, and their children and families have been turned away.

***Recommendation Summary:***

1. An audit of the legal system should be conducted to review each case and include in the audit an interview with the victim.
2. Additional funding for specialized tribal advocacy training.
3. Identifying the gaps in the service response from law enforcement and specializing their training regarding systemic racism and cultural competence for the indigenous communities they're hired to serve; this would help in reducing trauma on victims, increasing safety and likeliness victims will reach out to law enforcement in future crisis situations.
4. A needs assessment by a third party would be beneficial in the assessment of law enforcement training needs, practices, and policy.
5. Requirement for cultural competence training for state court judges and law enforcement provided by or approved by the tribal communities they serve.
6. Requirement of full psychological assessments for those applying for jobs in law enforcement and employed in law enforcement and law enforcement administration.
7. An audit of the District Attorney's criminal case records would assist in identifying the issues with the low incidence in bringing charges or prosecution of cases that seem prosecutable, but do not move forward.
8. Funding for a transitional housing facility for victims that require long term in-patient or out-patient treatment for substance abuse is a continued, identified need.
9. Colonization has impacted indigenous people for centuries; a short term fix is not enough. We need to help victims by restructuring all systems that have been found damaging or destructive.



## La Jolla Band of Luiseño Indians

*Wendy Schlater, Vice Chairwoman - Tribal Leader (Oral & Written)*

Truths are hard to share and also hard to listen to, but it is important to hear our truths, so that we (together) can continue to move towards meaningful reconciliation that upholds tribal sovereignty and ends violence against

Native women. Last year, the La Jolla Band of Luiseño Indians passed a tribal resolution recognizing five mile stones towards our reclamation of our history:

1. California and the U.S. have been our homelands since before California became a state and before the U.S. became a nation.
2. The U.S. government finally apologized in 2009 to AI/AN peoples for years of official depredation, ill-conceived policies, breaking of covenants, and many instances of violence, maltreatment, and neglect.
3. The U.S. Commission on Civil Rights' 2018 Broken Promises Report affirms a breach in the federal trust responsibility. In other words, the federal government has repeatedly broken its own laws.
4. The U.S. government's historical and present-day colonization of tribes and Native Hawaiians are CRIMES committed against our peoples that are reflected in the disparities and injustices seen throughout tribal nations across the country. The long list of injustices include but are not limited to:
  - a. The highest crime and victimization rates of any other people in the nation.
  - b. The highest poverty and health disparities - including suicide and alcohol/substance abuse rates.
  - c. The highest per-capita rate of violent victimization of our children and youth at the rate of 22% (Indian Law and Order Commission Report of 2013) of PTSD suffered by our youth exceeding or matching the PTSD rates of veterans that served in Afghanistan and Iraq.
  - d. The highest rates of violence against women, which has lead us here today to this consultation.
5. The La Jolla Band of Luiseño Indians is committed to efforts that continue to build our nation and bring healing to generations of our people and fully restore our Ataaxum (human) rights.

#### **Topic 1: OVW's Administration of Tribal Programs under VAWA, including Grants to Tribes and Tribal Technical Assistance**

Administering tribal funds and programs, on a government-to-government basis that fulfills Title IX's 6th finding means that OVW or the federal government should not make the final decision of how tribes respond to meet the statutory purposes of these grant programs.

#### **Topic 2: Use of Federal Funds**

OVW has discouraged us from applying to use our funds for the purposes of job skills, training, and substance abuse issues. Most of the women we assist face challenges to get into transitional housing.

Rents off the reservation are expensive and our women's' job skills are only enough for minimum wage paying jobs, which do not cover the high rental cost in our area. Vocational job skills are often requested by the women who come through our doors.

Training for parents on the use of computers and various applications and programs has also been a need of many mothers during the COVID-19 pandemic to help in the education of their school aged children.

Many of our women also have substance abuse issues related to the violence they have been experiencing. Because of congressional budget cuts for IHS, our tribal clinic which serves nine tribes has no contract dollars to send victims to treatment.

#### ***Recommendation:***

1. Without these enhancements, our women are left with little to no options besides staying with the abuser. Title IX statutory purposes for TGP under 2005 VAWA Section 906 purpose #4 is written broadly

enough such that tribes should be able to use our funds for financial education, vocational job skills training, including use of computers and various programs, and substance abuse treatment.

In 2019, we received an OVC Tribal Set aside grant for \$405,000 for rehabilitation services for victims of crime. This funding helped 14 victims, many who are still sober today.

### **Topic 3: Advocacy for 2Spirit Relatives**

Prior to disruption of our life affirming values that governed us pre-U.S. Constitution, we respected and had a place of honor for our Weh-Potaxx/2Spirit relatives. This place of honor was changed by colonization, making them vulnerable to violence and not protected by U.S. laws. We need shelter, healthcare access, and sexual assault forensic exams and projects that are designed by and for 2Spirit/LGBTQ folks.

#### ***Recommendation:***

1. We recommend OVW fund a technical assistance project for a work group to explore development of advocacy for our 2Spirit relatives addressing violence against women.

### **Topic 4: Formula Funding**

We support formula funding. We see the benefits in tribal nations breaking behaviors rooted in colonization of physical and sexual violence. When a tribe develops a response to these crimes according to its teachings around accountability, forgiveness, and healing, we thrive and go above and beyond surviving.

#### ***Recommendation:***

1. As one of our universal tribal values around sharing, we encourage OVW and the other funding departments to consider formula funding that will make these funds accessible to economically challenged tribes that cannot afford to hire a grant writer.

### **Topic 5: Programs under BIA**

We heard during consultation about the need for BIA to request ongoing and increased appropriations from Congress to fund tribes' justice responses in P.L. 280 states - with justice as we define it, not as the federal government defines justice in its western perspective of justice.

#### ***Recommendation:***

1. We ask BIA to provide an accounting of how much funding have been awarded to tribes over the past three or four years and for what purposes. Over half of federally recognized tribes are in P.L. 280 states and find themselves with little to no response addressing violence against Native women crimes. Failed federal assistance results in domestic and sexual violence and ongoing related MMIW.

### **Topic 6: FVPSA within HHS**

FVPSA is planning a government-to-government consultation next year with tribes to develop a new allocation formula. I encourage FVPSA to consult in the way that we've consulted under VAWA since 2006, including 120 days notice and providing a framing paper(s) at least 60 days before consultation. I also encourage FVPSA to invite all federally recognized tribes, whether or not they are current recipients.

## Topic 7: Conclusion

Finally, I am aware that the federal government has taken the position in part that addressing the injustice of missing and murdered Native women is not an allowable use of funds within the current VAWA Title IX. I want to point out that in the same way that the current five crimes of violence against women named in Title IX involve a spectrum of violence, including threats of and actual physical, financial, emotional, psychological spiritual abuse and violence and other abuses, abductions and homicides are a part of that spectrum. Stalking victims can result in abductions and homicides.

Our Indigenous relatives beginning in 1867 spoke to Congress about the mistreatment of our people by white men. Unfortunately, their testimony from 1867 is still our testimony today, 153 years later. I feel confident that currently we are on a positive path for change. We know the root of violence against Native women is colonization and we don't need research to tell us what we already know. Research should focus on evaluation of the differential impact of the restoration of Indigenous protections utilizing tribal specific teachings on how to heal.



## Lac Courte Oreilles

*Michelle Beaudin, Secretary/Treasurer - Tribal Leader (Oral & Written)*

Our tribal Nations face the highest rates of domestic violence in America. Domestic violence does not solely impact the victim and it is not limited to women. We stand strong in our desire to act and seek solutions with urgency and in collaboration with our federal, state, and tribal partners. Our history for nearly 40 years is marred by the fact that tribes were prevented from prosecuting and holding criminally accountable any non-Indian offenders who committed acts of domestic violence against AI/AN people.

To that end, we advocate today to decrease the incidence of violent crimes against AI/AN women, to strengthen the policy reform and capacity of tribal nations to exercise the sovereign authority to respond to all violent crimes committed against AI/AN women, and to ensure that all perpetrators of violent crimes committed against AI/AN women are held accountable for that criminal behavior.

## Topic 1: Recent Wisconsin State Efforts

In 2020, Wisconsin announced the creation of a MMIW Task Force. Wisconsin, in collaboration with the tribes, is working to protect our Indigenous women by seeking to understand the problem. This is the first step towards implementing and supporting legal structures to effectively fight the abduction, homicide, violence, and trafficking of Indigenous women in Wisconsin.

## Topic 2: The Need for VAWA

The signing of VAWA 2013 is a step in the right direction, but more is needed to be able to address the non-Indian on AI/AN domestic violence. More than four in five AI/AN women have experienced violence. This data provides much more evidence of the need for SDVCJ.

Many advocates believe that violence against Native women is rooted in the colonization of tribal nations. Cultural, historical, and intergenerational trauma are problematic variables that are a high priority for tribal

communities and service agencies responding to violence experienced by AI/AN victims. Consequently, a culturally specific, multi-pronged approach is needed to effectively address prevention, reduction, and victim treatment efforts when dealing with domestic violence.

***Recommendations:***

1. Improvements should start with effective data collection; better training of law enforcement; and improved communication between tribes and federal agencies, as well as county partnerships.
2. Federal funding should be opened to non-competitive status for tribes.
3. Tribes should not have to go through their state to get the much needed funding. We should be able to have a nation-to-nation relationship with the federal funding agencies. We understand the added complexities of P.L. 280 in some states, like our own, but with a problem of this magnitude, there simply must be non-competitive grants opened.
4. Training and advocacy for sexual assault is critical.
5. Additional funding and support is needed for the behavioral health outcomes research teams on tribal reservations- including the Sexual Assault Nurse Examiner-Sexual Assault Response Team (SANE-SART) Initiatives. Within our own country, our lives are at risk for simply being AI/AN.
6. As tribes demand answers to the disparities of violence inflicted on AI/AN men and women, the solutions must be driven from BIA. Follow-up and transparency for reporting back to the tribes should be a standard protocol, especially from the BIA.
7. Legislation is needed to improve the safety of Native Americans. The Savanna's Act and the Not Invisible Act point out provisions needed to address the jurisdictional gaps.
8. Education of tribal law enforcement officers so they are aware of legislation that restores tribal jurisdiction over specific crimes, including child abuse that occurs with domestic violence arrests and involves non-Native offenders. Further directives, mandates, and training for all law enforcement officers on the laws that surround VAWA and provide proper protocols are needed.
9. Law enforcement must be held accountable.

**Topic 3: Priorities**

As the COVID-19 pandemic ravages on, there are numerous accounts of domestic violence. COVID-19 has impacted our communities and families, as we have many homeless people who are “couch surfing” and moving from home to home, community to community. To combat this, the Lac Courte Oreilles started our own homeless shelters. We have found that we need more resources as our staffing is very limited and the need is great when we need to quarantine staff and clients, as well as supplies.

**Topic 4: Homelessness and the Impact of Violence towards Women/Men/Children**

Homelessness must be addressed simultaneously with efforts to decrease violence and other contributing factors of disparities. Nine out of ten homeless women have experienced some type of domestic and/or sexual abuse, yet the DOJ's OVW advised our Women's Domestic Abuse Shelter not to take in homeless women with the stand that any historical or past abuses are dismissed if they currently are not in the abusive situation.

***Recommendations:***

1. How can we help stop the abuse of women now and into the future if we do not address any abuses in the past? The cycle will continue and the women will return to their abuser if that is their only option and if they do not get the services to help them avoid those situations in the future and an understanding that homelessness is one of the symptoms of domestic violence.

2. We also need to focus on the abuse that the men have experienced as well if we really are intent on correcting this for future generations.
3. The Lac Courte Oreilles Tribe subsidizes the domestic abuse shelter, and we are paying for all expenses of the homeless women, and the tribe provided the shelter facility itself, as well as the men's homeless shelter. We need a partnership with our federal and state agencies that supports the efforts to combat abuse at every level.

### **Topic 5: Recent Enacted Laws & Executive Efforts**

There has been a lot of progress with legislation that supports tribal sovereignty.

#### ***Recommendations:***

1. The Lac Courte Oreilles tribe supports additional protections through legislation and executive administrative rulemaking. Ongoing legislative efforts must focus on provisions needed to address jurisdictional gaps that continue to leave AI/AN women vulnerable to extremely high rates of violence. The answer is a true Oliphant fix. The federal government must take action to expand inherent tribal criminal jurisdiction over all persons committing any crime within tribal jurisdiction in a manner that ensures defendants have equal due process protections as required under the Tribal Law and Order Act of 2010 and VAWA 2013.
2. Tribes need to take advantage of the recent released funding dollars. They need to collaborate with the Operation Lady Justice Task force to ensure that our communities are represented.
3. Education of the many different funding programs for tribes is needed.
4. Fellow tribal leaders, get involved, volunteer for these task forces, and or at least contact these task forces.

### **Topic 6: Areas of Improvement for SDVCJ Cases**

As with many of the other tribes in the country, we believe the following areas of improvement are needed for SDVCJ cases moving forward:

- Assessment & Planning.
- Criminal Justice System Needs Assessment.
- Strategic Planning.
- Leadership & Staff Training Activities Moving toward Implementation.
- Code Development/Revision.
- Policy & Procedure Development/Revision.
- Code Publication.
- Public Notification.
- Infrastructure Needs, including minor renovations.
- Leadership & Staff Training.
- Prosecuting SDVCJ Cases.
- Indigent Defense Counsel.
- Incarceration Costs.
- Jury Costs.
- Medical Care for SDVCJ Defendants.
- Post-Conviction Supervision.
- Evaluation.
- Rehabilitation & Behavior Health Services.





## Little River Band of Ottawa Indians

*Ronald “Ron” Pete, Tribal Council Speaker - Tribal Leader (Oral & Written)*

With the COVID-19 pandemic, domestic violence cases have not only risen, but have also increased in severity. We implore you to take action to provide federal leadership in developing the national capacity to reduce violence against abuse victims and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, human trafficking, and stalking. We cannot solve the problem of violence against our people on our own. We need the help of the DOJ and the cooperation of local, state, and federal governments to be successful.

### **Topic 1: Lack of Enhancing the Safety of Native Survivors**

The COVID-19 pandemic resulted in the passing of state legislation which encouraged the early release of some prisoners from county jails. The order was very vague and provided no information on how victims would receive notice of said releases or if they would receive a notification despite being required to do so in the Michigan Victims’ Rights Law. Additionally, many states reported that rehabilitation services were non-existent during the “stay at home” orders. We cannot stress enough how vital victim notification is to their safety, especially when early release may interrupt rehabilitative services that could impact recidivism rates. When considering offenders’ early release, our concern is that victims’ voices and experiences are not always honored.

#### ***Recommendations:***

1. It is strongly encouraged that the courts require violent perpetrators to serve their full sentences. A significant notice of an offender's release provides for appropriate safety planning.
2. We once again urge that those agencies involved in decision making regarding early release of prisoners carefully and thoughtfully consider survivor voices.
3. Conversations and dialogue between tribal advocacy programs and other criminal justice systems are paramount towards increasing the understanding of the potential risk to survivor safety.

### **Topic 2: MMIP Concerns**

The DOJ found that American Indian women face murder rates that are more than ten times the national average. MMIP is more than a hashtag; it is how we live; it is our reality. There are several stories relating to missing relatives over the past few years and the lack of support from state law enforcement. Repeated disregard of our requests for help in solving MMIP cases is an ongoing problem. Simply put, we do not have access to the resources we need to find our missing loved ones. County, city, and state law enforcement force us to work through a maze of jurisdictional issues. None feel especially obligated to help us.

#### ***Recommendations:***

1. We need more resources. We need your resources, direct federal law enforcement support, and financial assistance to tribes with missing persons.
2. Immediate action is vital in all instances of MMIP, no matter what law enforcement agency receives the complaint. We recommend that federal action occur in all MMIP complaints and cases.

3. Coordination and communication must happen between all jurisdictions. We recommend creating protocols that include collaborative organization enabling tribal, local, state, and federal law enforcement agencies to communicate together in all MMIP cases.
4. Another issue surrounding MMIP is that data collection on Indian country crimes is not consistent across the federal government. We recommend that federal, state, local, and tribal partners collaboratively review, revise, and create law enforcement and justice protocols appropriate to the disappearance/murder of indigenous people, including data collection requirements that include victims' and perpetrators' tribal citizenship information.

### **Topic 3: Administering Grants**

An ongoing issue is the administration of tribal funds and programs. It took our tribe almost six months for all the necessary tasks to be completed and for our tribe to have access to the funds. Our victim advocate position is grant-funded. If there is a delay in the new program year funding, staff may face layoff. With no victim advocate, the direct crisis intervention services to Native survivors and their dependents suffer.

#### ***Recommendation:***

1. Provide a checklist to grantees that identify what tasks they need to complete to move through the budget approval process more expeditiously. Delays in receiving funding cannot continue to be an ongoing concern.



## **Lummi Nation**

*Henry Cagey, Councilman - Tribal Leader (Oral)*

### **Topic 1: COVID-19**

Lummi is the third largest tribe in the United States. We are having a hard time getting through the pandemic. It's causing a lot of stress in revenue for the tribe with the Canadian border and our casinos being shut down. We are seeing increases in the crime rate, especially around drugs, with an average of one or two overdoses a week, in part due to the law enforcement and the jails not taking a lot of people in.

COVID-19 funding had some broad definitions of how to use it and how not to use it, creating fear of being audited and potentially having to pay it back. There is uncertainty and fear of using this money.

#### ***Recommendations:***

1. There should be some kind of clarification on existing programs on the use of this funding.
2. We are also looking to hear from OVW regarding the extensions on the grants and contracts that we have.
3. Along with the COVID-19 cases we are seeing in Lummi, our shelters are bursting at the seams with capacity. We need more shelters for our women. We have a long list of women who are not getting services. Getting support for the shelters is important.

## **Topic 2: Technology and Connectivity**

Another big challenge is technology. Technology is hit and miss here on our reservation so connecting with the victims and the people is always challenging.

### ***Recommendation:***

1. We need services and support from your end.

## **Topic 3: FBI Coordination**

I asked for the FBI to be here. One of the things that I would like to see them do better is communication on investigations they are doing, especially around women and child rape cases. Those cases can take up to two years to investigate. For our people it's unacceptable because the perpetrator is still out here creating a lot of stress in the community. One of the excuses we've heard from the FBI is that there has been a lot of turnover with new people on the cases and therefore it takes longer. We lose track of the list and status of the investigations and we have no idea of the status of the investigation. The FBI and local law enforcement need to communicate better with the tribes and the family members of a victim on the status of the investigation and any hold-ups that they are experiencing. The FBI needs to step it up and help.

I can use my family as an example of local law enforcement taking too long to investigate a crime and therefore causing tragedy. My niece was murdered about a year and a half ago by a non-tribal person. We did have a restraining order on the perpetrator, but we couldn't do anything because the county law enforcement did not investigate timely enough to save her.

### ***Recommendation:***

1. Communication needs to be improved as well as we don't even know how many cases they are doing out here anymore. We've lost track of the list of investigations and whether they can keep up or not. I think that's something that the BIA should look at on these FBI investigations.

## **Topic 4: Law Enforcement and the Jail System**

The other part is our jails. I just lost my nephew here about 11 months ago in the jail where he overdosed. He was a drug addict and he had a withdrawal and passed on here in the jail system.

### ***Recommendations:***

1. We need to do a better job in training these officers in the jail system on people that are active drug users. We have seen at least two or three times out here at Lummi, people who are addicted get put in jail and there is no help for them. Officers are either untrained or unsympathetic to the Indian inmates on what they are going through.
2. We need additional funding for these jails. Not just enough to keep the jails open but to also keep our inmates safe.

## **Topic 5: Advisory Committees**

I haven't heard a whole lot from the advisory committees that have been set up under DOJ. It's unknown by many tribal leaders, whether advisory committees are actually functioning or not, and whether they are communicating with the regions that they represent. Those advisory committees are critical.

**Recommendation:**

1. We need to understand whether or not the communication is happening between advisory committee members and the regions they represent.



## Mesa Grande Band of Mission Indians

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

### Topic 1: MMIW and Sex-trafficking

MMIW is part of the continuum of violence related to domestic violence, sexual assault, stalking, and particularly sex trafficking. We put all these categories of violence in silos but they are interlinked. Therefore, there needs to be an emergency response when a person goes missing. Our youth who are persuaded into leaving their home to meet someone they met online are at high risk. When they go missing, they are not flagged as potential trafficking victims and are not referred to local trafficking task forces. There is a disconnect between the community response and the law enforcement response that needs to be bridged not just nationally but in the local areas, so there is a true coordinated response to find the missing. Tribal services are not adequately funded in this area.

**Recommendations:**

1. There is a need for resources for tribal law enforcement, particularly within a P.L. 280 state. Advocacy services are needed and not just for victims, but for the families: parents, siblings, and extended family. They all need mental health support and healing. Burial assistance, community gathering needs, and meals are also needed.
2. Prevention services need to be included with current and additional funding. Cyber and technical training for our communities are needed to inform about the online recruitment dynamics.
3. Resources for P.L. 280 states need to be included in current and additional funding.
4. Increases in transitional housing are needed to address the victims of trafficking, and support services, such as credit repair, are important to secure housing. Our non-Native partners have separate shelter programs to address the needs of trafficking victims. We barely have support for our domestic violence victim shelters.
5. Many trafficking victims return with substance abuse addictions. Substance abuse treatment needs to be included with victim services and an increase in funding to meet those needs.
6. There needs to be accountability of extractive industries for violence against AI/AN women.
7. We acknowledge that some of these issues may find some resolution with the passing of the Savanna's Act and the Not Invisible Act.

### Topic 2: Tribes within P.L. 280 states

Development of tribal courts and law enforcement is still under funded. Small tribes do not have the capacity for grant writers, infrastructure, and program development to obtain funding to improve their justice systems. Tribes within P.L. 280 states are overlooked and underfunded, which works against our self-determination and forces us to rely upon the state. Within BIA, there continue to be disparities for tribal nations located within a P.L. 280 state.

***Recommendation:***

1. There needs to be a continued push to request additional federal funding to provide public safety and justice resources to expand justice systems within tribal nations.

**Topic 3: Tribal Grant Administration**

There have been great strides by DOI to correct issues and expand tribal access to services.

**Topic 4: OVC**

Continue to engage in government-to-government consultation and utilize tribally-based views for improving services. Tribes have different needs from each other and from non-Native communities.

***Recommendation:***

1. Provide a permanent fix to the VOCA for ongoing tribal funding. Extend the grant period to up to four years and allow for no cost extensions.

**Topic 5: Tribal Governments Programs**

There are several categories of assistance for this program development. We support a formula solution to help sustain programs as long as it supports programs and does not harm small tribes. The FVPSA formula model is not the best model. Additional funding is needed to address multiple categories of funding; housing, mental health, advocacy, legal assistance, and substance abuse are only some of those needs. This is a lot to house under this one funding source.

***Recommendation:***

1. Tribes must decide what to fund and what not to fund when all of these services are needed. Increase in funding is needed and flexibility of services is important to address the unique needs of each tribe.

**Topic 6: Special Summer Covid-19 Solicitation**

The process was easier than normal only because the narrative was shorter. The process was still cumbersome and time consuming during the current pandemic. There is concern over the \$6 million dollar carryover of tribal funding. There needs to be an accounting of the awarded funds. Tribal government programs could be enhanced and expanded with these additional dollars rather than cutting back on programs and not funding all applicants. We are hopeful the new platform "JustGrants" will provide a central hub and assist streamlining the application process in the future.

**Topic 7: Legal Assistance for Victims (LAV)**

There is an overwhelming need for victim legal assistance. A tribal solicitation for the Legal Assistance for Victims (LAV) program needs to be implemented and sustained. We should not have to compete with non-Native services. Tribal victimization issues often cross jurisdictions and can be complicated especially in P.L. 280 states. The Tribal Governments Program is not sufficient funding to support legal assistance for victims.

***Recommendations:***

1. Expand funding and allowable grant activities to address substance abuse and mental health issues for victims. Include perpetrator re-entry programs.
2. Increase victim legal assistance and transitional housing funds for tribes outside of the Tribal Governments Program.

3. Include tribal consultation with CTAS solicitation requirements and allow for more flexibility of services.
4. Assist with funding and jurisdiction issues in P.L. 280 states.
5. Continue to provide a VOCA set aside for tribal governments.
6. Support the reauthorization of VAWA with suggested enhancements.

### **Topic 8: HHS Family Violence Prevention and Services Program**

This is the main shelter and support funding for tribes. FVPSA needs to be reauthorized with recommended enhancements to increase funding for tribal nations and tribal coalition access.

### **Topic 9: FVPSA Cares Funding**

Excellent job of rolling out Cares Act funding to the programs. Funds were awarded automatically and immediately. Tribes were able to accept or decline the funding. The budget with narrative was requested within a reasonable time.

#### ***Recommendations:***

1. We support the NCAI recommendations.
2. We support recommendations by Chairman, Dr. Aaron Payment from Sault Ste. Marie Tribe to have a more meaningful consultation with accountability including documented actions of the resolutions.



## **Muscogee (Creek) Nation**

*Shawn Partridge, Acting Secretary of Community and Human Services - Authorized Designee (Oral)*

We are a nation of 90,000 plus citizens, who has and continues to commit tremendous resources to increasing safety for Native women, and enhancing and strengthening our responses to those who commit crimes of domestic violence, sexual assault, dating violence and other forms of violent crime on our reservation.

### **Topic 1: U.S. Supreme Court Ruling**

Words cannot adequately express the significance of the U.S. Supreme Court historic ruling on July 9, 2020, which affirmed the continued existence of our reservation. I think you would be hard pressed to find a citizen who isn't overcome with emotion when describing the significance of the Supreme Court decision for our people.

### **Topic 2: Federal Collaboration**

As the fourth largest tribe in the U.S. with a large reservation, encompassing urban and rural communities, we require substantial resources and effective collaborative partnerships, with federal, tribal, state, and local governments to meet these challenges. We have pursued these efforts, despite frequent challenges and even efforts at times by state entities that have attempted to discredit the legitimacy of our advocacy staff and program, our law enforcement, and even our tribal courts.

Despite our success in entering into these cooperative agreements, many challenges exist because not everyone has a clear understanding of the Supreme Court's decision and its impact on victims of crime.

Despite our ongoing efforts to increase and enhance collaborative responses, there remain entities that refuse to join us in these efforts and are instead jeopardizing public safety. Here are some of the recent experiences that have been brought to our attention:

- Victims are reporting that when calling 911, dispatch staff of agencies where no cross deputization agreement exists are screening callers by first asking if they are Native or non-Native.
- During a recent domestic violence call, a non-tribal law enforcement agency, upon responding and determining that one or more of the parties were Native left the ongoing scene without securing it or providing any support to whomever called for assistance.
- A non-tribal law enforcement agency arrested an individual on a complaint of severe assault of an intimate partner but released him shortly after transporting him to the jail once they learned he was a member of a federally recognized tribe.

***Recommendation:***

1. DOJ and OVW support our efforts to educate our neighboring jurisdictions about reservation laws and victim safety. Funding resources to support training and education, as well as to help facilitate these increased collaborations amongst our nation, federal and state partners, are vital to increasing safety on our reservation.

**Topic 3: Funding & Grants**

Muscogee Creek Nation has historically recognized and supported the rights of crime victims dating back to our first written rape law in 1824, which was well before Oklahoma statehood. Our commitment in working with our local, state, and federal partners to increase support and adherence to applicable victims' rights laws has only been strengthened with the historic reservation ruling.

***Recommendation:***

1. Due to the high influx of cases we are seeing on our reservation, we would request the opportunity for noncompetitive, streamlined funding to assist us in enhancing our efforts to serve victims while we continue to work on sustainability plans within our nation.



**Native Village of Paimiut**

*Estelle Thomson, Tribal Court Program Director - Tribal Leader (Oral)*

"I want you to know our stories, so you can advocate for us and fight for us, the way that we fight for our own people. My job in tribal justice reminds me often about my Aunt Pauline and my cousin who was called Bright eyes. They were beaten to death, unwilling victims of intimate partner violence. I remember girls in my state like Ashley Johnson, women from my region, and far too many women in Alaska and in my family or my family's community whose names end up on T-shirts and whose names get plastered on poster boards or become hashtags."

In 2016, the FBI named Alaska the most dangerous state in the United States. Alaska has that distinction because it has the highest per capita crime in the nation. The region of Alaska where Paimiut is located has the highest rates

of sexual assault and domestic violence in Alaska and compared to the populations of other Indian tribes, the highest rates of domestic violence.

### **Topic 1: Alaska Public Safety Empowerment Act**

The Native Village of Paimiut is in a very remote area and can only be accessed by small planes as there are no accessible roads to our area. Because we are a P.L. 280 state, the state only provided 1 to 1.4 field officers per 1 million acres. Alaska Native tribal governments are best positioned to effectively arrest, prosecute, and punish and they should have the authority to do so or work out voluntary agreements with each other. This achievement took the Paimiut Village a great deal of imploring of their federal agencies to craft legislation and develop programs that gave the tribe more flexibility in dealing with the adjudication of crimes.

### **Topic 2: Law Enforcement**

There is very little training and technical assistance for law enforcement, and up until recently, we didn't have a women's shelter that was close. The purpose of the Village Public Safety Officer (VPSO) training program in Bethel is to train and employ individuals residing in our villages as first responders to public safety emergencies. The VPSO training is only two-weeks long, which is very short compared to the state trooper academy program, which is 16 weeks long. Pastry chefs, barbers, and massage therapists get more training time than VPSOs.

### **Topic 3: Shelters**

The community has a three-bedroom women's shelter for a community of a thousand people. This is not enough considering in Alaska one out of every two women has experienced domestic violence or sexual assault.

"Being a domestic violence survivor myself, it's painful because I know how difficult it is to access services. I know how difficult it is to receive help. I have been told personally by law enforcement officers in the city that I lived that we can't help you. When I am begging them to help remove my ex-husband from the premises so that he doesn't hurt me or my children. I had to flee in the middle of the night to find safety for myself and my children. I actually fled the state because I couldn't deal with it anymore. And that's not acceptable. That is not how we treat our women."

### **Topic 4: Budget Cuts**

Recently the state of Alaska has made more budget cuts. The VPSO program budget was also cut a significant amount of money. Because of these issues, many of the crimes against women, children, and families largely go unaddressed.

### **Topic 5: Grant Programs**

The AVCP program is outdated and vulnerable because of the funding streams. Most of our villages do not have dedicated grant writers and we get denied far more times than we get accepted.

### **Topic 6: Sovereign-to-Sovereign Relationship**

Tribal communities stress the importance of building relationships. Having a close relationship with our federal partners will help create and maintain a safer community for us to live in, and answer the need for training and technical support agencies.



**Recommendation Summary:**

1. Federal government partners should discuss the challenges they are experiencing in funding, policy, etc.
2. Federal government partners must collaborate with the tribes to help develop regional programs for tribal justice and public safety that are specifically by us and for us. Specifically, the biggest barriers are resources, money, and training.
3. Federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states is needed.
4. DOJ should end the disparity in funding between tribal nations based on their location within or outside of a P.L. 280 state.
5. DOJ must address and advocate for tribal sovereignty over criminal and civil jurisdiction involving indigenous people on their land. We recently applied for a SDVCJ grant that was written for a consortium of villages within our region, and were told that we are not eligible because we do not have jurisdiction. We had all the agreements in place between our villages, our law enforcement agencies, and our judicial system and were denied.
6. Federal partners need to advocate for their tribal partners and be more creative and innovative in the distribution of money. The tribe supports a formula grant, based on tribal population.
7. Grants need to be more flexible in how funds can be used.



## Navajo Nation

*Jonatha Nez, President - Tribal Leader (Written)*

*Amber Kanazbah Crotty, Council Delegate - Tribal Leader (Oral)*

This testimony is consistent with, and in support of, the reauthorization of VAWA. It is urgent that VAWA not only be reauthorized but fully funded. Additionally, TLOA has not been utilized to its full extent and this issue should be re-examined.

### Topic 1: The Fundamental Law of the Navajo Nation

The Navajo Nation is the largest land-based federally recognized Native American tribe within the United States with more than 356,890 tribal members, and is a sovereign nation which exercises the rule of law: Diné Bi Beehaz'áanii is our immutable fundamental law, coupled with our statutes which are man-made law codified into writing. These laws state that we are a matriarchal society and therefore demand that we respect our women as primary stewards over the lands, the livestock, our medicine bundles, and more importantly our children.

**Recommendation:**

1. Traditional means such as banishment and rescinding and voiding perpetrators' homesite leases and permits for grazing, land, and/or farming should be considered in conjunction with non-Native ideas of incarceration, probation, and behavioral health services to promote restorative justice for communities and victims.

## **Topic 2: Social Services**

We appreciate federal funding to address the critical needs of violence against women, specifically, Family Violence Prevention and Services Act funding. Violence against citizens of the Navajo Nation is a multi-generational and culturally permeating reality. The accurate rates of violence against Navajo women are not truly reflected in the data due primarily to under-reporting from victims.

## **Topic 3: Public Safety**

Violent crime in the Navajo Nation is increasing. Currently, Navajo Department of Public Safety (NDPS) has only 0.85 officers for every 1,000 tribal members. The national average for law enforcement officers is three police officers for every 1,000 citizens. Murder within the Navajo Nation is four times the national average on a population per capita basis.

## **Topic 4: Navajo Office of the Prosecutor**

The Office of the Prosecutor receives referrals primarily from the Navajo Division of Social Services and Navajo police departments. Referrals include offenses alleged pursuant to Áłchíní Bi Beehaz'áanii (Navajo Children's Code) and the Navajo Criminal Code. Many victims are reluctant to not only report abusers but also hesitant to work with the prosecution as cases progress through the Navajo criminal justice system. Lack of participation/testimony by victims is a primary cause for dismissal of charges.

## **Topic 5: Missing and Murdered Navajo Citizens**

Currently, the Navajo Nation does not provide comprehensive victim services for all victims of violent crime. The only available funding is for intimate-partner violence. There are many citizen needs that go unmet which we address through a patchwork of services and organizations.

## **Topic 6: Diné Nihik'éeí Nihíí' Násdłíí' (Restoring and Healing Our Navajo Families) Work Group**

In 2019, the Navajo Nation established the Diné Nihik'éeí Nihíí' Násdłíí' (Restoring and Healing Our Navajo Families) Work Group to provide guidance on issues and concerns related to the increasing cases of our missing and murdered Diné relatives.

### ***Recommendations:***

1. The following demanding shortfalls tragically highlight the critical realities of public health and safety within the Navajo Nation which need to be addressed:
  - a. Delayed response time of law enforcement.
  - b. Jurisdictional complexities between tribal, state, and federal law enforcement.
  - c. Lack of essential and direct health, social service, and protective services provided to victims' families.
  - d. Lack of rural and 911 addressing to efficiently respond to dire emergencies.
  - e. Lack of a crisis hotline for individuals in dire need during life-threatening or traumatic situations.
  - f. Limited public health infrastructure such as running water, electricity, housing, transportation, and accessible roads.

## **Topic 7: Policy Recommendations**

There remains many gaps in holding perpetrators accountable by all Navajo government departments, representatives, contractors, entities, and partnerships with Navajo interest. Offenders who cause violence need to be held accountable by traditional means.

## Topic 8: COVID-19

As a nation, during COVID-19, and in our response we have had a serious challenge making sure that our victims of violence, sexual assault, and domestic violence receive direct relief here on the Nation as we respond to COVID-19.

Ms. Kanazbah-Crotty shared the story of a mother with children who have been in a hostage situation the last four months. They were rescued by a family member who happened to do a wellness check on them. During this time of captivity in her own home, her children witnessed the perpetrator eliminate access to any type of communication so he could commit heinous crimes against her. With the work of the advocates and our shelter here on Navajo Nation, we were able to provide them with a safe home, help her get the healing that she needs and then work with our community partners to transition her into some long term treatment.

COVID-19 has not stopped the violence in our communities. More than ever, we need additional resources so that our community members know that they are not forgotten as we deal with this virus.

### ***Recommendations:***

1. We request for the complete extension of VAWA. There needs to be a congressional fix, that we are not asking for extension, but that it is perpetually approved by the Congress.
2. The lockdown hinders quick response from our community teams so we are looking for private donations to help with drones, training, and working with the U.S. Attorney's office and their MMIP coordinators, but right now it only comes in the voice of the families.



## National Council of Urban Indian Health (NCUIH)

*Francys Crevier, Chief Executive Officer - Tribal Leader (Written)*

NCUIH is the national representative of urban Indian organizations (UIOs) receiving grants under Title V of the Indian Health Care Improvement Act (IHCIA) and the AI/ANs they serve. NCUIH is a 501(c)(3) organization created to support the development of quality, accessible, and culturally sensitive health care programs for AI/ANs living in urban communities. NCUIH fulfills its mission by serving as a resource center providing advocacy, education, training, and leadership for UIOs.

## Topic 1: Strategies & Resources

Resources are needed to communicate with MMIW stakeholders effectively; maximizing use of online platforms with social media toolkits and engaging existing Indian country networks to disseminate important information and updates are essential.

### ***Recommendation:***

1. With a public health framing, strategies should emphasize direct funding to support community-led creation of research and resources. The strategy should be prevention plus a research supplement to improve these prevention efforts.

## Topic 2: Research Priorities

Using the bulk of funding to establish a measurement of the worst outcome is not the best use of resources for research priorities on MMIW. There are many underlying causes that create vulnerability for MMIW that are worthy of measurement and are not effectively measured at this time.

### ***Recommendations:***

1. Metrics should focus on:
  - a. Percent of women experiencing intimate partner violence in a given region.
  - b. Adequate inclusion of Indian Child Welfare (ICWA) items in the Adoption and Foster Care Analysis and Reporting System (AFCARS) surrounding parental notification, and foster placement (including an LGBT2+ data item), and services used.
  - c. Number of those in unstable housing.
  - d. Metric for access to relationship or sexual health education to show whether a given tribe/tribal organization/ urban Indian organization has a dedicated domestic violence social worker or program manager, forensic nurse, etc.
2. If there are insufficient funds to accomplish this, the funding must be expanded. Areas of research we know are priorities include:
  - a. Healthcare's integration of social interventions and prevention.
  - b. Support, linkages, and communication between tribes and urban communities regarding support networks that prevent or respond to trafficking and other issues.
3. Misclassification of race is extremely high in death records and considerably worse in police and healthcare data. Tribes should be empowered to do this work, not police departments or the DOJ, because the reality is they bear the responsibility and impact.

## Topic 3: Using Prior Knowledge to Guide Research

Since 78% of the AI/AN population are not living on reservations, any prior research that has been done from the jurisdictional standpoint will not include the majority of AI/AN women. It is essential to look at this issue from a social determinant of health framework.

### ***Recommendation:***

1. Sufficient funding must be made available to enable Indian health care providers to provide resources such as performing case studies of people who have gone missing or been murdered, and look at how many points of intervention they had, or should have had, when they would have been treated within the Indian health care delivery system.

## Topic 4: Section 904

If the scope of the NBS on violence against Indian women remains land-based rather than population-based, the study simply cannot result in meaningful, effective recommendations to combat this epidemic. Limiting the reach of this critical study will not result in actionable solutions for the majority of the target population.

### ***Recommendation:***

1. The scope of the NBS on violence against Indian women needs to be population-based rather than land-based.

## Topic 5: NIJ Research: Communication and Dissemination of Results

### **Recommendations:**

1. In order for NIJ to communicate more effectively about its research and evaluation efforts related to the VAIW program of research, NIJ should include UIOs and other entities that provide critical services related to VAIW in their efforts.
2. NIJ should partner with organizations to help distribute materials to the community directly and facilitate two-way dialogue for these organizations to assist NIJ as-needed with its research and evaluation efforts.
3. Grants should be provided to national and regional organizations to provide communication and outreach.



## Nottawaseppi Huron Band of the Potawatomi (NHBP)

*Jamie Stuck, Tribal Chairperson - Tribal Leader (Written)*

*Nancy Smit, Secretary - Tribal Leader (Oral)*

The NHBP is very fortunate to have successfully implemented VAWA 2013's special domestic violence criminal jurisdiction in addition to several other programs designed to provide services to victims of domestic violence.

### **Topic 1: Administering Tribal Funds and Programs**

The impact VAWA 2013 has had on our community has been immense. Since our tribe's implementation of SDVCJ, our team has been working hard to prevent violence against women and serve victims of violence in their healing. This has been possible because of the programs NHBP has implemented. The COVID-19 pandemic has increased the need for funding. We have seen an increase in service calls since the pandemic began, and we fear that this increase in calls is merely the tip of the iceberg.

### **Recommendation:**

1. Extra funding is greatly needed to help us respond to this increased need for services.

### **Topic 2: Grant Reporting**

Requirements for grant reporting have overwhelmed our domestic violence advocates. The heavy burden of meeting the current requirements comes at the expense of the victims the grants are intended to serve.

### **Recommendations:**

1. Increase funding for programs utilizing a tribally-based view of what constitutes activities that will improve and provide services for victims of crime and domestic violence.
2. Extend the grant period to four years to allow tribes that time to use for project planning and needs assessments, thereby decreasing the burden of reporting requirements by modifying them to a more manageable time period and method.
3. VOCA funding continues to be provided to tribes and recommend that DOJ OVC continue to participate in meaningful consultation with tribes. Support a permanent fix to VOCA grant funding directly to tribes.

### **Topic 3: Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking**

NHBP's implementation of VAWA 2013's SDVCJ has been successful in enhancing the safety of tribal members. However, due to the pandemic, victims of domestic violence are facing additional barriers to leaving their abusive situations. The limitations on SDVCJ prevent tribes from prosecuting many other crimes which frequently occur in the context of domestic violence. One important example is that tribes still do not have jurisdiction over non-Indians for crimes against children. NHBP's success with implementing SDVCJ proves that our justice system is legitimate and perfectly capable of handling all types of crimes.

#### ***Recommendations:***

1. SDVCJ should be expanded beyond the limits currently provided by VAWA 2013.
2. Provide funding for a native-specific domestic violence shelter in the Lower Peninsula of Michigan.
3. Provide affordable housing options to help women permanently leave their abusers.
4. Fully reaffirm Indian tribes' sovereign authority to exercise criminal jurisdiction over their territory with a full Oliphant fix. In the alternative, passing the Native Youth and Tribal Officer Protection Act would go a long way to closing some of the jurisdictional gaps that prevent tribes from prosecuting crimes against children and law enforcement.

### **Topic 4: Strengthening the Federal Response to such Violent Crimes**

The federal government owes a trust responsibility to tribes. Unfortunately, all too often the federal government fails to live up to this responsibility by declining to prosecute many of the violent crimes committed in Indian country.

#### ***Recommendations:***

1. Support an Oliphant fix to decrease the burden on the federal government to prosecute cases.
2. Require U.S. Attorneys' offices to consult with tribes regularly.
3. Require U.S. Attorneys' offices and U.S. Attorneys to notify tribal officials in a timely manner of decisions to decline to prosecute violent crimes occurring in Indian country.
4. Provide U.S. Attorneys' offices with funding to assist U.S. Attorneys in prosecuting crimes in Indian country.

### **Topic 5: Healthcare**

There is confusion around local versus national health policies. This pandemic has exemplified the United States government's failure to adequately fund tribes and programs.

### **Topic 6: MMIW**

The marginalization and systematic disregard of the violence being committed against Native peoples, especially Native women, is at crisis levels. Native people suffer discriminatory provision of services and funding in the areas of healthcare, housing, and shelters, which only discourages survivors from seeking services.

### **Topic 7: COVID-19 & Under Funding of Programs**

Native women have been disproportionately affected by domestic violence during this pandemic. The underfunding of so many programs and services, basic human needs, like clean water and food, is evident as

this pandemic has shown. Tribes are sovereign nations with functioning tribal governments, and the federal government has a duty to tribes to protect and provide for them, based on centuries-old treaties.



## Pauma Band of Luiseño Indians

*Juana Majel-Dixon, Traditional Council Woman - Tribal Leader (Oral)*

The Pauma Band of Luiseño Indians has worked very hard to end violence. Currently the tribe is seeing elevations in domestic violence due to COVID-19.

### **Topic 1: Tribal Criminal Jurisdiction**

The Pauma Band of Luiseño Indians uses full faith and credit relationships to hold accountable non-citizen residents of the tribe's lands. The lack of tribal jurisdiction over non-Indian offenders on tribal lands is an issue.

#### ***Recommendations:***

1. Tribes' request for reassumption of criminal jurisdiction has to be addressed.
2. The federal government needs to build awareness about the Tribal Action Plan (TAP). This plan helps tribes get services for: victims, survivors, children, and even perpetrators.
3. Provide resources for development of protocols for MMIW, so the cases do not grow cold.

### **Topic 2: Victim Services / Cultural Values**

The protocols must be based on tribal culture and values. They must also address traditional concepts of historic trauma.

### **Topic 3: Geographic Location**

The tribe is located on the pacific rim of the Mexican border and members are vulnerable to sexual assault. There are many extractive industries close to the reservation.

#### ***Recommendation:***

1. Extractive industries must be held accountable for any acts of violence.

### **Topic 4: Special Assistant U.S. Attorneys (SAUSAs)**

There is concern over the new initiative to create SAUSAs for tribes. The concern is not over the purpose or goals but over the fact that they are short-term.

### **Topic 5: Federal Accountability and Collaboration**

The Office of Justice Programs needs to consult with tribes and spend time understanding their challenges, their culture, and their needs. "Invisibility almost gives permission to violate."

***Recommendations:***

1. The DOJ and DOI/BIA shift of funds is concerning and doesn't make sense. The small one line additions that shift money from OVW to BIA or to another agency without explanation makes tribes question if their federal partners are working for the same goals.
2. The federal government must work together succinctly. It is very important that federal, state, and tribal governments do not work in a vacuum. With the early release of prisoners from state and federal penitentiaries due to COVID-19 tribes relied on a federal or state system that would protect them from their perpetrators, but then suddenly they were released back to their community with no notice.
3. The federal government must collaborate more effectively internally and with tribes to effect change and must meet on a regular basis to collaborate. There needs to be an open dialogue where DOJ and tribal leaders can meet together to openly discuss solutions.
4. OVW should give more assistance, like with the 904 Task Force, to tribes in promoting tribal state, local and legislative policies.

**Topic 6: Bureau of Indian Affairs (BIA) P.L. 280**

The Pauma Band of Luiseño tribe can't register sex offenders on the National Sex Offender Registry because we are in a P.L. 280 state. It has taken us ten years of recording data and seven years of applications to prove that the tribe has been substantially impacted. It is the state's role to enter this information and often it does not happen because of the state's interpretation of a state law. This is a very big issue that must be addressed. Tribes should be treated as sovereigns.

***Recommendations:***

1. The federal government must collaborate more effectively internally and with tribes to end the disparity in funding.
2. It is important for federal leaders to read the Indian Law and Order Commission Report that was established by TLOA.
3. Tribes must be allowed to exercise their sovereignty and jurisdiction to the fullest extent and determine for themselves how best to provide public safety and justice services to their tribal citizens and communities.

**Topic 7: Simplify Grants - Non-competitive Grants**

Don't put the tribes against each other.

***Recommendation:***

1. Federal government solicitations and awards need to be non-competitive.

**Topic 8: Grant Solicitation**

Overall, OVW did a good job explaining the reason for the quick turnaround on the COVID-19 Grant, but looking at the process prior to COVID-19, it was difficult to get the money out. The new approach used for the solicitation helps alleviate some issues we have faced with OJP and CTAS. But, the solicitation itself did not explain what awardees would be held accountable for and how it would be tracked.



## **Topic 9: Lack of Funding for Health Services**

### ***Recommendations:***

1. The IHS needs to fund medical forensic nurse examiners.
2. Need viable SAMHSA program.

## **Topic 10: Operation Lady Justice**

The Operation Lady Justice Task Force on MMIW needs to make sure that they are working with NIWRC and tribal coalitions partners. When they provide guidance on a program, financial reporting, and requirements to tribal programs, it makes a difference and it's important.

## **Topic 11: Cyber Stalking**

It is assumed that a great deal of stalking happens prior to a victim being kidnapped. Young people are very connected on the internet and nothing in this system right now with OVW addresses cyber stalking. OVW must address cyber stalking.

## **Topic 12: Failure of the U.S. Attorney General to Submit the Statutorily Mandated 2015, 2016, 2017, and 2018 VAWA Annual Tribal Consultation Reports to Congress**

“When I think about the stories we had at the beginning, of villages we talked about of other tribes, and other places and residents, smaller ones, where they said there wasn't a woman who wasn't raped; do you not remember that? The history of our journey together has told you so many things that have just blown you out of your heart and mind, you are like oh, my God. It takes your breath away. And when that breath was yours to hold and do something with, because when I breathe these words to you, they don't belong to me. They belong to the people. And many, many leaders, it broke my heart to know that these reports were not making it to Congress.”

### ***Recommendation:***

1. DOJ needs to ask everyone to resend the reports forward.



## **Pokagon Band of Potawatomi**

*Anita Morales, Member at Large, Tribal Council - Tribal Leader (Oral & Written)*

Ms. Morales began by sharing her personal experience as a boarding school survivor where she learned to accept physical punishment as an acceptable action for unacceptable behavior. Those teachings followed into her adult life where she became a victim of a very violent relationship. In 2016, she lost her daughter to intimate partner violence. She further explained the Boarding School Syndrome impact on the community, which creates a long and lasting ordeal filled with mental and behavioral trauma. Traits which were instilled in the boarding school survivors were handed down to their children for duplication, instilling themselves within tribal communities.

## Topic 1: Sovereignty of Indian Tribes over Indian Country

To fully and completely protect Indian women within Indian country, restoration of complete sovereignty of Indian tribes over Indian country is necessary. Absent restoration of complete sovereignty of Indian tribes over Indian country crime, at a minimum, criminal jurisdiction under VAWA must be expanded beyond the existing domestic violence and dating violence.

### ***Recommendations:***

1. DOJ should work with Indian tribes to advocate for the restoration of complete inherent sovereignty of Indian tribes over all crimes in Indian country.
2. DOJ should work with Indian country to urge Congress to expand VAWA to include crimes such as sexual assault, stalking, sex trafficking, and MMIW.

The Pokagon Band has a positive working relationship with the U.S Attorney's Office, but other Indian tribes across the United States may not have a similar relationship with their U.S Attorney.

### ***Recommendations:***

1. DOJ should work to assist with improving coordination and communication between the U.S Attorneys' Offices and Indian tribes.
2. DOJ should require all U.S. Attorneys' Offices and their federal partners to meet regularly with Indian tribes to address Indian country crimes to strengthen the federal response to these crimes.
3. Adequate funding should be mandated and allocated to all Indian tribes in an amount necessary to appropriately address violence and sexual crimes against women in Indian country.
4. The uses for such funding should be broadly identified in order to permit Indian tribes to comprehensively address such Indian country crimes.
5. Funding is lacking for law enforcement, for tribal courts, for social services, offender services, and for overall awareness and prevention.
6. Inadequate federal staffing can cause delays in tribal development or implementation of critical programs to respond to domestic violence and dating violence.
7. Communication continues to be a problem throughout Indian country, including among those who now reside within inner cities and their homes. Very little data if any is collected as to how many of our inner-city women have not come home.



## Port Gamble S'Klallam

*Jeromy Sullivan, Chairman - Tribal Leader (Written)*

Our approach is made possible, in large part, by our history and status as a self-governance tribe. We maximize the use of federal funds, tailor programs to meet local needs, and take advantage of our extensive on reservation network to provide services. Being a self-governance tribe has fundamentally shaped how we address public health and safety matters impacting our community, including how we implement VAWA.

**Recommendations:**

1. Seek Permanent Reauthorization of VAWA with Expanded Tribal Jurisdiction over Non-Indian Offenders to close existing loopholes in the law and better protect our Native youth and tribal law-enforcement personnel.
2. DOJ should work with Congress to secure permanent authorization of TAP along with the funding necessary to support a new class of TAP participants on a routine, annual basis.
3. DOJ, HHS, and BIA must ensure training and technical assistance, grant opportunities, and other resources intended to reduce violence in Indian country and incorporate culturally responsive practices.
4. DOJ should consult with tribal governments on ways to increase accountability, improve enforcement, and deter violations of tribal protection and exclusion orders.
5. Support Full Implementation of Savanna's Act and the Not Invisible Act. This includes the development of standardized protocols, best practices for missing person searches, and expanded grant funding uses. Implementation should and must be done in coordination with tribes and tribal law enforcement entities.
6. DOJ should require USAOs to be in communication with tribal leaders on a quarterly basis regarding the status of criminal investigations and reports involving Native offenders and/or victims.
7. DOJ should create a special program to assist tribes in the establishment and development of new tribal courts and justice services, including law enforcement departments.
8. BIA should work with the DOJ and Congress to address P.L. 280 tribal jurisdictions so that all tribes have the opportunity to receive adequate funding.
9. OVW should conduct telecast informational sessions with tribal leaders to clarify ambiguities related to the Tribal Jurisdiction Program and provide detailed information on the resources available to tribal governments as they navigate the VAWA implementation process.
10. Peer review of tribal applications must be conducted by individuals with either direct experience with and/or knowledge of tribal issues, or only following a detailed primer on tribal public safety and tribal governance frameworks.
11. Once available, we encourage the OVC to disburse all FY21 funds as soon as possible so that tribes have time to internally process and expend their grant awards.
12. DOJ, HHS, and BIA should increase their use of needs-based funding allocations to the greatest extent practicable in administering grants in Indian country.
13. Change OVW tribal government grants to non-competitive, annual, formula-based grants. Allocate Victims of Crime Act funding by using a permanent formula rather than a discretionary set-aside. Provide funds directly to tribes rather than passing through the states.
14. DOJ should work with its sister agencies to identify non-DOJ grant opportunities that support a given purpose area for inclusion within the CTAS application.



## Rincon Band of Luiseño Indians

*Germaine Omish-Lucerno, Special Projects Director, Alliance of Tribal Coalitions to End Violence, (ATCEV)  
- Authorized Designee (Oral & Written)*

The Rincon Band of Luiseño Indians are located in San Diego County in Southern California, a P.L. 280 state which is only a couple of hours from the Mexican border. First, we would like to state that we support the recommendations that NCAI made in their testimony.

Ms. Omish-Lucerno began by sharing a personal testimony and talked about the situation where two of her nieces went missing this past September. “Our youth are being targeted by perpetrators who use social media and online games to entice, coerce, and groom our kids to be persuaded to do things that we, as parents and adults in their lives, have warned them against. My family was lucky in that they were both found and returned home safe and sound. In many situations when our Native women and girls go missing the outcome is not good. My nieces are 14 & 16, met their perpetrator through a social media app. Within the first few text messages they felt comfortable enough that they left their home and went to meet this “stranger.” As an adult and parent, I would consider this type of person a stranger, but to a kid, as soon as introductions are made, in their mind, that person is no longer a stranger but now is their friend or “boyfriend” and that is what he was portraying to my niece. When first contact was made to law enforcement, there was a lot of confusion and things could not move forward because they left on their own and were considered runaways. Law enforcement said they could not issue an Amber Alert because they left on their own. We got the word out about them going missing through social media and other avenues. My nieces are lucky that they have family with many important contacts that got the wheels moving on finding them. They were lucky, but how many other tribal families are there who do not have the resources we have? Why should they fall through the cracks? There needs to be a uniform response across Indian country and Alaska to address these issues. It only takes a few hours and those girls could have been across the border, and we would probably never have seen them again. That's the reality when you live along the state line where there are the borders, whether it's Mexico or Canada. And by the time we get through all of this red tape of jurisdictional B.S., they could be gone.”

## **Topic 1: MMIP**

### ***Recommendations:***

1. We would recommend that as long as the child is underage, there should not be any restrictions to prevent an Amber Alert to be issued regardless if they left at their own will.
2. We need to have better communications with our border control, especially along Mexico and Canada borders and to fix these jurisdictional issues.

## **Topic 2: Funding sources**

We supported the fixes in VAWA 2013, but also want to see the other crimes added to the current reauthorization of VAWA. The Rincon Band requests and supports a Full Oliphant fix and VAWA HR 1585.

### ***Recommendations:***

1. Victim Needs: Allow tribes to use funds to assist victims for what the tribe/tribal program deems is justified victim needs, such as affordable housing assistance, transportation, substance abuse treatment, and homelessness due to domestic violence.
2. Tribal Courts: Tribal courts are severely underfunded and are not able to support DV/SA codes. This limits the capability of tribal courts to issue restraining orders and forces victims to go to state courts.
3. Flexibility with funds: Tribes need to have the flexibility to assist victims. Tribal lands are in remote locations with limited resources so the need to help victims and their families to heal and repair is vital to stopping the violence in our communities.
4. Transitional Housing grant: We support a separate tribal transitional housing solicitation dedicated for tribes/tribal programs/tribal organizations to apply for funding to assist tribal shelters. This process should also be considered for other grant solicitations to have separate tribal solicitations, so they are not competing with state, territories, and non-native agencies/groups.

5. Grant Budget Approvals: Tribes/tribal programs/tribal coalitions should not have to wait anywhere from three to nine months to access and draw on their award. Budget approvals need to be considered a priority, and grantees should be able to have access as soon as possible.
6. Youth: We believe that early intervention and prevention, outreach, and education are important to ending the cycle of violence. Support outreach on the meaning of consent, setting boundaries, and an individual's right to make decisions for his/her body. Prevention/Outreach to educate kids about cyber stalking, grooming, coercion through social media.
7. Food: Having food is part of the cultural practice and is an offering to those who attend our events. Putting on events and not having the means to provide food is not our traditional way. There is too much red-tape in order to provide food for a "working" lunch.

### **Topic 3: VOCA & FVPSA Reauthorization Grant Funding**

VOCA is the largest source of federal funding, and while tribes were given 5% in VOCA, it is not part of the statute and can go away. We continue to ask for the creation of a dedicated set-aside in the VOCA funding for tribal governments to be written into the statute. We would like to see that a section similar to Title IX in VAWA be written for tribes, tribal programs, and tribal coalitions into the VOCA statute.

FVPSA: We support reauthorization of FVPSA, under which tribes would be receiving 12.5% off the top of the funds appropriated. Currently the tribal coalitions are not eligible to receive FVPSA funding except by tribal resolution as a tribal designee. FVPSA should authorize funding for tribal coalitions, which provide vital support to tribes and tribal domestic violence programs but are not currently authorized by statute to receive FVPSA funding. The reauthorization of FVPSA should also solidify funding for ANWRC to reduce tribal disparities and ensure ongoing access to comprehensive technical assistance from culturally relevant providers that address the unique and urgent needs of domestic violence victims in Alaska.



## **Sault Ste. Marie Tribe of Chippewa Indians**

*Aaron Payment, Tribal Chairperson - Tribal Leader (Oral & Written)*

The Sault Ste. Marie Tribe of Chippewa Indians is the largest tribe east of the Mississippi River, with over 44,000 members. We are located in both the U.S. and Canada, which creates a few challenges. We are also a "checkerboard", interspersed, reservation, so we have lots of jurisdiction issues that make it difficult to keep our citizens safe.

"I just want to personalize my message, and share with you that, my first foray and interest into this area was when I was fresh out of college and was because of my sister, who is the closest person on this earth to me, we are only 11 months apart. Our names are Karen and Aaron, people thought we were twins. She had a substance abuse, major substance issue. I am from a typical substance abuse family. And her boyfriend attempted to murder her. And she resorted to attempting to kill herself. And it didn't make any sense to me growing up with her, because she used to beat me up. How she could be in a situation where someone would abuse her or that she would permit somebody to abuse her. What I learned through that experience, was that we don't have to fully understand, if we are not the victim. We have to be compassionate and care about the victim and reach out to the victim. And look for all of the opportunities where our members can be victimized, so that we can provide

resiliency, we can provide training and healing from historical and intergenerational trauma. And while we don't need to appreciate and fully understand why they would be in that situation, we have to have care and concern to reach out to them to protect them. The good news is that she did not succeed in her attempt. And she has been sober for 25 years. She went on to earn a Master's in social work and is finishing up her doctorate degree in evaluation research. And she is committed to evaluation in indigenous environments to help protect, further protect our people from victimization."

### **Topic 1: Consultation Process**

In an effort to make consultation more meaningful, the following processes are recommended:

#### ***Recommendations:***

1. DOJ must review with tribes how their input and consultation is considered in decision making.
2. In situations in which a concern or issue that is specific to a tribe is expressed during the tribal consultation, the concern or issue should be immediately routed to the DOJ office that has control over the issue. The department should then issue a formal notification to that individual respective tribe, indicating the department will send a written notice to the tribe within 60 days.
3. For concerns expressed by more than one tribe, these should be identified as a common concern or issue, and be made available for all tribes to review on an accessible national matrix posted on the DOJ web page. The matrix should include a DOJ action plan that includes either measurable outcomes and timelines or an explanation regarding why it cannot be addressed by DOJ. If it can't be addressed by the DOJ, the matrix should identify specific opportunities for tribal nations to engage in further consultative dialogue with the DOJ regarding this topic.

### **Topic 2: Streamlining the Application Process for the OVW's Tribal-Specific Grant Programs**

#### ***Recommendations:***

1. We support the removal of the OVW Tribal Governments Purpose Area #5 from the CTAS solicitation and support the combining of the current CTAS solicitation Excel budget template format.
2. OVW single solicitation that is comprised of Tribal Governments, Tribal Sexual Assault Service Program and Special Domestic Violence Criminal Jurisdiction would promote a reduction in tasks that are currently required to submit a grant application for each of the three OVW grant funding sources separately. If an OVW single solicitation is implemented, it is imperative that the award ceiling maximums be flexible so as not to create new barriers due to funding limitations.

### **Topic 3: Recognition of Tribal Courts**

The Stored Communications Act (SCA) should be changed to include "Tribal Courts" in its definition of "courts of competent jurisdiction" recognizing tribal sovereignty and the powers of tribal courts.

### **Topic 4: Tribal Justice**

Too often, we see a reluctance to properly investigate and prosecute MMIP cases involving the most vulnerable of victims, those with drug and alcohol problems.

#### ***Recommendations:***

1. We recommend federal action and prosecution on MMIP complaints regardless of the victims' vulnerabilities. Every MMIP case must be investigated and prosecuted to the full extent of the law. State

statutes and individual law enforcement office policies need to require individual law enforcement agencies to immediately begin an investigative response in instances of MMIP reports.

2. Violent perpetrators must serve their full sentences. In cases in which an offender is given early release, the tribe recommends that victims be given notice and an opportunity to give input. If the decision is made to release the offender, the victim **MUST** have significant notice to allow for appropriate safety precautions to be taken.
3. The creation of protocols that include a cooperative methodology to enable state/local/tribal/federal law enforcement agencies to communicate together in all MMIP cases.
4. That federal, state, and tribal partners review, revise, and create law enforcement and justice protocols appropriate to the disappearance/murder of indigenous people. The process should include data collection requirements, which should require victims and perpetrator(s)' tribal citizenship information. Protocols should also include the notification of tribal governments.
5. The NIJ fully implements the VAWA 2005 program of research and specifically provides Indian tribes information regarding the MMIP.
6. DOJ OVW supports the GAO efforts to prepare and submit a report on the response of law enforcement agencies to reports of MMIP.
7. We recommend that federal entities work with states and the federally-recognized tribal law enforcement, tribal prosecution, tribal child welfare, and tribal victim service programs to review, revise, and create law enforcement and justice protocols regarding decisions to prosecute individuals accused of violent crimes against tribal members.

#### **Topic 5: Murdered and Missing Indigenous People MMIP Coordinators**

We recommend that near the end of each MMIP Coordinator Contract a formal consultation occurs with tribes of that state, to determine if continuation of the MMIP Coordinator position would be beneficial.

If the tribal nations of that state concur as to any benefits of sustaining the contractual MMIP Coordinator position, it is recommended that the federal government allocate funding to support this determination.

Furthermore, it is recommended each MMIP Coordinator facilitate formal consultation with all tribal nations within their jurisdiction to gather this input to be documented in a report which is:

Provided to each of the tribal governments in the MMIP Coordinator's jurisdiction; and included in the Operation Lady Justice report to be submitted to the President of the United States during late November 2020.

#### **Topic 6: Disbursement of Victims of Crimes Act Funding**

Currently, there is not a permanent set-aside for tribes. We recommend a permanent set-aside for tribal governments

##### ***Recommendation:***

1. We also recommend that OVC extend the grant project period for up to four years for VOCA awards.

#### **Topic 7: 2020 Tribal Funding and Distribution**

It is understood that OVW has the discretion to determine how to apply rescissions across its funding lines.

##### ***Recommendation:***

1. Due to the unique federal trust responsibility and heightened federal obligations, and the disparities in crime and victimization for Indian tribes, we recommend future rescissions not be applied to tribal grant programs.

## **Topic 8: Notification of Tribal governments and Communication with Family**

In cases of Native victims located outside of tribal jurisdiction, law enforcement entities must notify the tribe as soon as possible. Tribal governments may be able to provide increased services to the families and community members of the disappeared or murdered Native women and children.

### ***Recommendations:***

1. We recommend on-going communication between the law enforcement agency and the family regarding case status.
2. Training should be mandated annually for all judicial system partners as to the soft skills necessary to respectfully and effectively communicate with survivors and/or the survivor's family.

## **Topic 9: Grant Processing and Grant Notification**

### ***Recommendations:***

1. It is recommended that the department ensure it has adequate federal government staffing necessary to meet grant processing demands to ensure grant award budgets are approved when the grant award notifications are released.
2. It is also recommended that the department to notify grant awardees a minimum of two months before September 30 of each year so tribal governments may plan for the cessation of existing services and consequent negative impacts on tribal communities from the loss of grant funded services.

## **Topic 10: Compliance with TLOA**

We recommend that the DOJ educate Congress on the importance of the Bureau of Prisons Pilot Project, as authorized under Section 304 of the Tribal Law and Order Act. It is important that this Pilot Project become reauthorized as it is crucial that tribes have the capacity to house the offender in detention facilities that meet federal standards.

Section 601 of the TLOA requires the U.S. Bureau of Prisons notify tribal justice officials when a sex offender is released from federal custody into Indian country. The Sault Ste. Marie Tribe of Chippewa Indians recommends that tribal justice officials be notified of prisoner release and reentry on Indian lands regardless of the process by which this occurs.



## **The Organized Village of Kake**

*Joel Jackson, President - Tribal Leader (Written)*

The Organized Village of Kake (OVK) is a rural community in the Southeast Alaska “panhandle” and currently has a tribal enrollment of 430 citizens, about 70% of the city's total population.

## **Topic 1: Enhancing the Safety of Women**

### **Topic 1. A) MMIW**

First, we support testimony from the NCAI.



We began our tribe's domestic violence program in 2011, and since inception, we've had three women and/or girls who have gone missing and murdered. According to other tribal members, at least three other tribal citizens of Kake had gone missing and were found murdered from 1970 with little to no attention or help for surviving family members. When we organized our first ever walk to honor MMIW in 2018, there were many speeches of gratitude for remembering their loved ones and saying their names again. For those families, this was the start of long deserved healing.

***Recommendation:***

1. We need OVW's support for counseling for all those affected by violence against women to prevent the long-term effects.

**Topic 1. B) Prevention and Federal Resources**

Our women like all other Native women across the country deserve to be honored and remembered. We must develop and implement solutions to prevent more women and girls needlessly losing their lives and their families and tribes being forced to live without them. These crimes are preventable. Much more needs to be done at the tribal, state, and national levels, and together as partners we can end these injustices.

***Recommendation:***

1. We must fully recognize and respect tribal authority as the first, and often only, local responders to violence against Native women, including the federal and state governments providing tribal governments with the resources we need to respond, including addressing the lack of housing for victims and need for job training and financial advising, especially in an economically depressed area such as Kake.

**Topic 1. C) Collaboration with State and Federal**

What can we do as tribes to better our working relationships with our State Troopers who often are here for a day or two at a time as weather and other priorities permit? What can we as tribes do to prevent any more of our women and girls going missing or being murdered?

***Recommendations:***

1. Having the federal funding resources to support tribal staff, including project coordinators, women and youth advocates makes a world of a difference. Dedicated staff can provide the necessary comprehensive services.
2. Alaska specific tribal technical assistance and training, such as what is available through the ANWRC, has helped to effect change in Kake and across the state and nation.
3. Grant administration that is burdensome doesn't help address the weight that our domestic violence program staff carry. We also value the virtual technical assistance we've received since COVID-19, which addresses the challenge that travel poses in and out of our village even before COVID-19. We hope that once our nation gets a handle on the spread of COVID-19, and face to face travel starts back up, that tribes can opt to continue to receive technical assistance virtually to meet OVW's mandatory technical assistance.
4. OVW's approval process for the use of grant funds for food is too burdensome. We ask that OVW revise this process, as feeding our people during various program activities is key to healing and is central to our response to violence against women.

## Topic 2: Funding and Grants

The state of Alaska's justice system has failed many battered and abused women by allowing perpetrators to go free with barely a slap on the wrist. What is the state's justice system telling women when abusers, batterers, predators, sex traffickers, and murderers are allowed to go free or face minimal consequences?

### **Recommendation:**

1. Given the formula funding that all states receive from the federal government, and the mandatory reports they provide, is there an accounting of state arrest and prosecution rates with these crimes, especially against Native women? Is that a task that the NIJ can take on? Could OVW fund a review of states like Alaska with a high percentage of Indian people to gauge what their arrest and prosecution rates are in the same way that TLOA requires the federal government to report annually on its arrest and prosecution rates in Indian country, which is exclusive for the most part of Alaska and other tribes in P.L. 280 states?

## Topic 3: Strengthening the Federal Response

The state of Alaska has not meaningfully consulted with Alaska's 229 tribal governments as statutorily required under VAWA.

### **Recommendation:**

1. OVW should make two technical assistance awards to the OVW funded technical assistance provider for the states and to the ANWRC to partner and develop a meaningful government-to-government consultation process between the state of Alaska and Alaska's tribes. These awards should be allocated out of the state's, not the tribes' funding allocation since the purpose is to strengthen the state's capacity to meet this statutory mandate.



## Tlingit

*Catherine Edwards, 1st Vice President - Tribal Leader (Oral)*

Vice President Edwards began her statement showing a photograph of the main road through her village which is difficult to pass through. Serving citizens where they reside is a challenge due to the expansive geography and isolation of their area. We are in a P.L. 280 state, making jurisdiction “an impenetrable obstacle leaving us extremely vulnerable to the inequity of the state's inadequate and dismal criminal justice, law enforcement systems.”

There was an additional \$6 million in funds to the State of Alaska, but in a state the size of Alaska, \$6 million doesn't go very far. Tlingit met with Senator Sullivan and when he asked how much of those funds reached the southeast, we reported we saw no changes in Southeast Alaska.

Along with geography, we contend with the weather and the road systems, or the lack of them. Travel in and out of most of our communities is by plane or by boat. The ferry system allows people to get back and forth, businesses to get needed supplies, people to get medicine and to/from a doctor.

This year with the cutbacks in our ferry systems, there were no ferries in some of our communities for months. With the onset of COVID-19, our villages were left without access to basic resources, causing a food shortage and many of them didn't and still don't have the needed personal protective equipment (PPE).

### **Topic 1: Enhancing the Safety of Women**

How does a woman flee from domestic violence in a community with no ferry or food? How do protective orders get served when there is no law enforcement? Some tribes in our regions have offices with two point staff members who are in charge of everything.

#### ***Recommendation:***

1. We have asked for a simplified system so we might be able to hire at least one more person to assist them with the needs of victims.

This year we saw that the State of Alaska sued the Federal Subsistence Board for allowing one village to hunt out of season to provide food for their family during the food shortage. The state will sue over our ability to hunt and put food on the table, but getting anyone to take seriously the violence perpetrated against our women and children is not a priority. Public safety is imperative. It's easier to get away with violence in our communities because of the lack of law enforcement and accountability for crimes committed.

#### ***Recommendation:***

1. Alaska communities and reservations are where criminals go to hide. The extractive industries -- mining, oil, gas and others -- need an additional permitting process with stipulations that they not hire people who have domestic violence, rape, and murder in their background. They need to be charged or taxed enough to cover the costs of law enforcement, should their man camps be the cause of drugs and human trafficking in our communities.

### **Topic 2: MMIP**

We need to change the way we look at MMIP. Missing is not considered a crime. In our communities we know when women and children go missing and it is the result of a crime.

### **Topic 3: Grant Applications and Funding**

This new application was easier and simplified and we appreciated the changes. Additionally, pulling the OVW funding from the CTAS solicitation is a good thing for us.

#### ***Recommendations:***

1. Funding should be non-competitive. There needs to be a formula that is not tied to population and should not be restricted to a land base. If a woman needs to flee from Seattle to Angoon to get home to her family and her support system, we need to be able to get her there.
2. For the tribes that get special jurisdiction, they should be provided the resources to cover the cost associated with holding non-tribal citizens accountable in their court or jail systems, resources provided and the bill for having to house them in their jail systems should be covered by the federal government.
3. Funding has to be adequate to fully support our programs. There was a \$6 million carryover. The Alaska NWRC could have put that money to good use to provide real assistance for our communities in Alaska. They have 200 tribes they are trying to assist and need to be funded on a permanent basis.

Consultation is a robust and engaging conversation, but needs to be more than that. It sometimes seems all we do is talk. The problems are growing, the solutions thus far are falling short; specifically, the funding is not sufficient, and the regulations are evasive. Action is needed. Significant improved law enforcement, adequate funding through a formula not tied to a land base or population, noncompetitive, to fix the P.L. 280 jurisdictional nightmare. In Alaska, marine mammals get more protection than our sacred women and children. I want health and wellness for our communities. I want the federal government to uphold its trust responsibility. Our sovereignty is inherent. Perhaps compacting with the tribes, or programs like 477, with DOJ, BIA, and HHS may be a better approach than the band-aids that don't fit that are currently being offered. I also want to echo Senator Lisa Murkowski's bill needs to be supported and passed so that we can have greater protection in Alaska.



## The Paiute Indian Tribe of Utah

*Tamra Borchardt-Slayton, Chairperson - Tribal Leader (Written)*

Our central concern is an overinvestment in terminal law enforcement programs rather than investing in tribal capacity to mitigate violence in ways consistent with our healing practices. We know the prevailing criminal justice and law enforcement funding models don't always lead to healing our communities. We respond to the consultation questions from that perspective.

### **Topic 1: "Streamlining the Application Process for TGP's and COVID-19 Solicitation Process."**

The only question with policy relevance concerns the difficulties new and smaller applicants have in competing against experienced applicants. OVW's proposal for a "short, easy application for new TGP applicants..." raises concerns about the impact on current funding supporting existing programming across Indian country. Is there supplemental funding for the smaller awards? This and many other questions about the implications for existing programming remain undisclosed.

### **Topic 2: "Do Tribes Support Creating a Separate Process Under the OVW Tribal Jurisdiction Program, in Addition to the Current One, to Award a Portion of the Appropriated Funds Specifically for Basic Costs Associated with the Implementation of SDVCJ, for Those Tribes that are Already Exercising the Jurisdiction?"**

All three questions posed under this topic raise significant concerns about equity, parity, and federal trust responsibilities across sovereign nations and precedent-setting concerns in the OVW funding process.

#### ***Recommendations:***

1. A simplified but accountable process is always preferred. Is a simplified system always the most efficient at acknowledging the various capacities of tribes?
2. What are the current general concerns tribes have about the current application process? Do these apply to this? Perhaps, OVW can learn-by-doing, too.
3. Provide non-competitive funding, based on unspent funds, to tribal coalitions to develop best-fit programs to assist tribes in their regions in preparing to apply for the grant.

### **Topic 3: NIPVS**

The NIJ has the resources to conduct sound research to answer these research design and methodological outreach questions for themselves outside this consultation forum.

#### ***Recommendations:***

1. The NIPVS does not include categories for Two-Spirit. These culturally sensitive gender categories are critical to understanding the scope of the MMIWG2 crisis.
2. Please include levels of connection to cultural traditions. This will assist tribes in devising specific strategies with data that is relevant to their communities and nations.
3. Just because some of the methodologies for "hard to reach populations" are challenging does not mean they shouldn't be tried. The federal trust responsibility requires you to try.

### **Topic 4: Critical Challenges**

The oral and written statements by tribal leaders over the past decade remain the same, with ongoing complicated legal and policy barriers embedded in the layers of federal Indian law. These concerns are addressed in the Safety for Indian Women Title of VAWA. Lack of shelter and supportive services for Indian tribes, which was primarily funded under FVPSA which expired in 2015 and must be reauthorized with key tribal enhancements in 2020, is a critical challenge.

### **Topic 5: Tribal Jurisdiction Over Non-Indian Offenders (SDVCJ)**

The lack of tribal jurisdiction over non-Indian offenders on Indian lands continues to be a key reason for the perpetuation of disproportionate violence against AI/AN women. VAWA 2013 failed to make the changes needed for Indian tribes to fully protect Native women nor address protections for tribal children and public safety personnel in the context of domestic violence crimes. VAWA 2013 also failed to include 228 tribes in Alaska and Indian tribes in Maine. For those tribes implementing the jurisdiction provision of VAWA 2013, funding and resources are a significant problem.

#### ***Recommendations:***

1. Expansion of tribal criminal jurisdiction over non-Indian perpetrators of violent crimes for all federally recognized Indian tribes.
2. Commensurate funding for tribal implementation of SDVCJ and inclusion of 228 Alaska Native Villages and Maine as eligible to utilize SDVCJ.
3. Creation of an Alaska pilot project under which tribal criminal jurisdiction over non-Indian perpetrators of violent crimes can be implemented (SDVCJ) on all land within any Alaska Native village.
4. Extending protections for children and law enforcement personnel on tribal lands as provided by the Native Youth & Tribal Officer Protection Act (NYTOPA).
5. Restore tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking, and stalking as provided by the Justice for Native Survivors of Sexual Violence Act.

### **Topic 6: Addressing MMIW**

The federal response to the crisis of MMIW is a breach of the federal trust responsibility and human rights violation. According to the 2018 DOJ Indian Country Investigations and Prosecutions Report to Congress, the 94 offices of federal prosecutors and respective FBI/BIA offices are responsible for responding to crimes for 200 Indian tribes, which is less than half of federally recognized tribes. We need adequately resourced local

tribal responses to prevent abductions and murders. The tribal and public calls for justice have created efforts that reached 24.5 million people across the United States and the world through social media platforms. This public call for justice indicates the extent to which Native women are missing and/or murdered, often due to the lack of tribal advocacy services, no response by law enforcement, and the federal government's failure to adequately fund tribal advocacy services.

***Recommendations:***

1. OVW, FVPSA, and IHS must provide increased tribal based victim advocacy services to the families and community members of the abducted, MMNA. Such services should include counseling for the children of the MMIW, burial assistance, community healing such as walks for justice and to honor the missing or murdered, community meals and gatherings, and other tribal-specific activities.
2. Implement the 2020 recommendations of NCAI regarding tribal based victim services that should be funded by the tribal set-aside from OVC.
3. NIJ should fully implement the VAWA 2005 program of research and provide Indian tribes information regarding MMNA.
4. DOJ and DOI should review, revise, and create law enforcement and justice protocols appropriate to the disappearance of Native women and girls, including inter-jurisdictional issues as provided by the Savanna's Act and the Not Invisible Act.
5. Support the GAO's efforts to prepare and submit a report on law enforcement agencies' response to reports of MMIP, including recommendations for legislative solutions as provided by the Studying the Missing and Murdered Indian Crisis Act.
6. Coordinate efforts across all federal departments and in consultation with Indian tribes to increase the response of state and federal governments to cases of the disappearance or murder of Native women or girls, as provided by the Savanna's Act.

**Topic 7: 2020 Tribal Funding and Distribution – Disbursement of VOCA and Support for a Permanent Fix**

AI/AN's experience the highest crime victimization rates in the country. While the establishment of a tribal set-aside in the CVF represented a long-overdue recognition of the needs in this area, DOJ's efforts to administer the funding in the first two years raised significant concerns about their capacity and commitment to ensuring that the funds reach the tribal communities. However, after hearing from tribal Leaders on their concerns, OVC, following a specific tribal set-aside consultation, released a solicitation that reflected the concerns and recommendations raised by tribal leaders during consultation and moving forward with a formula distribution of this funding.

***Recommendations:***

1. Continue to consult with tribal governments on how to improve the distribution of the tribal funds and how regulations should be tailored to address the unique tribal context.
2. Utilize a tribally-based view of what constitutes activities that will "improve services to victims of crime" as outlined in the appropriations bill. The needs of victims in tribal communities may differ significantly from those in non-tribal communities so it is essential that the funding uses be flexible. OVC must respect the sovereign right of tribal governments to self-determination as they respect the sovereign right of state governments to self-determination.
3. Extend the grant project period for up to four years for CVF awards which would allow tribes to use the time necessary at the start of the award period for project planning and needs assessments.

4. Support a permanent fix to the VOCA tribal funding stream as provided by the Securing Urgent Resources Vital to Indian Victim Empowerment (SURVIVE) Act.

#### **Topic 8: OVW Rescission from Tribal Programs**

OVW continues to apply congressionally mandated rescissions to tribal programs. Due to the unique federal trust responsibility and heightened federal obligations to, and disparities in crime and victimization for, Indian tribes, future rescissions should not be applied to tribal grant programs.

##### ***Recommendation:***

1. Stop any future application of rescissions to tribal grant programs.

#### **Topic 9: DOI and BIA Disparities in Funding**

Approximately 65% of federally recognized tribes are located in P.L. 280 states. These tribes receive substantially lower amounts of support from the BIA for tribal law enforcement and tribal courts than Indian nations outside of P.L. 280 states, which DOJ has financially supported and provided technical assistance for. Due to the tribal outcry, the DOI requested and received funding towards this end. The federal funding disparities for tribes located in P.L. 280 and similarly situated jurisdictions must be addressed.

##### ***Recommendation:***

1. BIA should continue to request appropriate additional federal funding to end this disparity in funding between tribes based on their P.L. 280 status.

#### **Topic 10: Consultation Issue: Accountability of Extractive Industries for Violence Against Native Women**

The escalation of sexual and domestic violence due to the presence of extractive industries on tribal lands must be addressed by the DOJ, DOI, DOD, and HHS. Industries must be held accountable for the resulting violence of itinerant workforces created within tribal communities by these industries. Native women and their children should not be exposed to violence by felons or serial predators employed by such industries.

##### ***Recommendations:***

1. DOJ, DOI, the DoD Army Corps of Engineers, and HHS should create standards of protection for tribal communities for extractive industries to comply with before, during, and post-construction, including through the federal permitting processes.
2. DOJ and DOI should establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers, and murderers from assignments by industries on tribal lands.
3. DOJ should assist Indian tribes in safeguarding the lives of Native women, where extractive industries employ a militarized police force, to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against citizens and members of tribal communities.
4. HHS should enhance support for services and training for shelter and related advocacy and medical services by developing materials addressing the needs of domestic and sexual violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.

## Topic 11: Consultation Issues: Compliance with TLOA

### Topic 11. A) TLOA, Section 201, Federal Accountability.

Section 201 requires U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute a reservation crime. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and domestic violence cases so that, in the case of an Indian defendant, a tribal prosecution may proceed. In cases of non-Indian defendants, notify the victim of the status of the case so that the victim may take the necessary steps for protection.

#### **Recommendation:**

The Attorney General should direct U.S. Attorneys to implement the law, Section 201, and be accountable for the necessary coordination and reporting duties with tribal justice officials under the TLOA.

### Topic 11. B) TLOA, Section 304, Enhanced Tribal Sentencing Authority.

Section 304 provides tribal courts the ability to sentence offenders for up to three years' imprisonment for any one offense under tribal criminal law if certain protections are provided. This still falls short of the average sentence of four years for rape in other jurisdictions. Tribes must have the capacity to house the offender in detention facilities that meet federal standards; otherwise, the enhanced sentencing power is meaningless.

#### **Recommendation:**

1. DOJ should work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

### Topic 11. C) TLOA, Section 601, Prisoner Release, and Re-entry.

Section 601 requires the U.S. Bureau of Prisons to notify tribal justice officials when a sex offender is released from federal custody into Indian country.

#### **Recommendation:**

1. Ensure that tribal justice officials are notified of prisoner release and reentry on Indian lands, regardless of the process by which this occurs.



## Wabanaki Tribes of Maine

*Jane Root, Executive Director, Wabanaki Women's Coalition - Authorized Designee (Oral & Written)*

Research has shown AI/AN people are 2.5 times more likely to suffer sexual violence compared to all other races. One in three Native women report sexual assault in their lifetime, and many cases go unreported. The five Wabanaki communities are fortunate in that each has an OVW funded Domestic and Sexual Violence Advocacy Center that serves the victims/survivors.

The five Wabanaki Tribes of Maine include:

**Aroostook Band of Micmac** - Edward Peter Paul, Tribal Chief

**Houlton Band of Maliseet** – Clarissa Sabattis, Tribal Chief

**Passamaquoddy at Indian Township** – William J. Nicholas, Sr, Tribal Chief



**Passamaquoddy at Pleasant Point** – Marla Dana, Tribal Chief  
**Penobscot Indian Nation** – Kirk Francis, Tribal Chief

The economic impacts on the five Wabanaki tribes include:

- Finding affordable housing, transportation, and employment.
- Declining employment opportunities contributing to lower incomes and limited economic prospects.
- The Passamaquoddy at Pleasant Point is the most impoverished county in Maine; the unemployment rate is 65% (USDOJ 2009).

### **Topic 1: Reauthorization of VAWA**

The Wabanaki Tribes again ask that it remain a priority to address the issue of the Maine and Alaskan Tribes not being included in the VAWA 2013 Tribal Provisions.

#### ***Recommendation:***

1. Language in the reauthorization of VAWA should specifically state 'The tribal provisions of the Reauthorization of VAWA, all previous tribal provisions and all subsequent tribal provisions shall apply within the State of Maine and Alaska.'

### **Topic 2: Expansion of VAWA 904 Jurisdiction**

The House version of the reauthorization of VAWA includes expansion of 904 to broaden tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, and stalking and child abuse.

#### ***Recommendation:***

1. We ask that the House of Representatives' version receive continued full support from our allies and tribal sisters and brothers.

### **Topic 3: CTAS Purpose Area 5: Transitional Housing Assistance**

The current OVW policy on transitional housing assistance requires the victim to leave her (and her children's) home and relocate in order to qualify for assistance. This is a continued problem for which we have seen little change. Best practice would be the victim being able to stay in her housing and the abuser being removed.

#### ***Recommendation:***

1. A statutory change needs to be made to remove 'relocate' from the wording. Our Advocacy Centers remind us constantly of the barrier this presents to victims.

Another challenge related to transitional housing is the requirement for program staff to receive permission from the program manager to purchase furniture for transitional housing assistance participants. Further, participants are required to return the items to the Advocacy Center when the survivor ages out of the Transitional Housing Program (For the Wabanaki Tribes that is eight months). Who would ask a survivor and their children to return their beds because they are no longer eligible to keep them?

#### ***Recommendations:***

1. Clarify the issue of purchasing furniture and the requirement of retaining from the survivor when they 'age out' of the program.

2. Revise the rule that has been interpreted to require a grantee to get program manager approval to provide furniture for transitional housing assistance and also require the survivor to return the furniture to the tribal advocacy program.

#### **Topic 4: Formula Funding**

The Wabanaki Tribes do not support population-based formula funding. The FVPSA formula has been determined for many years to not be equitable for the majority of smaller tribes. It would leave their programs gutted.

##### ***Recommendations:***

1. Do not consider formula funding. This is not the answer to the issue of the level of funding for Tribal Governments Grants.
2. The bigger issue is not only the level of funding, but how to help tribal governments apply for and successfully administer grants when awarded.

#### **Topic 5: Tribal Coalitions**

The Wabanaki Women's Coalition is a source of technical assistance, training, support, resources, and connection which also works at the state level, keeping an eye on legislation and policies to ensure that the Wabanaki are included. The tribal coalitions are funded through OVW grants to tribal coalitions. Funding for the coalitions is in the FVPSA reauthorization bill before Congress. It is equitable that tribal coalitions receive FVPSA funding as do the state coalitions. Further, a few years ago OVW made an arbitrary decision to shorten the length of time that the tribal coalitions can extend their grants to only six months, this has negatively impacted the tribal coalitions.

##### ***Recommendations:***

1. Continued support for the inclusion of funding for tribal coalitions in the FVPSA funds distribution.
2. The six month extension should be stricken from OVW policy and the allowable extension period should be determined by the unique needs of each tribal coalition.

#### **Topic 6: Regarding Targeted Webinars**

The Wabanaki Tribe supports targeted webinars, but states that OVW needs to provide better quality and informative presenters.

##### ***Recommendation:***

1. Require that TA providers demonstrate their years of expertise in administering victim services in Indian country. Solicit recommendations for TA providers from service providers with 10 or more years of field experience. TA providers should have at least a minimum of 3-5 years of field work in Indian country. An annual questionnaire should be sent to all grantees to evaluate the TA providers.

#### **Topic 7: Regarding 'Do Tribes Have Additional Suggestions on How to Encourage Tribes that Have Never Received OVW Grant Funds to Apply?'**

**Recommendation:**

1. Additional Funding should go to tribal coalitions in every state to provide technical assistance for tribes who have never had domestic and sexual violence victim services. Every state and territory has a Domestic Violence Coalition providing TA.

**Topic 8: What are the Reasons Why Response Rate for the TSASP Solicitation is so Low?**

The Wabanaki Tribe advocacy centers already provide comprehensive services through OVW Tribal Government Grants. If they were to apply for TSASP funding they would need to add staff and there is no basic infrastructure to house the additional staff.

**Topic 9: Regarding Creating a Separate Process Under the OVW Tribal Jurisdiction Program**

The Wabanaki Tribe supports the use of SDVCJ program funds to be available to tribes who have already completed the planning and implementation phase and need additional funds to support training.

**Topic 10: FVPSA**

Recent changes in the requirements of the Tribal FVPSA are concerning to the Wabanaki grantees. In 2019, the tribal grantees were required, for the first time, to submit a budget with their application. This is an exercise in futility since the grantees do not know the funding level. These changes do not appear to come from a change in legislation but rather from a change in leadership.

**Recommendation:**

1. FVPSA should include Tribal Funded Program Staff on the planning committee for future conferences, and FVPSA Tribal Grantee Program Specialists should be at the conferences and have maximum input into the conference planning. The FVPSA Director should support the increase to 12 percent funding for tribes and support adding the tribal coalitions to the funding formula.



**Wampanoag Tribe of Gay Head Aquinnah**

*Cheryl Andres-Maltais, Chairwoman - Tribal Leader (Oral)*

**Topic 1: Tribal Grants**

Grants are critical to our ability to protect and preserve our families, and to ensure the safety of our communities. Tribes are in a most unique situation to be able to determine what is in the best interest of their tribal communities. We are still receiving grants in a competitive nature which is the opposite of what the community needs are.

**Recommendation:**

1. We should strive towards getting away from those systems and going back to a place where tribes are able to identify what they need and be supported that way.

Even though we have a better working relationship with the government than we have had over the years there is still a lot of restrictiveness, and a paternalistic application being imposed upon the tribes and our departments who are doing this work.

Reporting is still very overburdensome; although the new process and delivery system is far superior to what it was, there is too much being placed upon the tribes for reporting and trying to make adjustments. Our plans change in the matter of a minute because the circumstances change.

***Recommendation:***

1. We need more flexibility to adjust to changes and also get some updates regarding the restrictive nature of the reporting burdens.

The other thing I would like to address is extension. Nobody could have ever imagined what COVID-19 would cause. The social and emotional impacts it's having, on top of the health issues and the health crisis; domestic violence is up, sexual abuse is up, the needs are coming and changing dramatically with every day. All of these needs and these demands are up; however, the funding is not up and the access to the human resources in order to address these needs is not up. We are finding it more and more difficult to be able to get people to be able to work. So, the complications have become more challenging and it takes longer to navigate through how to meet, address, or mitigate these potential complications that none of us anticipated.

***Recommendation:***

1. Grant waivers or no cost extension waivers, so that the people on the front lines don't have to worry about their money being pulled back or their projects and programs stymied and/or suspended because they have a looming deadline they are not able to meet because of the pandemic.

Regarding consultation, I think that we could go one step further and have high level roundtables with very candid discussions that are not open ended and establish delegation meetings with each tribe. This will allow teams to work with those tribal nations to establish protocols that are specific to that tribe and their unique needs.

## **Topic 2: Collaboration beyond Law Enforcement**

I want to touch on working more collaboratively with the people who work in mass transit. These are the people who help our potential clients or our victims who need transportation to get out of their situation.

We had an incident of a young woman who was not the victim of domestic violence but was in fear because she was a relative to the victim. To get to safety, the victim's relative needed to board a boat, but was concerned about being in the staging line and open to the perpetrator. She went to the people who are responsible for providing access to transportation, and explained the situation but was left there without any consideration as to the urgency of the need to board the boat and get out of harm's way.

***Recommendation:***

1. I think we have to start looking further beyond law enforcement to the whole network, providing safe escape to the victims of violence, as well as the other people who might be included in the sphere of the perpetrator's desire to exact revenge.

## Closing Comments

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*Principal Deputy Associate Attorney General Claire McCusker Murray*

### Closing Remarks for the 2020 Violence Against Women Tribal Consultation

Thanks so much for that kind introduction, Laura. And thanks to all the tribal leaders who joined us this week and helped to make the 15th Annual Violence Against Women Government-to-Government Tribal Consultation a meaningful step towards enhancing the safety of American Indian and Alaska Native women and their communities.

I so enjoyed meeting with you at last year's Tribal Consultation in Michigan, and I'm honored to be with you again today to provide some closing remarks.

You have had the opportunity this week to share your thoughts, experiences, and recommendations with the Department. I look forward to working with Laura and the staff at OVW to continue to address some of the challenges you have raised.

But my primary message to you is simple: The Department and the Administration are deeply committed to working with you to address the unacceptable rates of violence against American Indian and Alaska Native women in the United States.

And I want to leave you with this commitment from the Attorney General and the entire Department: We are proud to be your partners, and we will continue to work with you, side by side, to pursue justice.

At the start of this consultation, Laura mentioned some of the work that we have done this year to support American Indian and Alaska Native women, and I will try to not repeat the points she made. I do think it's important this year to review some of the positive steps the Department has taken since last year's tribal consultation – in part because I'm so proud of the progress we have made, working in partnership with tribes, but also because I want to acknowledge that there is always more work to do.

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

First, let me say a few words about what we have done to address the scourge of missing or murdered American Indian and Alaskan Native women. No topic is more important, and the Administration has been extremely focused on raising awareness and adding resources in this area.

On November 26, 2019, the President signed an Executive Order that formed the Task Force on Missing and Murdered American Indians and Alaska Natives, also known as "Operation Lady Justice." The task force include 5 DOJ members who deserve recognition: Laura Rogers, someone you know well; Marcia Good, Executive Director of the Task Force; Trent Shores, the U.S. Attorney for the Northern District of Oklahoma and Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Committee; Katie Sullivan, Principal Deputy Assistant Attorney General, Office of Justice Programs; and Terry Wade, Executive Assistant Director, Criminal, Cyber, Response and Services Branch, Federal Bureau of Investigation.

Through Operation Lady Justice, the Department is reviewing cold cases in Indian country, strengthening law enforcement protocols, and working with tribes to improve investigations and information sharing. The Task Force has already met with tribal leaders and tribal communities over 20 times to discuss how we can improve the law enforcement response to missing or murdered persons. Through these listening sessions, several themes have emerged:

- the need to improve the handling of missing person cases by making investigations more standardized and more transparent to families;
- the need to ensure that our response efforts include men and boys;
- the importance of focusing more of our funding, personnel, training, and volunteer programs to help in response efforts; and
- the need to ensure that tribes are part of the solution as we jointly address this issue.

The work of Operation Lady Justice is ongoing, but these themes will help to guide our future actions.

In addition to Operation Lady Justice, in late 2019, Attorney General Barr launched a national strategy to address missing or murdered indigenous persons, known as the Initiative on Missing and Murdered Indigenous People, or MMIP. As part of this initiative, the Department is in the process of hiring MMIP coordinators in 11 states to serve with the U.S. Attorney's offices in those states, as well as other offices that request assistance. MMIP coordinators will work closely with tribal partners and others at the federal, state, and local levels to develop protocols for a more coordinated law enforcement response to missing person cases. The MMIP initiative also calls for the deployment of the FBI's most advanced response capabilities when needed, improved data collection and analysis, and training to support local response efforts.

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

Let me now shift topics and briefly mention some of the successes we've seen over the past year in providing greater access to federal crime information databases. In response to tribal leaders' recommendations, DOJ has continued to expand the Tribal Access Program for National Crime Information (or TAP), and in 2020 we added 30 additional tribes for participation. The Department, along with the Department of Interior, is also working to add TAP kiosks at locations where the BIA Office of Indian Services delivers direct social services. When expansion of TAP kiosks to additional BIA locations is complete, TAP will serve over 400 tribal and BIA government agencies.

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

I'd also like to say a few words about grants. Discussion of the Department's ongoing efforts to fund tribal programs through grants is always a critical element of each consultation, and this year is no exception. Don't worry – I'm not going to review all of the Department's grant funding efforts, but I do want to make special mention of a program we established this year in direct response to comments we received from you.

Based on your feedback during tribal consultations and listening sessions, in Fiscal Year 2020, the Department's Office for Victims of Crime (OVC) implemented an interim formula grant program for disbursing tribal set-aside funds under the Victims of Crime Act. Under the Fiscal Year 2020 Tribal Victim Services Set-Aside Formula Program, the Department made 133 awards, totaling over \$112.9 million, to over 200 tribes and tribal consortia. The purpose of this program is to improve services for victims of crime in tribal communities. For the same reason, OVC also established a dedicated Tribal Division to ensure appropriate staffing to implement this formula program and to serve our tribal grantees. We're so proud of the progress we've made in this area.

## **Enforcement of Tribal Protection Orders**

Finally, let me say a few words about the enforcement of tribal protection orders. At last year's consultation, some of you expressed concerns about the lack of enforcement of tribal orders by state and local law enforcement. I want you to know that we hear you, and that the Department is committed to finding lasting solutions to this problem.

OVW has supported a number of initiatives over the years to improve enforcement of tribal protection orders, including a project focused on Full Faith and Credit enforcement of tribal protection orders in Alaska. In addition to these efforts, the Department works with state governments to devise solutions. For example, in January of this year, the United States Attorney's Office in Oregon issued joint guidance with the Oregon Attorney General on the enforcement of tribal protection orders. The guidance reinforces the principle that both state and federal law require tribal protection orders to be immediately enforceable in Oregon without any requirement to file or register the order in a database or court record. Alaska, Washington, and California have issued similar guidance in the past. The United States Attorney's Office and the Oregon Department of Justice plan to train law enforcement, prosecutors, advocates, and community members on how to apply this guidance.

The Department believes that this type of collaboration across jurisdictions will help ensure that law enforcement understands and recognizes the importance of enforcing tribal protection orders.

\* \* \*

I am grateful for all that the Department has done over the past year to reduce violence in tribal communities. But we can't sit back and rest on past successes. This consultation process is inherently forward looking, and the Department is committed to using the information you have provided over the past four days to identify additional ways that we can make tribal communities even safer, especially for American Indian and Alaska Native women. Thank you for sharing your time, your knowledge, and your wisdom with us this week.





## Appendix 1: Federal Presentation

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### Analysis and Research on Violence Against Indian Women: An Update from the National Institute of Justice

*Christine (Tina) Crossland, Senior Social Science Analyst - U.S. Department of Justice, Office of Research, Evaluation, and Technology (Oral)*

The NIJ continues moving forward with their primary data collection efforts and funding of technically sound and rigorous research and partnership studies that address different aspects of the program components.

#### History

NIJ's VAW program is authorized under Title IX, Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (also known as VAWA 2005), and reauthorized in VAWA 2013. The Act authorizes the NIJ in consultation with the OVW to conduct analysis and research on violence against indigenous women living in Indian country and Alaska Native villages.

The statute directs NIJ to focus on dating violence, domestic violence, sex trafficking, sexual assault, stalking, and murder. It also directs NIJ to evaluate the effectiveness of federal, state, tribal, and local responses to violence against Indian women. In response to the mandate, NIJ has developed a robust research program that includes multiple studies.

Once Congress codified the Act in 2006 and the funds became available in 2007, NIJ coordinated with many other federal agencies to determine what existing resources could be leveraged and ensured NIJ's efforts would not duplicate other ongoing research. Outreach and coordination occurred across the executive branch science agencies, as well as program and policy offices such as the BIA, the Executive Office for United States Attorneys, the FBI, the OVW, and other sister agencies housed in the Office of Justice Programs. NIJ also partnered with the BJS and the Justice Research and Statistics Association as well as commissioned a report to provide an overview of the epidemiology of violence against AI/AN and an accounting of the criminal justice responses to this violence. After significant research and collaboration, it was clear that NIJ would have to start from scratch or ground zero.

Due to the reluctance of tribal nations to participate in studies, NIJ made it a goal to ensure the program would be collaborative and participatory to ensure that the research and evaluation studies conducted would be sensitive to tribal culture and worldviews and the diversity of tribes, cultures, and languages. This includes ensuring that research methods respect tribal sovereignty, customs, and traditions.

#### Violence Against Indian Women Program Components

The research can best be described as falling into three categories—primary data collection, secondary data analysis, and evaluation research.

Primary data collection is data that has not been collected before. Secondary data analysis projects provide an opportunity to expand our understanding of the nature, consequences, and responses to violence against indigenous women by using existing data sources. The third type of research funded under this program comprises evaluation.

The order of prioritization is based on statute specifications and available resources. While most resources are directed to the program's flagship study referred to as the National Baseline Study, NIJ has made efforts to leverage other national and state studies.

Funding for the program comes primarily from annual congressional appropriations provided to OVW, who then transfers the program funding to NIJ. Available program funds are used to fund grants, cooperative agreements, contracts, interagency agreements, and research support activities. Additional funding has come from NIJ's base budget and the support of sister agencies like the OVC.

### **904 Task Force**

The authorizing statute required establishing a Task Force, subject to the Federal Advisory Committee Act. Members of the task force are comprised of representatives from national tribal domestic violence and sexual assault nonprofit organizations, tribal governments, and national tribal organizations. The Task Force's primary function is to provide advice and recommendations on the development and implementation of NIJ's research program and, eventually, recommendations to improve federal, state, tribal, and local responses to Indian women's violence.

The Task Force was convened virtually on Thursday, October 22, 2020. This meeting included introducing new TF members and included updates of NIJ's research program. A few takeaways from last week's meeting are: First, a request again to go outside the scope of the statute; for example, doing more studies in urban areas or addressing issues not covered by the VAWA. NIJ wants to reiterate that we are obligated to abide by the statute, but that does not mean that we will not engage in inquiries and investigations of items outside the scope when funding and resources are available. Ultimately, studies are implemented based on urgency and need and, most importantly, when funds become available.

The Task Force discussed ideas regarding dissemination about the program study findings. NIJ will review the feedback to see what can be done.

The NIJ is looking forward to hearing from the 904 Task Force about possible new research questions to be answered and prioritized.

### **NamUS**

The DOJ's National Missing and Unidentified Persons System (also known as NamUs) has been working to close data gaps related to missing indigenous persons and ensure that every tribal law enforcement agency is aware of the NamUs program and how they can use it to help resolve cases. The NamUs 2.0 database allows tribes to collect better data on their missing persons and provides a tool for sharing and comparing case information across jurisdictional boundaries.

### **Funding Challenges**

The majority of available funding currently supports the National Baseline Study.

NIJ staff are also working on different studies.

Federal fiscal year award processing requirements and established timelines constrain how quickly studies can be implemented and completed.

## **2016 Report “Violence Against American Indian and Alaska Native Women and Men”**

*by Dr. André Rosay*

The NIJ 2016 report is an example of how NIJ leverages other resources through their partnership with the Centers for Disease Control and Prevention. NIJ staff were already working with them on a CDC study designed to be a nationally representative study on violence against adult women and men. NIJ recognized that this gave them an excellent opportunity to collect national data from AI/AN people living on and off tribal lands, and provided additional funding to CDC’s National Center for Injury Prevention and Control to collect an oversample of adult Native American men and women.

This investment resulted in the first set of estimates of sexual violence, physical violence by intimate partners, stalking, and psychological aggression by intimate partners over the lifetime of adults who self-identified as AI/AN as well as victimization estimates over the past year. It also provides estimates of interracial and interracial victimization, and briefly explains the impact of violence. This is also a good example of how NIJ, for little cost, was able to have CDC collect an oversample of AI/AN participant data, similar to the country's population. NIJ ended up with a representative sample that closely matches the characteristics of the AI/AN population, as a whole.

### **National Baseline Study Pilot**

The NIJ's pilot study aimed to:

Creation and pilot testing of a survey instrument that captured valid, reliable data on the nature and extent of physical violence, intimate partner violence, sexual violence, and stalking committed against AI/AN women. Testing of study methods that included different sampling strategies and data collection approaches that enabled the safe collection of data, and analysis of results, which could then be generalized to adult AI/AN women who reside on tribal lands.

All key components of the national study were tested in one of three sites. A few takeaways from the pilot study included:

- There is a very complicated history between tribal communities and the federal government, and it cannot be ignored.
- It's vital to get local coordination and buy-in from the tribal governments, program staff and community; this builds on the strength and resources of the community and facilitates a collaborative partnership, which respects tribal sovereignty.
- Finally, it is possible to marry western science-based approaches with Native American traditions.

### **National Baseline Study**

The Federal Advisory Task Force reviewed the pilot study including many lessons learned and planned the implementation of the National Baseline Study. The review time took more time than NIJ planned and the coding and programming of the study survey were delayed due to software constraints and hardware capabilities. These setbacks pushed the study timeline considerably and required NIJ to halt study activities in 2018. New contracts were awarded in 2019.

The NBS survey and sampling design are completed. The NBS will occur in geographically dispersed tribal communities across the United States that includes the lower 48 and Alaska using an NIJ sampling plan. All adult women, 18 years of age or older, living in randomly selected tribal households from participating tribes are eligible to participate if they self-identify as AI/AN, are affiliated with a tribe, or are an enrolled tribal citizen, and agree to

participate. Once informed consent has been obtained, the interview will be administered using a combination of computer-assisted personal interviewing and auto computer self-interviewing. The survey takes approximately 30 to 60 minutes to complete.

The sampling plan has two phases. The phases include working with tribes to identify community households and then randomly selecting households to ensure everyone has an equal chance of being selected. Once a household selection occurs, all eligible adult AI/AN women living in the household will have an option to participate in the study. Participation in the study is completely voluntary.

Community level sampling consists of four potential approaches that fit in the following two categories:

1. Single-stage approach that directly selects households within a tribe.
2. Two-stage approach that selects communities first and households within selected communities second.

There are many elements that may be used and it will depend on what is best for the selected tribe.

There are quite a few questions of how NIJ plans to recruit households, the following are a few responses:

- Detailed letters about the study will be sent to selected households that states that they have gained tribal approval.
- Trained field staff will visit selected households in pairs one to two weeks after the letter is sent and will confirm the introductory letter was received.
- If the letter was not received, the staff will provide a copy of the letter. If the eligible woman is not available at the time of the initial visit, follow-up visits will be made to ensure all eligible women are contacted in person and informed about the study.
- If no one is home after five attempts or more then a new household will be selected.

The interviews are not administered in-home. A private room in a public location will be selected.

### **NBS Collection Data**

The NBS will capture significantly more information than previous studies. It will give a more nuanced understanding of the victimization experiences of Native women living in tribal communities. Some of the differences that NBS will be collecting verses similar research studies:

- Perpetrator's race and ethnicity, where the incident took place; that is, on or off tribal land.
- Was the incident reported to law enforcement; and if the event was not reported, why it was not reported.
- What was the impact of their victimization and service needs and use.

### **Administration of NBS**

NIJ funds and directs the study and the study contracts. Tina Crossland serves as the overall Study Director. NIJ is responsible for submitting the study's research design to OMB for their final review and approval. American Indian Development Associates, also referred to AIDA, is the National Baseline Study research contractor. RTI International is the National Baseline Study data center contractor responsible for programming and issuing and maintaining our study laptops. Most importantly, the other key part in all of this, is the participating tribal nations, and the citizens who voluntarily agree to participate. NIJ plans to hire, train and certify local field staff from the tribes, unless the tribal government requests NIJ to hire field staff not from the community to ensure privacy and confidentiality.

The NBS will take every precaution to ensure the privacy and rights of the participating tribe, household, and individual participants that volunteer to participate in the study. This includes all requirements already on file at NIJ for the national research team and the following:

- DOJ privacy certificates that assure protection of tribes' and participants' privacy and confidentiality and limits the use of data collected for research purposes only.
- All staff and consultants will sign confidentiality and nondisclosure agreements.
- NIJ will not disclose the tribes that participate in the study, if tribes choose to disclose the information, they may do so.
- The names of interviewers and interpreters to participants in scheduling interviews will be disclosed.
- For each participating tribe with an institutional review board, research review board or research permit requirement, NIJ will submit official packets for review and approval.

### **Government-to-Government Principles**

The NBS is completely voluntary and the NIJ study team will work closely with tribal leaders to explain the study and gauge their interest in participating. The field team uses participatory agreements to reach local consensus about site-specific protocols to guide the study during recruitment and data collection.

### **NBS Study Timeline**

The NBS data collection is expected to continue until late 2023 or early 2024. Data collection at eight sites depends on a number of factors, to include: When approvals are received, when field staff are hired, trained and certified and the availability of survey laptop inventory. All sites do not collect data at the same time, rather it's staggered over a three to four-year period. The data collection period at a site is expected to take between four and six weeks.

The COVID-19 pandemic has impacted the tribal community. We have witnessed tribal leaders across the nation engage in decisive actions to protect their citizens. Most in-person research was, and continues to be, put on hold for the foreseeable future until the risks are minimized for participants and research staff. The study team has been tracking the COVID-19 related closure since April 2020, and recognizes it will probably continue for several more months. NIJ is seeking tribal leader and stakeholder input. They have released a framing paper in anticipation for this consultation, seeking ideas and recommendations from tribal leaders to inform NIJ's adjustments to the baseline initial engagement protocols for site recruitment during the current pandemic. While the study team has been tracking the tribe's broadband, Internet connectivity capacity and phone service to identify optimal times and platforms to support virtual communication, we seek further input. NIJ is deferring to tribal leaders to identify and recommend the most effective means to engage with them during the health crisis, and how best to collaborate moving forward to assure effective communication is achieved.



## Appendix 2: Government-to-Government Interactive Q & A Session

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Tribal leaders and authorized designees submitted questions for federal agency officials over the course of the consultation. The questions submitted and responses provided are shown below.

### Questions for OVW

**Laura referenced a project to address full faith and credit for Alaska tribal court protection orders. Who is administering that project?**

*Response: In 2020, OVW launched a new project focused on full faith and credit enforcement of tribal protection orders in Alaska. This project has two parts. The first is an award to the Alaska Department of Public Safety Council on Domestic Violence and Sexual Assault (CDVSA) to train state actors, including law enforcement, prosecution, and courts, to enforce tribal protection orders. The second part is funding, through a partnership with the Bureau of Justice Assistance (BJA), for a community-based tribal organization in Alaska (the Rural Alaska Community Action Program or RurAL CAP) to provide training for tribes on issuing orders of protection that are entitled to full faith and credit enforcement by the state. This project is still in the planning stages, and OVW and BJA intend not only that it will make a difference for protection order enforcement in Alaska, but that it also can be a model for addressing the issue of state enforcement of tribal protection orders in other parts of the country.*

*In addition, BJA sponsors [www.tribalprotectionorders.org](http://www.tribalprotectionorders.org) which has lots of resources relating to tribal protection orders.*

**Question for OVW Director, Laura Rogers: Why and how much money goes over to BIA from DOJ vs being awarded out?**

*Response: OVW has not transferred any funds to BIA; several years ago BIA provided funds to OVW to support Tribal SAUSA awards. OVW also transferred funds to the Bureau of Justice Assistance (BJA) in FY 2019 to support the Alaska rural prosecution/SAUSA project focused on enhancing state prosecution of violence against women and other crimes in Alaska Native villages; however this funding came from OVW's Rural Grant Program, not from any OVW tribal-specific programs.*

**DOJ is required to submit an annual report to Congress regarding the VAWA Tribal Consultation. The report was not submitted for 2015, 2016, 2017, and 2018. When can we expect the reports to be submitted? If the reports were submitted, where can I find the reports and the transmittal letters?**

*Response: The reports for 2015, 2016, 2017, and 2018 have been transmitted to Congress. You can find the Tribal Consultation Reports on the OVW website here: <https://www.justice.gov/ovw/tribal-consultation>. And you can see the transmittal letters on the OVW website here: <https://www.justice.gov/file/1331086/download>.*

**OVW needs to issue clear, consistent guidance on allowable uses for grant funds and change policies on certain such uses. Specific areas identified: transitional housing “relocation” requirement, providing furniture to TH participants without the requirement to return the furniture to the program, and using grant funds to support emergency services for victims and “self-care” activities for staff.**

*Response: As Jane Root noted in her testimony on the relocation requirement, it is in the Tribal Governments Program statute and not within OVW's discretion to change. Regarding furniture, OVW also*

*does not have the discretion to allow the program to give furniture purchased with grant funds to survivors when they leave the program; federal regulations governing the use of grant funds to purchase personal property require that it be used by the grant-funded project throughout its useful life and accounted for at the end of the award (close-out). Regarding emergency services and self-care for staff, these may be allowable; the grantee would need to present more specific information to their program specialist to determine if a particular activity is within the scope of the grant program and the funded project.*

**OVW funds cannot be used for substance abuse treatment. Why?**

*Response: Substance abuse treatment does not qualify as a victim service under the definition in VAWA or the Tribal Governments Program statutory purpose areas; however, grantees may partner with substance abuse treatment programs to make appropriate referrals or to tailor the victim services that they offer to meet the needs of survivors coping with substance abuse. Grantees also should look to health care or behavioral health funding for the medical/mental health aspects of these types of services, keeping in mind that VAWA funding is for core victim services and changing responses to violence against women crimes.*

**OVW Tribal Coalitions are limited to extending their grant awards for six months. This limit seems arbitrary and does not take into consideration the unique needs of individual tribal coalitions. Where did the six-month limit come from? Why?**

*Response: Because tribal coalitions receive a new award every year, providing an extension of more than six months would set them too far behind in carrying out subsequent awards. After careful consideration, OVW has amended grant award extensions for OVW-funded Tribal Coalitions.*

*Presently, each Tribal Coalition is allowed a six month extension on their current award. OVW TAD will allow an additional six-month extension, up to a 12-month extension on the entire award. The additional six month no cost extension will be issued on a case by case basis and will require working with the Grant Program Specialist to process. Tribal Coalitions should work with their program specialist and their technical assistance provider to identify ways to broaden their programming and services for member tribes to help ensure funds are used within the award period.*

**How are technical assistance providers/Contractors addressing compliance with Executive Order 13950, while still having competency working with Tribes and specialized experience?**

*Response: OVW and OVC strive to meet tribal grantees' needs for training and technical assistance from persons and entities with cultural expertise and experience working with tribes. We do not believe this goal conflicts in any way with Executive Order on Combating Race and Sex Stereotyping. (Note: Executive Order 13950 was revoked on January 20, 2021, by President Biden.)*

**Provide an update on the applications/awards under OVW's FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation.**

*Response: OVW received over 75 applications and was able to make seven awards before the end of FY 2020 for those applications that were ready for award by September 30, 2020; the remaining awards will be made as early as possible in FY 2021, taking into account the transition from DOJ's Grants Management System (GMS) to the new Justice Grants System (JustGrants). OVW expects to award all remaining carryforward funds for the Tribal Governments Program and a significant portion of the carryforward funds for the Tribal Sexual Assault Services Program (TSASP). These applications have been*



*transitioned from GMS to JustGrants, and awards will be made through JustGrants. Although OVW had hoped to issue these awards in November 2020, the process in JustGrants is taking longer than expected.*

*There seemed to be some confusion about the amount of funds remaining in FY 2020 for these awards and where it came from. The amount of funds remaining at the end of the fiscal year is a combination of carryforward (funds OVW was not able to award based on the applications received that year) and recoveries/deobligations (funds returned by prior year grantees over the course of that fiscal year). OVW had anticipated having a combination of these two types of funds totaling \$5 million for FY 2020 and allocated these funds to the COVID-19 Violence Against Women Assistance to Tribes solicitation. However, the carryforward plus recoveries/deobligations ended up coming to a little over \$4 million at the end of FY 2020, approximately \$3.6 million of which will be used for these awards to assist tribes with responding to violence against women during the pandemic. OVW received an insufficient number of applications for TSASP funding to use all of the TSASP funds allocated for this solicitation.*

*OVW provides detailed information on the allocation of tribal funds in an appendix in each year's Update Report, which is sent to tribal leaders before this annual consultation. This was Appendix C (pages 45-46) of this year's Update Report. It showed that the combination of carry forward and recoveries/deobligations for the Tribal Governments Program at the end of FY 2019 was approximately \$6.7 million. All of these funds were put toward FY 2020 awards, as shown in the table in Appendix C. As discussed in OVW's consultation reports and framing papers, OVW has not been able to award all tribal funds each year because of insufficient applications or continuation applications from current grantees with too much funding remaining on prior year awards. OVW has consulted this year on new proposals for ensuring that we do receive sufficient applications and are able to award available funds each fiscal year. After analyzing your feedback from this consultation, we will make appropriate adjustments to these proposals and then implement them, with the goal of awarding all available funds in FY 2021.*

### **Can grant timelines and project periods be extended due to COVID-19?**

*Response: OVW provided 12-month extensions to awards that were scheduled to end on 9/30/2020 pursuant to special authority provided by the Office of Management and Budget in response to the pandemic. This authority has expired now, but grantees may contact their program specialists to discuss case-by-case adjustments to project activities and timelines. OVW also extended due dates for Financial Reports and Progress Reports.*

### **Competitive grants are difficult to apply for. Some tribes struggle with writing competitive applications, developing grant budgets, getting the required application documents together, meeting application deadlines, and having adequate internet access to submit applications electronically. COVID-19 distancing measures and reduced staffing have made it even more challenging. What efforts is your office taking to assist tribes with being successful in applying for grant funds?**

*Response: OVW issued a report on our summer consultation and a framing paper for this consultation that discussed the steps we are taking to address these issues, including keeping solicitations open longer, providing templates to assist with grant writing, delaying submission of some required documents, offering planning grants with a simpler application process, and other activities to support tribal applicants, including funding experienced tribes to mentor those that have not received OVW funding in the past. In addition, applicants experiencing technology-related challenges in submitting their applications should contact OVW as early as possible for assistance with application submission, including the possibility of paper-based submission.*

**While the summer COVID application was shorter, there were still a lot of documents necessary to submit a complete application.**

*Response: In general, OVW does not have the discretion to waive or postpone submission of documents beyond the flexibilities provided in the special COVID solicitation issued this past summer. However, we are continuing to look for additional ways to simplify and streamline our application processes for tribes.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: Laura Rogers, as the leader of OVW, is a member of the Operation Lady Justice Task Force and is actively participating in the wide range of initiatives underway to carry out the requirements of the Executive Order that established the Task Force. OVW's tribal-specific grant program funding can be used and has been used to address the connection between this issue and the crimes covered by the statutes governing these programs – domestic violence, dating violence, sexual assault, stalking, and sex trafficking. Going forward, with the enactment of Savanna's Act, the statutory purpose areas for OVW's Tribal Governments Program now allow grant funds to be used for the implementation of protocols and the reporting of data related to the MMIW issue.*

## Questions for OVC

**Penal Code 647 B law must be amended so prosecution can improve. Purchasing a Native girl is a misdemeanor; therefore there is no prosecution. How can we improve Penal Code 647 B?**

*Response: OVC has no response specific to the California Penal Code. However, OVC has resources available to Tribes seeking to start, sustain, or grow their response to human trafficking. Tribes are invited to contact the OVC Human Trafficking Capacity Building Center at [contact@ovc-htcbc.org](mailto:contact@ovc-htcbc.org) or 1-844-682-0411. More information about the Center's services and tribal specific responses can be found on the Center's website at <https://htcbc.ovc.ojp.gov>. OVC also funds services for victims of human trafficking throughout the country, as well as collaborative anti-trafficking task forces, involving victim service providers and law enforcement. A list of OVC-funded services and task-forces, searchable by state, is available at <https://ovc.ojp.gov/matrix-ovcbja-funded-human-trafficking-services-grantees-and-task-forces>.*

**How are TA/Contractors addressing compliance to Executive Order 13950, while still having competency working with Tribes and specialized experience?**

*Response: OVC strives to meet tribal grantees needs for training and technical assistance from persons and entities with cultural expertise and experience working with tribes. We do not believe this goal conflicts in any way with Executive Order on Combating Race and Sex Stereotyping (Note: Executive Order 13950 was revoked by Executive Order 13985 on January 20, 2021.)*

## Questions for BJA

**Can grant timelines and project periods be extended due to COVID-19?**

*Response: Grantees who experienced project delays due to COVID should submit an extension request via JustGrants or through their federal grant manager. The grantee's extension request should describe why*

*the extension is needed, how COVID delayed their project, the current state of the project, the impact if the extension request is not approved, and include a revised time and task plan for the requested extension period. Grantees are entitled to one no-cost extension of up to 12 months, assuming the grantee has no significant performance or compliance issues, the project period has not yet expired, and the extension is for the benefit of the federal government (i.e. the funded project) and not solely for the purpose to use an obligated balance.*

*An exception to the DOJ Grants Financial Guide's extension rules apply when a grantee requests more than one extension, an extension for more than 12 months, an extension that takes the project period beyond five years, or an extension for an award that has expired regardless if it's the first extension request or not. Exceptions to the one 12-month extension policy can be requested when the following extenuating circumstances exist – natural disasters, catastrophic events; litigation, state or local legislative or regulatory schedules; delays related to research projects; and other extraordinary circumstances beyond the award recipient's control.*

**Tribes need resources to provide substance abuse treatment for victims. We cannot use our OVW and OVC grants for those costs. What resources does your agency have for tribes to help with substance abuse and behavioral health services?**

*Response: BJA has very significant levels of funding for substance abuse. This includes for Healing to Wellness Programs, Treatment Programs and Diversion programs; funding is available under both CTAS PA3, Adult Drug Courts and Veterans Treatment Courts (VTC) and the Comprehensive Opioid, Stimulants and Substance Abuse Program or (COSSAP). In FY2021, BJA received \$83 million to support drug courts including Healing to Wellness Courts, \$25 million to support VTCs and \$180 million in funds for COSSAP. In FY 2020, every tribal application under Drug Courts was funded and 92% of the tribal applications in COSSAP. BJA will be hosting tribal specific webinars for the field for both the drug court and COSSAP solicitations early in 2021.*

*Funding for COSSAP is quite broad and includes funds for prevention and education efforts, effective justice responses to those affected by substance abuse, and services for treatment and recovery from addiction. This can include law enforcement diversion from prosecution to treatment, education and prevention programs to connect law enforcement agencies with K-12 students, and embedding social services with law enforcement in order to rapidly respond to drug overdoses where children are impacted. It also supports funds for programming in jails, peer recovery and support, and support for transitional services such as housing for those with substance abuse issues.*

**Safe, non-crowded emergency housing and culturally-appropriate, Native specific shelters are desperately needed. COVID-19 has only exacerbated this need for victims served by tribal programs. What resources does your agency have that could help tribes respond to this most basic need?**

*Response: One potential source of funds is BJA's CTAS Purpose Area 4 funds for tribal justice infrastructure investments related to tribal justice. Funds can be used for both renovation of existing building and installation of modular buildings. These funds can support not just buildings for law enforcement, courts, and corrections purposes, but also for treatment facilities and transitional living facilities (halfway houses).*

*In response to feedback from the 2019 OVW consultation, BJA added domestic violence shelters, safe homes, transitional living facilities, and spaces for advocacy programs to the list of allowable funds.*

**Competitive grants are difficult to apply for. Some tribes struggle with writing competitive applications, developing grant budgets, getting the required application documents together, meeting**

**application deadlines, and having adequate internet access to submit applications electronically. COVID-19 distancing measures and reduced staffing have made it even more challenging. What efforts is your office taking to assist tribes with being successful in applying for grant funds?**

*Response: The Department offers several "Accessing Grants" trainings for tribes annually, both virtual and in person. This training includes information on preparing budgets. In addition, DOJ hosts a webinar specifically on preparing the application budget as part of the solicitation webinars for the CTAS solicitation. Due to COVID the August 2020 training was offered online only. The training was recorded and is available on [www.justice.gov/tribal](http://www.justice.gov/tribal).*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*BJA Response: BJA has a number of programs that address cold case crimes including murder. This includes cold case prosecutions and Emmett Till act, which investigates cold case murders that occurred prior to 1980 and where race is potentially a factor in the murder. Working with OVW, BJA has also funded a number of prosecutor positions to prosecute crimes, including murder, and funded the Alaska Department of Law to pursue cold case violent crimes in western Alaska, with a focus on those occurring in Alaska Native Villages.*

## Questions for OTJ

**Penal Code 647 B Law must be amended so prosecution can improve. Purchasing a Native girl is a misdemeanor; therefore there is no prosecution. How can we improve Penal Code 647 B?**

*OTJ Response: We believe this refers to California Penal Code 647(b), which makes it a misdemeanor to engage in or solicit prostitution in the State of California. However, there are a number of federal statutes that bring the full power and attention of the federal government to the fight against human trafficking. This includes the Trafficking Victims Protection Act of 2000, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Reauthorization Act of 2013, and the Justice for Victims of Trafficking Act of 2015, which among other things, added "patronizes" and "solicits" to 18 U.S.C. Section 1591(a) to facilitate prosecution of customers of sex trafficking victims.*

**Several advisory committees have been set up recently, but we are not getting much communication about what they are doing or when we can expect reports. Do you have any updates for any of the committees or Task Forces?**

*OTJ Response: The Tribal Nations Leadership Council, or TNLC, was established in 2010 and continues to meet on a monthly basis. The TNLC is composed of tribal leaders representing American Indian tribes and Alaska Native villages from regions around the country. They provide the Attorney General and other senior DOJ officials with advice, perspective, and knowledge about public safety, criminal justice, and other critical issues facing American Indians and Alaska Natives in their communities.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: In November of 2019, the Attorney General launched the DOJ national strategy to address missing and murdered Native Americans. As part of that effort, DOJ invested \$1.5 million to hire MMIP coordinators in 11 states to serve the U.S. Attorney's offices in those states. Those states are Alaska, Arizona, Montana, Oklahoma, Michigan, Utah, Nevada, Minnesota, Oregon, New Mexico, and Washington State. These coordinators are working with federal, tribal, and local agencies on developing common protocols and procedures for responding to reports of missing and murdered indigenous people. Another facet of the DOJ strategy are specialized FBI rapid deployment teams to provide the tools and resources to law enforcement in responding to reports of missing indigenous persons. Finally, DOJ is committed to performing an in-depth analysis of federally supported databases and data collection practices to identify opportunities to improve missing persons data and share the results of this analysis with our partners in this effort. The DOJ strategy involves coordination with more than 50 U.S. Attorneys on the Native American Issues Subcommittee, the FBI, and the Office of Tribal Justice, with support from the Office of Justice Programs and the Office on Violence Against Women.*

## Questions for Operation Lady Justice

**Several advisory committees have been set up recently but we are not getting much communication about what they are doing or when we can expect reports. Do you have any updates for any of the committees or Task Forces?**

*Response: While Operation Lady Justice is not an advisory committee but rather a federal Task Force, we communicate out in many ways, including press releases, consultations and listening sessions, updates on our OLJ website <https://operationladyjustice.usdoj.gov/>, and more. Our first report of activities under the Executive Order has been submitted to the White House and is available on our website [https://operationladyjustice.usdoj.gov/olj\\_year\\_one\\_report](https://operationladyjustice.usdoj.gov/olj_year_one_report). The Department of the Interior, in coordination with DOJ, is responsible for establishing the Not Invisible Commission by February 8, 2021.*

## Questions for NIJ

**Any specific studies linked to ACEs (Adverse Childhood Experiences)?**

*Response: The National Institute of Justice's (NIJ) National Baseline Study collects ACEs information from participants. For studies that have been funded by NIJ and use ACEs measures, please go to <https://nij.ojp.gov/>.*

**Any specific long term cohort studies for specific populations such as LGBTQ+?**

*Response: At this time, other than the National Baseline Study that includes adult American Indian and Alaska Native women, NIJ does not have any tribal subpopulation studies underway. For studies on specific populations studied as part of NIJ's Violence Against Women and Family Violence Research and Evaluation Program, see NIJ's Violence Against Women Compendium at <https://www.ncjrs.gov/pdffiles1/nij/223572/223572.pdf>.*

**Are you using primarily enrollment lists, or are you also expanding your generated household lists by each tribe's housing and mailing lists? Are you including only those living on the land that the tribes hold - since you are using only federally recognized land-holding tribes?**

*Response: Once a tribe has agreed to participate, the National Baseline Study research team works with the tribe to identify community households. Household lists will be developed using tribal government-approved records (e.g., mailing, housing, enrollment lists, or a combination of). Only households on recognized tribal lands will be included in the sample. Community-level sampling consists of four potential approaches. These approaches fit into two categories: 1) single-stage approaches that directly select households within a tribe and 2) two-stage approaches that select communities first and households within selected communities second. There are ten elements addressed in the four sampling options that may be used. For each selected tribe, the most optimal sampling option will be determined and implemented based on the number of communities in the tribe and the approach by which a household roster will be ascertained. If lists are not available, households will be identified and enumerated using counting and listing or map-based methods.*

**How long is the NIJ NBS training or certification for field staff?**

*Response: National Baseline Study site field staff (i.e., site coordinators, field interviewers, interpreters) must take 56 hours of training. Eight hours of online pre-training is required before staff attends a 40-hour in-person training. In-person training topics include information on the study background; the study design; protecting research participants and ensuring privacy and confidentiality; household recruitment protocols; survey administration, modes, and interviewing techniques; question-by-question review; laptop use and maintenance; crisis and distress management plans; vicarious trauma; and study documentation and administrative. Field staff is tested and must be certified before they can conduct study tasks. In addition to the 48-hours of training described above, field staff must take an additional eight hours of human subject training administered by the Collaborative Institutional Training Initiative (also referred to as the CITI Program). The CITI training provides high quality, peer-reviewed, web-based educational courses in research, ethics, regulatory oversight, responsible conduct of research, and research administration. All training is assigned and scheduled to occur as close to when data collection is scheduled to launch at each site.*

**Do you believe the National Baseline Study final report in 2024 should make it into a new/updated NIJ Research Report?**

*Response: The National Baseline Study (NBS) Technical Research Report will be a standalone publication. Given the study design is unique and has not been conducted to date, the study will not be replacing already funded and published studies. As shown, the catchment area of the NBS has never been done at the national level. Also, the survey being used is asking questions not previously asked and collected.*

**Is anyone asking parents or guardians or tribes about missing and murdered female and male and two-spirit children under age 18?**

*Response: NIJ has funded researchers from the University of Nebraska at Omaha. They are working alongside law enforcement and the Nebraska Commission on Indian Affairs to bridge gaps in reporting for missing and murdered Native American women and children in Nebraska. More information about this study can be found by going to <https://nij.ojp.gov/funding/awards/2019-75-cx-0014>. For a copy of The Nebraska State Patrol published report (May 2020) titled "LB154 Report: Prevalence of Missing Native American Women and Children in Nebraska; Barriers to Reporting and Investigating; and Opportunities for Partnership," go to [https://www.unomaha.edu/news/2020/04/img/lb154-report---5.22.20\\_final.pdf](https://www.unomaha.edu/news/2020/04/img/lb154-report---5.22.20_final.pdf).*

*Additional federal and state commissions or research on MMIP can be found at <https://operationladyjustice.usdoj.gov/sites/g/files/xyckuh281/files/media/document/oljtaskforcesfactsheet.pdf>.*

**Is there a tribe or tribal organization that is helping collect and analyze data? Is there a tribal advisory committee that is helping advise on important steps like engagement, overcoming barriers, how to analyze and present the data, etc.? Thank you!**

*Response: NIJ's statutorily mandated research on violence against Indian women (VAIW) was developed with input from a Federal Advisory Committee titled "Task Force on Research on Violence Against American Indian and Alaska Native Women." Members of the Task Force are comprised of representatives from national tribal domestic violence and sexual assault nonprofit organizations, tribal governments, and national tribal organizations. The Task Force's primary function is to provide advice and recommendations on the development and implementation of NIJ's research program and, eventually, recommendations to improve federal, state, tribal, and local responses to these crimes.*

*The Attorney General originally established the Task Force in 2008. The Task Force has been re-chartered since its inception to ensure that the Department continues to receive timely advice and recommendations during the program's implementation and execution. For more details on the Task Force, see <https://www.justice.gov/ovw/section-904-task-force>.*

*NIJ's VAIW flagship study—the National Baseline Study—is directed by NIJ with two contractors' support. American Indian Development Associates, LLC (also referred to as AIDA), is the National Baseline Study Research Contractor. Working with NIJ, AIDA works with each participating tribe to develop and execute a participatory agreement that determines the process for study parameters at the site that includes outreach strategies, communication plans, tribal approval plan(s), information sharing, data protection, field staff recruitment, stakeholder engagement, and closeout procedures. Upon agreement execution, AIDA conducts outreach and recruitment of households and study participants. AIDA is also responsible for hiring, training, and certifying field staff. AIDA has primary responsibility for launching and closing data collection at each site. RTI International (also known as RTI) is the National Baseline Study Data Center Contractor responsible for programming, issuing, and maintaining study laptops. In this role, they also assist AIDA staff with training and certifying field staff using the study laptops. During data collection, RTI provides system support to field staff and monitors data collection effort progression. RTI's key role is managing the study data to include receiving, cleaning, and preparing the data for analysis, reporting, and dissemination. Participating tribes will be invited to take part in a webinar to discuss the study's preliminary findings and how best to interpret and present the data. Tribal input will be incorporated into the final technical report to be released by NIJ.*

*In 2018, NIJ established its tribal-researcher capacity-building grants program. NIJ funds small planning grants for scientists to develop proposals for new and innovative criminal or juvenile justice research projects involving federally recognized tribes or tribal organizations. For more details, see the following for solicitations and awards.*

- *Tribal-Researcher Capacity Building Grants Solicitation, FY 2020*  
<https://nij.ojp.gov/funding/opportunities/nij-2020-17329>
- *Tribal-Researcher Capacity Building Grants Solicitation, FY 2019*  
<https://nij.ojp.gov/funding/opportunities/nij-2019-15203>

- *NIJ FY18 Tribal-Researcher Capacity Building Grants | National*  
<https://nij.ojp.gov/funding/opportunities/nij-2018-13840>

*For more information on NIJ tribal crime and justice studies and awards, go to <https://nij.ojp.gov/topics/tribal-crime-and-justice>.*

*For more details on NIJ's VAIW program of research, go to <https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-primary-data-collection>.*

**Have you thought of using Zoom meetings during COVID - ironic that US DOJ has officials that have not worn masks or avoided in-person meetings, but when it comes to continuing the baseline study cannot figure out how to continue it without in-person meetings.**

*Response: As stated in the framing paper, with guidance from the program's Task Force and other tribal stakeholders, specific protocols were developed for the National Baseline Study. Specifically, protocols on how to engage and recruit tribal nations were key areas of concern, and guidance was provided on how the study staff should contact and engage with tribes. NIJ and the NBS team are not opposed to conducting the recruitment and engagement activities virtually. However, we defer to tribal leaders to determine what is best for them, given the current circumstances, rather than deciding without consultation.*

**Can tribes tweak the studies to fit and reflect tribes' needs and a response? The study seems to be very open to respect. Tribal cultural adjustability is welcome.**

*Response: The study design is complete and finalized. The design was created in consultation with the Federal Advisory Task Force, tribal stakeholders, and tribes. Participating tribes provide input on site-specific protocols, such as determining what tribal records or lists will be used to create a site-sampling plan. Tribal partners also guide site staffing and how outreach and recruitment of households and participants will be conducted. One of the most important areas of input has to do with communication. The tribe will determine how, what, and when messaging about the study will be executed, sustained, and concluded. Participatory agreement with tribes also includes data transfer or information-sharing agreements and other authorizations, as needed.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: NIJ has funded researchers from the University of Nebraska at Omaha. They are working alongside law enforcement and the Nebraska Commission on Indian Affairs to bridge gaps in reporting for missing and murdered Native American women and children in Nebraska. More information about this study can be found by going to <https://nij.ojp.gov/funding/awards/2019-75-cx-0014>.*

*With funding from OVW, research staff from the Department of Justice's National Missing and Unidentified Person System (or NamUs) have been finishing up analyses on a project titled "Examination of Circumstances and Characteristics (or the ECCO Study)." This study aims to enhance our understanding of violent missing person (MP) and unidentified person (UP) cases in NamUs. The staff has been assessing the extent of violence in both MP and UP cases and any differences that may be found between violent and nonviolent cases. Study findings were expected to improve NamUs' data collection, improve or enhance services for law enforcement and medical examiners or coroners involved in such cases, and better serve victims, their families, and other loved ones.*



*NIJ has commissioned papers on American Indian and Alaska Native homicide and mortality data sources and statistics. The papers will provide an overview of the different data sources reporting death/mortality and homicide data, including the strengths and weaknesses of each for the data systems/sources to include the quality and reliability of death rates by race and ethnicity origin by the data source. The report will also quantify the number of American Indian and Alaska Native people (by age and sex) reported deceased and the percentage resulting from violent crime by type (gender-related, intimate partner homicide, femicide), location (nation, region, state, county) where possible, and incident characteristics (victim-offender relationship, types of weapons used), if available, for the last 20 years.*

## Questions for EOUSA

**What kind of process can be put in place to ensure the US Attorney's office (USAO) notifies the tribe when cases involving tribal victims are declined? This is a critical safety issue for victims.**

*Response: All USAOs with Indian country responsibilities have policies in place that require them to notify the tribes of any declinations regarding Indian country cases. Every year the policy is reviewed to ensure this is being done. Law enforcement or the tribal prosecutor's office is the usual contact point, not the tribal legislature.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: EOUSA serves on various working groups as part of Operation Lady Justice and the AG's Directive to develop protocols and policies to address MMIP issues. EOUSA, through the National Indian Country Training Initiative, has also developed and provided training to federal, state, and tribal law enforcement and other partners on the topic of MMIP. In addition, In a collaborative effort with BJA, EOUSA used \$1.5 million to hire 11 MMIP Coordinators that support 15 districts in 11 states. Those Coordinators and the USAOs are working to develop and implement guidelines for Law enforcement, victim services, community engagement, and media and public communication with all tribal communities – per the AG's, President's, and Congress' directive. When a missing person cases arises anywhere in the country, The USAOs, primarily through MMIP Coordinators and Tribal Liaisons, are doing three things:*

- 1. ensuring the lead law enforcement agency is aware of federal resources, such as FBI Rapid Deployment Teams;*
- 2. facilitating communication between families and NGOs with the primary law enforcement agency; and,*
- 3. when lead law enforcement agencies don't investigate, working with them to be sure they do investigate.*

## Questions for BIA

**BIA OJS has funding for Violence Against Women work. What are those funds directed toward?**

*Response: In Fiscal Year 2020 the BIA Office of Justice Services (OJS), Office of Tribal Justice Support (TJS) provided 78 prosecutor and judge positions in Indian country, provided one-on-one technical assistance to these prosecutors and judges, and provided funding to tribes to host and conduct training on the*

*implementation of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), which includes creating a strong domestic violence tribal court component. Specifically, in 2020 approximately 1,392 tribal court personnel have been trained on VAWA 2013 implementation and basic domestic violence core tribal court structure. Undeterred by COVID, OJS funded a Bay Mills Virtual 3-Day VAWA training in August 2020 where over 400 tribal court personnel were trained and 75 tribes represented.*

**Is anyone asking parents or guardians or tribes about missing and murdered female and male and two spirit children under age 18?**

*Response: The BIA OJS priorities includes cases involving missing and murdered American Indian / Alaska Native (AI/AN) persons. Law enforcement officers respond immediately and work with parents, social services, and tribes to take the initial report, initiate a search if necessary, and quickly enter information into the appropriate local, state, and FBI National Crime Information Center (NCIC) law enforcement and NamUs databases.*

*Additionally, the BIA OJS has established seven (7) cold case teams in support of the Presidential Executive Order 13898 that are staffed with law enforcement personnel. These offices will focus specifically on missing and murdered and cold cases involving AI/AN persons and are housed in the following cities: Bloomington, MN, Rapid City, SD, Billings, MT, Nashville, TN, Albuquerque, NM, Phoenix, AZ, and Anchorage, AK.*

**How many federally recognized land-holding tribes are there? Why are tribes from Hawai'i omitted?**

*Response: At present, there are 574 federally recognized American Indian and Alaska Native tribes and villages. The BIA would need more time to compile the list of how many of those currently have land held in trust. There are no federally acknowledged Tribes from/located in the State of Hawaii. The BIA appropriations are provided only for those Tribes and Tribal organizations that are federally recognized.*

**Funding and training for Law Enforcement on responding to DV/SA is lacking. What is OJS doing to improve Law Enforcement officers training on investigating domestic violence, sexual assault, and other crimes against women and children cases?**

*Response: The BIA OJS Indian Police Academy (IPA) delivers, implements, and instructs training specific to crimes against the family, more specifically domestic violence, sexual assault, and crimes against women and children. Classes consist of training that includes all aspects of officer response, interviewing, de-escalation, and crime scene management. Training delivery techniques used are classroom instruction, training videos, labs, and scenario based training.*

*Just recently within FY 2020, the IPA has implemented online training using a platform which allows all BIA law enforcement employees to receive online in-service training in the areas of crimes against women and children. Training courses in these areas are offered in several venues, for example, Basic Police and Corrections Training Programs, Department of the Interior Investigative Training Program, Criminal Investigation Training Program, and online in-service training to current law enforcement officers within the Bureau of Indian Affairs. In total for FY2020 the BIA OJS IPA trained 259 law enforcement personnel in courses that focused on improving officers' and investigators' response to domestic violence, sexual assault, and crimes against women/children cases.*

**What is OJS doing to improve response times – many areas are severely understaffed.**

*Response: The BIA OJS continues to work on recruitment and retention initiatives throughout the country to ensure adequate resources are available to provide law enforcement services. Additionally OJS utilizes*

*crime analysis and crime reduction plans to identify where and when calls for service are higher so that appropriate resources can be deployed appropriately. These plans are constructed utilizing data from the Department's Law Enforcement Incident Management and Analysis Records System (IMARS).*

**What is Interior doing to prevent domestic violence and sexual assault in tribal communities where extractive industries are operating?**

*Response: The BIA provides \$3 million to support domestic violence shelters that support Tiwahe pilot sites focused on helping to reduce violent crimes, especially in the areas of abused and murdered indigenous women and children. In FY 2020, the BIA allocated funding to Tribal programs that offered sustenance to women and children staying in shelters: the Blackfeet Nurturing Center in Montana, the Spirit Lake Homeless Shelter, and the Red Lake Equay Wiigamig Shelter. This funding helped maintain staffing and supportive services at these three facilities. For example, the Red Lake Equay Wiigamig Shelter has offered transportation, childcare, court advocacy, counseling, and shelter to more than 300 women and children who experienced violence. The Equay Wiigaming Shelter is a community-based program that builds on Tribal capacity, incorporating culture, language, and culturally relevant activities to ensure that Tribal sovereignty means something. The Tribe has a new building (Gii-Wi-Taa, Ododewisiwin, which means the Circle of Family); this new office space is where the community works to empower the women and children in a safe setting. Each site received \$75,000.*

*The BIA also provided \$3 million to support domestic violence activities. In FY 2020, the BIA provided funding to sustain 29 Tribal and 9 BIA positions that provide direct service or resources to victims and children of domestic violence. The BIA continuously works with its nationwide locations, Tribal communities, and interested stakeholders to offer training that helps Tribes address the issue of domestic violence.*

**Funding for jails is lacking. Tribes are concerned with not only keeping the jail open but also providing rehabilitation services and keeping inmates safe. What is the Bureau doing to assist tribes with funding and programming for prisoners?**

*Response: All congressional appropriated detention funding is obligated annually. The Tribal Law and Order Act of 2010 requires the BIA to submit an annual report to Congress for each fiscal year that includes: (1) the number of full-time employees of BIA and tribal governments who serve in Public Safety and Justice programs; (2) the amount of appropriations obligated for Public Safety and Justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing needs of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs.*

**Several advisory committees have been set up recently but we are not getting much communication about what they are doing or when we can expect reports. Do you have any updates for any of the committees or Task Forces?**

*Response: The Director of OJS is a member of the Operation Lady Justice Task Force established by Executive Order 13898 on November 26, 2019. The Task Force is required to develop and submit a written report regarding the activities and accomplishments of the Task Force, the status of projects the Task Force has not yet completed, and specific recommendations for future action of the Task Force within one (1) year of the establishment of the Task Force.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: In July 2020, and as part of Operation Lady Justice, the Office of Justice Services (OJS) established the first of seven teams dedicated to reviewing cold cases involving missing or murdered American Indians and Alaska Natives. The Cold Case teams are staffed by newly-appointed Criminal Investigators from the Bureau of Indian Affairs Office of Justice Services (BIA-OJS). Each office may include other partners, including tribal law enforcement, the FBI, U.S. Attorneys' Offices, and others.*

*The Cold Case Teams are located in the following locations: Bloomington, MN; Rapid City, SD; Billings, MT; Nashville, TN (opening soon); Albuquerque, NM; Phoenix, AZ; and Anchorage, AK.*

**Law Enforcement, including FBI and BIA, sexual assault investigations take a long time – often over 18 months. FBI and BIA do not regularly communicate with the tribe during this time. In the meantime, the tribe is dealing with both the victim and the offender while we are waiting to see if the investigation will result in charges. What processes can be established to do the investigation in a more timely manner and improve communication with the tribe?**

*Response: Law enforcement information sharing has expanded significantly across all levels of government, improving law enforcement's ability to detect, prevent, and act. The sharing of law enforcement information concerning a criminal investigation can be challenging and often times is limited to protect the integrity of the investigation. The BIA OJS recognizes a tribe's need to be familiar with the status of criminal investigations and provides updates when information may be safely shared.*

## Questions for ANA

**What is your agency doing to help make grants more accessible to tribes or organizations that lack grant writer or capacity to manage a federal grant?**

*Response: ANA created a new funding opportunity announcement last year, Social and Economic Development Strategies for Growing Organizations, to direct funding to tribes and Native organizations that need to enhance their internal capacity in order to improve grants and financial management, information technology infrastructure, and staff development among other things. The FOA had fewer requirements than other ANA funding announcements. ANA will issue the same opportunity in 2021.*

**What is your agency doing to help applicants, especially those in rural Alaska that may lack broadband and reliable internet access?**

*Response: ANA has developed a Grant Application Toolkit to help provide templates and guidance to help tribes improve their applications, including budget worksheets, timelines, workplans, etc. This tool kit is freely available on the ANA website at: <https://www.acf.hhs.gov/ana/training-technical-assistance/ana-application-toolkit-2020>.*

*ANA funds four regional training and technical assistance (TTA) centers that are charged with helping eligible entities develop projects and apply for ANA grants. The four regions include Eastern, Western, Alaska and Pacific Basin. Each TTA center provides Project Planning and Development (PPD) as well as Pre-Application training for applicants. These trainings, both live and available online, are free.*

*The ANA Alaska Region TTA Center conducts trainings to help Native Alaskan Villages, Tribes and organizations develop the grant writing and community planning skills to apply for funding with many different Federal agencies and foundations. Specifically, the Alaska Regional Center addresses issues with constituents having broadband capacity by mailing out materials, pre-recording trainings and having follow up calls with training attendees to mitigate internet issues. The Project Planning and Development Trainings occur in the Fall every year and cover a wide variety of topics. During this training, participants learn how to engage in a community-based project planning and development process that:*

- *Starts by defining which long-term goal the community wants to work to achieve;*
- *Identifies specific conditions in the community that stand between the community and that long-term goal;*
- *Establishes a project goal that, when accomplished, will address the community condition and move the community toward long-term goal accomplishment;*
- *Creates a project approach built on timely, targeted, indicative, and population specific objectives to accomplish the project goal; and*
- *Designs an evaluation process and sustainability strategy for measuring project outcomes and continuing those outcomes after the end of the project's funding period*

*In addition to the recorded trainings, the PPD training manual can be found at the following link:*  
<https://www.acf.hhs.gov/ana/resource/project-planning-and-development-participant-manual>

*The Pre-Application Training Manual can be found at:* <https://www.acf.hhs.gov/ana/training-technical-assistance/pre-application-training-manual>

*Trainings specific to the state of Alaska can be found at the following link:*  
<https://www.anaalaska.org/trainings-and-events>

### **What is your agency doing to ease Administrative burdens on applicants and grantees?**

*Response: Reducing the Administrative Burden for ANA Grantees:*

- *Two File Requirement – ANA has requested and granted a waiver of the Administration for Children and Families requirement for only two files to be uploaded in Grants.gov at time of application. This allows tribes without more advanced software, Adobe Pro (for example), to upload documents in several formats and not all at once. All uploaded documents, under the page limit, will be acceptable by ANA at time of application. The ACF two-file limit would remove excess files from a grant application prior to review, which penalizes the applicant that's unable to meet this requirement.*
- *Reporting Requirements – Beginning with grants awarded in FY 2020, ANA consolidated the On-Going Progress Report (OPR) and the Annual Data Report (ADR) into one reporting requirement. This also reduces the burden on ANA grantees as they now only have one report to fill out on a semi-annual basis versus three reports – two semi-annual OPRs due 30 days after the end of the reporting period and an ADR due 90 days after the reporting period ends.*

### **Does your program have any set aside funding for MMIW Initiatives?**

*MMIW Bonus Points*

*Beginning with the FY 2020 Funding Opportunity Announcement (FOA), ANA provided bonus points in its Social and Economic Development Strategies program for applications focused on activities to address Missing and Murdered Indigenous Women. In FY 2021, ANA will continue to award bonus points for applications addressing Missing and Murdered Native Americans.*

## Questions for SAMHSA

**Tribes need resources to provide substance abuse treatment for victims. We cannot use our OVW and OVC grants for those costs. What resources does your agency have for tribes to help with substance abuse and behavioral health services?**

*Response: In an effort to increase access for tribes to funding, SAMHSA has established three tribal only grant programs and created tribal set-asides and/or made tribes eligible for many of SAMHSA's discretionary grant programs.*

### *SAMHSA's Tribal Only Programs:*

- *The Tribal Behavioral Health Grant (Native Connections) is intended to reduce the impact of mental and substance use disorders and foster culturally responsive models that reduce and respond to the impact of trauma in AI/AN communities. These services target native youth through the age of 24 years. (<https://www.samhsa.gov/native-connections>)*
- *The Circles of Care Program supports children with severe emotional disturbances and their families. The primary goals of the Circles of Care grant program are to: Plan for the development of a community-based system of care model for children with mental health challenges and their families and develop local capacity and infrastructure to assist tribal communities in obtaining funding and resources to implement a system of care model to improve the mental health and wellness of their children, youth, and families. (<https://www.samhsa.gov/tribal-ttac/circles-care>)*
- *The Tribal Opioid Response Program aims to address the opioid crisis in tribal communities by increasing access to culturally appropriate and evidence-based treatment, including medication-assisted treatment using one of the three FDA-approved medications or the treatment of opioid use disorder (OUD). The intent is to reduce unmet treatment need and opioid overdose related deaths through the provision of prevention, treatment, and recovery support services for OUD and, if so desired, stimulant misuse and use disorders. (<https://attcnetwork.org/centers/national-american-indian-and-alaska-native-attc/tor-resource-page>)*

### *SAMHSA's Discretionary Grant Programs:*

- *SAMHSA continues to establish set-asides in programs to address mental health, substance abuse prevention, and substance abuse treatment. SAMHSA's tribal portfolio includes funding opportunities to support criminal justice programs, children with serious emotional disturbances, suicide prevention, HIV/AIDS, and infrastructure to support behavioral health services. Please check out SAMHSA's webpage for upcoming announcements. (<https://www.samhsa.gov/grants/grant-announcements-2021>)*
- *The Tribal Opioid Response Grant*  
<https://www.samhsa.gov/grants/grant-announcements/ti-21-007>

- *Eligibility is limited to federally recognized American Indian or Alaska Native tribe or tribal organization. Tribes and tribal organizations may apply individually, as a consortia, or in partnership with an urban Indian organization. Tribes and tribal organizations may only be included in one grant application.*
- *The program aims to address the opioid crisis in tribal communities by increasing access to culturally appropriate and evidence-based treatment, including medication-assisted treatment (MAT) using Food and Drug Administration (FDA)-approved medications for the treatment of opioid use disorder (OUD). In addition to focusing on OUD, recipients may also address stimulant misuse and use disorders, including cocaine and methamphetamine. The intent is to reduce unmet treatment need and opioid overdose-related deaths through the provision of prevention, treatment, and recovery support services for OUD and, if so desired, stimulant misuse and use disorders.*
- *The Tribal Behavioral Health Grant Program (Native Connections)*  
<https://www.samhsa.gov/native-connections>  
<https://www.samhsa.gov/grants/grant-announcements/SM-21-011>
  - *Eligibility is limited to federally recognized American Indian/Alaska Native (AI/AN) tribes, tribal organizations, Urban Indian Organizations, or consortia of tribes or tribal organizations.*
  - *The purpose of this program is to prevent suicide and substance misuse, reduce the impact of trauma, and promote mental health among American Indian/Alaska Native (AI/AN) youth through the age of 24 years.*
- *The Suicide Prevention Resource Grant*  
<https://www.samhsa.gov/grants/grant-announcements/sm-20-011>
  - *Eligible applicants include federally recognized American Indian/Alaska Native (AI/AN) tribes, tribal organizations, and Urban Indian organizations.*
  - *The purpose of this program is to build national capacity for preventing suicide by providing technical assistance, training, and resources to assist states, tribes, communities, providers, practitioners and members of the public on suicide prevention strategies and best practices to address the issue of suicide. Based on the foundation established by the National Strategy for Suicide Prevention, this Center will serve as a national center of excellence to address suicide across the country.*
- *Grants to Implement the National Strategy for Suicide Prevention*  
<https://www.samhsa.gov/grants/grant-announcements/sm-20-014>
  - *Eligible applicants include federally recognized American Indian/Alaska Native (AI/AN) tribes, tribal organizations, and Urban Indian organizations.*
  - *The purpose of this program is to support states and communities in advancing efforts to prevent suicide and suicide attempts among adults age 25 and older in order to reduce the overall suicide rate and number of suicides in the U.S. nationally. Addressing suicide prevention among adults is imperative to decreasing the nation's suicide rate.*
- *Grants to Implement Zero Suicide in Health Systems (Zero Suicide)*  
<https://www.samhsa.gov/grants/grant-announcements/sm-20-015>

- *Eligible applicants include federally recognized American Indian/Alaska Native (AI/AN) tribes, tribal organizations, Urban Indian Organizations, and consortia of tribes or tribal organizations.*
- *The Zero Suicide model is a comprehensive, multi-setting approach to suicide prevention in health systems. The purpose of this program is to implement suicide prevention and intervention programs for individuals who are 25 years of age or older. This program is designed to raise awareness of suicide, establish referral processes, and improve care and outcomes for such individuals who are at risk for suicide. Recipients will implement the Zero Suicide model throughout their health system.*
- *Garrett Lee Smith Campus Suicide Prevention Grant Program*  
<https://www.samhsa.gov/grants/grant-announcements/sm-17-003>
  - *Eligibility is statutorily limited to institutions of higher education including Tribal colleges and universities.*
  - *The purpose of this program is to develop a comprehensive, collaborative, well-coordinated, and evidence-based approach to: (1) enhance mental health services for all college students, including those at risk for suicide, depression, serious mental illness, and/or substance use disorders that can lead to school failure; (2) prevent mental and substance use disorders; (3) promote help-seeking behavior and reduce negative public attitudes; and (4) improve the identification and treatment of at-risk college students so they can successfully complete their studies. It is expected that this program will reduce the adverse consequences of serious mental illness and substance use disorders, including suicidal behavior, substance-related injuries, and school failure.*
- *Garrett Lee Smith State/Tribal Youth Suicide Prevention and Early Intervention Grant Program*  
<https://www.samhsa.gov/grants/grant-announcements/sm-19-006>
  - *Eligible applicants include federally recognized Indian tribes, tribal organizations, or an Urban Indian organization. At least six grants will be awarded to tribes/tribal organizations pending adequate application volume.*
  - *The purpose of this program is to support states and tribes with implementing youth suicide prevention and early intervention strategies in schools, educational institutions, juvenile justice systems, substance use programs, mental health programs, foster care systems, and other child and youth-serving organizations. It is expected that this program will: (1) increase the number of youth-serving organizations who are able to identify and refer youth at risk of suicide; (2) increase the capacity of clinical service providers to assess, manage, and treat youth at risk of suicide; and (3) improve the continuity of care and follow-up of youth identified to be at risk for suicide, including those who have been discharged from emergency department and inpatient psychiatric units.*

**SAMHSA's Technical Assistance to Tribes:**

- *SAMHSA has taken a number of actions to support technical assistance for tribes to address substance abuse and behavioral health needs through multiple sources. The National American Indian and Alaska Native Addiction, Prevention, and Mental Health Technology Transfer Centers provide training and technical assistance opportunities for individuals, groups, and healthcare*



professionals involved in providing prevention, mental health and substance use disorder treatment and counseling.

<https://attcnetwork.org/centers/national-american-indian-and-alaska-native-attc/home>

<https://mhntcnetwork.org/centers/national-american-indian-and-alaska-native-mhntc/home>

<https://pttcnetwork.org/centers/national-american-indian-alaska-native-pttc/home>

- SAMHSA's Tribal Training and Technical Assistance Center provides culturally appropriate training and technical assistance (TTA) to AI/AN communities to address and prevent mental and substance use disorders and suicide and to promote mental health. The TTA guides tribal infrastructure development, capacity building, and program planning and implementation.  
<https://www.samhsa.gov/tribal-ttac/tribal-training-technical-assistance>

The following are SAMHSA resources related to behavioral health and domestic violence:

- *Working at the Intersection of Intimate Partner Violence and Mental Health: Intimate Partner Violence and Mental Health Amidst the COVID-19 Crisis and Beyond* – This 1-hour session provided an overview of the impact of IPV on survivors' mental health and how survivors' safety is impacted by COVID-19 and other public crises, as well as information on how to safely inquire about IPV and link to local domestic and sexual violence advocacy resources.

<https://mhntcnetwork.org/centers/mhntc-network-coordinating-office/product/working-intersection-intimate-partner-violence>

- *TIP 25: Substance Abuse Treatment and Domestic Violence*

This document presents treatment providers with an introduction to the field of domestic violence. It gives providers useful information on the role of substance abuse in domestic violence. Useful techniques for detecting and eliciting such information are supplied, along with ways to modify treatment to ensure victims' safety and to stop the cycle of violence in both parties' lives.

[https://store.samhsa.gov/product/TIP-25-Substance-Abuse-Treatment-and-Domestic-Violence/SMA12-3390?referer=from\\_search\\_result](https://store.samhsa.gov/product/TIP-25-Substance-Abuse-Treatment-and-Domestic-Violence/SMA12-3390?referer=from_search_result)

- *Intersection of Domestic Violence or Intimate Partner Violence and Addiction*

This presentation defines domestic violence (DV) and intimate partner violence (IPV) and provide statistics on the prevalence of DV in the United States. Why do victims of violence stay in this type of relationship? Domestic violence and intimate partner violence do not discriminate between socioeconomic statuses, race, or ethnicity. Domestic violence and intimate partner violence are learned behaviors that are caused by the need for power and control over another person. Victims of DV or IPV may turn to substances to try to cope with the pain, shame and guilt. This only exacerbates the trauma because it may lead to addiction and co-occurring disorders.

<https://attcnetwork.org/centers/national-hispanic-and-latino-attc/product/intersection-domestic-violence-or-intimate>

- *Mental Health Treatment in the Context of Intimate Partner Violence*

This 1-hour session provided a framework for mental health treatment in the context of IPV, including IPV-specific treatment strategies, trauma treatment in the context of IPV, and strategies for incorporating an IPV- and trauma-informed approach.

<https://mhttcnetwork.org/centers/mountain-plains-mhttc/product/mental-health-treatment-context-intimate-partner-violence>

- *Minimizing Risk for Conflict/Coercion in Families with School-Age Children*

*This webinar provides an overview of some the risks, consequences, and intervention strategies related to a child's exposure to conflict and coercion in the home to support clinical efforts to address these situations, especially with the added challenges posed by COVID-19. A current case example in which telehealth is being used illustrates some key assessment, monitoring, and treatment tools that might help practitioners minimize or prevent the impact of these exposures. Additional practical suggestions are outlined to provide a context for encouraging family safety and well-being.*

<https://mhttcnetwork.org/centers/mhttc-network-coordinating-office/product/minimizing-risk-conflictcoercion-families-school>

- *Supporting Families of Young Children at Risk for Ongoing Domestic Violence*

*Through a case example of a family with young children who are at risk for continued experiences of domestic violence, this 1-hour webinar: discusses how to integrate a diversity and equity-informed stance that acknowledges sociocultural and historical trauma while addressing risk within families; demonstrates how to assess risk; identifies points of entry for intervention in partnership with families to prevent escalation of violence; provides practical safety strategies; reviews ways to engage in supportive conversations with parents and children about violence.*

<https://mhttcnetwork.org/centers/global-mhttc/product/supporting-families-young-children-risk-ongoing-domestic-violence>

**Competitive grants are difficult to apply for. Some tribes struggle with writing competitive applications, developing grant budgets, getting the required application documents together, meeting application deadlines, and having adequate internet access to submit applications electronically. COVID-19 distancing measures and reduced staffing have made it even more challenging. What efforts is your office taking to assist tribes with being successful in applying for grant funds?**

*Response: SAMHSA has significantly streamlined its application review process by reducing the number of questions the applicant must respond to and the application length to 10 pages. SAMHSA through the Office of Tribal Affairs and Policy has supported applicants with significant outreach and education efforts by hosting regular webinars on grant preparation, grant budget preparation, and GPRA reporting.*

*(<https://attcnetwork.org/centers/national-american-indian-and-alaska-native-attc/tor-ta-webinars>)*

*SAMHSA conducted a yearly webinar titled "Working with Tribal Communities: Developing a SAMHSA Grant Application". The purpose of this webinar was to provide information about SAMHSA's efforts to improve tribal behavioral health, simplify grant applications, and improve technical assistance; clarify what is/is not required to apply for a SAMHSA discretionary grant; how to prepare to apply for a grant; share examples of strong responses to evaluation criteria from funded applications; and discuss the SAMHSA Tribal-Only grant programs. (<https://www.samhsa.gov/sites/default/files/developing-competitive-samhsa-grant-application-12122019.pdf>)*

*SAMHSA also conducted a yearly webinar titled "Preparing a Budget for a Grant Application" for Tribal applicants. The webinar addressed how to complete the budget, how to avoid common errors in submitting the grant application, resources, and technical assistance.*

*Funding Opportunity Announcements are shared across multiple listservs from the Office of Tribal Affairs and Policy to ensure Tribes receive the information in a timely manner.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: SAMHSA aims to reduce factors that place AI/AN people at risk for violence and promote factors that protect AI/AN people from violence by addressing underlying behavioral health and substance use disorders, addressing trauma, and promoting the use of culturally relevant practices throughout SAMHSA's grant programs for tribes, technical assistance, and publications.*

*TIP 61 provides behavioral health professionals with practical guidance about Native American history, historical trauma, and critical cultural perspectives in their work with American Indian and Alaska Native clients. (<https://store.samhsa.gov/product/TIP-61-Behavioral-Health-Services-For-American-Indians-and-Alaska-Natives/SMA18-5070>)*

*The National Tribal Behavioral Health Agenda (TBHA) is collaborative tribal-federal blueprint for improving the behavioral health of American Indians and Alaska Natives. This was developed in response to calls from tribal leaders for improved collaboration with federal agencies to address the behavioral health of their communities. TBHA framework consists of five foundational elements that provide both content and direction for collaborative efforts:*

- *Focusing on healing from historical and intergenerational trauma;*
- *Using a socio-cultural-ecological approach to improving behavioral health;*
- *Ensuring support for both prevention and recovery;*
- *Strengthening behavioral health systems and related services and supports; and*
- *Improving national awareness and visibility of behavioral health issues faced by tribal communities.*
- *([https://store.samhsa.gov/product/The-National-Tribal-Behavioral-Health-Agenda/PEP16-NTBH-AGENDA?referer=from\\_search\\_result](https://store.samhsa.gov/product/The-National-Tribal-Behavioral-Health-Agenda/PEP16-NTBH-AGENDA?referer=from_search_result))*

## Questions for IHS

**Tribes need resources to provide substance abuse treatment for victims. We cannot use our OVW and OVC grants for those costs. What resources does your agency have for tribes to help with substance abuse and behavioral health services?**

*Response: Currently, more than 90% of the alcohol and substance abuse programs funded by IHS are operated directly by tribes and tribal organizations through the Indian Self-Determination and Education Assistance Act (ISDEAA). In addition, the Division of Behavioral Health manages grant programs tribes can apply for. The Substance Abuse and Suicide Prevention (SASP) program is a nationally coordinated program focused on providing substance use and suicide prevention and intervention resources for Indian Country. While not focused specifically on services for victims of violence, this program promotes the use and development of evidence-based and practice-based models for substance use treatment, prevention and aftercare. IHS is currently preparing to announce a new funding cycle for SASP later in FY21.*

**How is IHS working toward increasing the number and retention of SANE nurses at tribal facilities?**

*Response: The Indian Health Service provides forensic examiner education and training free-of-charge to any qualified nursing or medical professional serving American Indian or Alaska Native populations. Virtual course tracks are available for adult/adolescent, pediatric, and intimate partner violence forensic examination on-demand at Tribal Forensic Health Care: [www.tribalforensichealthcare.org](http://www.tribalforensichealthcare.org). The Tribal Forensic Health Care program also provides continuing education to assist forensic examiners with competency maintenance through a variety of hot topic webinars and live skill building courses throughout each year at varied locations. Between 2019 and 2020, IHS trained 617 forensic examiners which amounted to a 22% increase over the previous contract year. In addition to supporting tribal facilities by providing essential forensic examiner training, the Indian Health Service is planning important changes to the next cycle of Domestic Violence Prevention (DVP) Program grants in order to build on lessons learned and expand additional locations offering forensic services to help meet the needs of tribal communities. The FY21 funding cycle will offer a separate grant application specifically for Forensic Health Care (FHC) Services. Compared to the current DVP Program, IHS anticipates a greater number of grants awards to be made for FHC services, and an increase in the funding level of each award.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: IHS focuses on the healthcare aspects of domestic and sexual violence through prevention, education, patient screening, and increasing available trauma-informed services for identified victims, such as access to forensic examiners. Partnerships with the Office on Trafficking in Persons (OTIP) have improved response to human trafficking by creating human trafficking recognition and response education for health care providers specifically working with AI/AN people entitled "SOAR for Native Communities". The next Domestic Violence (DVP) Program funding cycle will begin later in FY21 and will encourage grantees to address issues of Missing and Murdered Indigenous People and completion of staff training on human trafficking, which is a new addition to the grant requirements from the current funding cycle.*

*IHS has designated staff to represent the agency and assist with several critical tasks on Operation Lady Justice sub-committees. Currently the HHS sub-committee on MMIP is drafting a framework that will guide collaboration of the department and Native American communities around policy, program, and supportive areas. Through coordinated efforts, Native American communities and HHS will be able to leverage existing resources and better identify necessary policy or program changes to address risks and strengthen protective factors from a public health approach. The strategic actions identified in the framework will identify multiple pathways for partnership that can be tailored to specific local needs.*

**Indian Health Service Alcohol and Substance Abuse Project – detail/comment/impact of the opioid crisis within communities and addressing violence?**

*Response: According to the Centers for Disease Control and Prevention, during 2016-2017 the rate of drug overdose deaths among the AI/AN population was reported at being above the national average. Also, during this time, AI/ANs had the second highest overdose deaths from all opioids in 2017 (15.7 deaths/100,000 pop), had the third highest overdose deaths from synthetic opioids (6.5 deaths/100,000), and had the highest rate of overdose deaths from prescription opioids (7.2 deaths/100,000). Historically, research has shown a strong correlation between substance abuse and violence.*

*IHS in the process of issuing awards for a new grant program titled the Community Opioid Intervention Pilot Projects (COIPP). The purpose of the IHS COIPP grant is to address the opioid crisis in AI/AN communities by developing and expanding community education and awareness of prevention, treatment, and/or recovery activities for opioid misuse and opioid use disorder. The intent is to increase knowledge and use of culturally appropriate interventions and to encourage an increased use of medication-assisted treatment (MAT). This program will support tribal and urban Indian communities in their effort to provide prevention, treatment, and recovery services to address the impact of the opioid crisis within their communities. IHS will award grants to tribes, tribal organizations, and Urban Indian Organizations. More information available on the website <https://www.ihs.gov/asap/coipp>.*

## Questions for HHS – FVPSA

**State coalitions receive funding from FVPSA to provide TA to programs located in their states. Tribal coalitions are excluded from FVPSA funding despite tribes frequently reporting their Tribal Coalition is the most frequently accessed and helpful TA provider available to them. What is HHS doing to ensure tribal advocacy programs and tribal coalitions have equitable access to FVPSA funds and culturally specific TA?**

*Response: FVPSA Program does not have the authority to change the statutorily mandated funding allocations required by the Family Violence Prevention and Services Act. State Domestic Violence Coalitions have been authorized by Congress to receive funding through the Family Violence Prevention and Services Act. All allocations of funding for FVPSA grantees and grant programs are authorized by Congress through the enactment of the Family Violence Prevention and Services Act and authorizing appropriation laws. Tribal Coalitions are not authorized to receive funding through the Family Violence Prevention and Services Act formula grant programs. Currently, the Violence Against Women Act has the only statutory authority to allocate funding to Tribal Coalitions.*

*Federally recognized tribes and tribal organizations are eligible to apply for federal and state FVPSA funding. As a requirement of receiving FVPSA funding, states must consult with and provide for the participation of state domestic violence coalitions, tribal coalitions and/or tribes, and other stakeholders in the planning and monitoring of distribution and administration of state FVPSA funding. This is to ensure that FVPSA funding is being distributed equitably to those who need the services in the state and to ensure the services are culturally-specific/appropriate. To learn more about the application process in a state, tribal programs can reach out to their [FVPSA state administrator](https://www.acf.hhs.gov/sites/default/files/documents/fysb/fvpsa_state_contacts_updated_06172020.pdf) ([https://www.acf.hhs.gov/sites/default/files/documents/fysb/fvpsa\\_state\\_contacts\\_updated\\_06172020.pdf](https://www.acf.hhs.gov/sites/default/files/documents/fysb/fvpsa_state_contacts_updated_06172020.pdf)) or [state domestic violence coalition](https://www.acf.hhs.gov/fysb/programs/family-violence-prevention-services/programs/state-dv) (<https://www.acf.hhs.gov/fysb/programs/family-violence-prevention-services/programs/state-dv>).*

*The FVPSA program has implemented the following measures to ensure tribal advocacy programs have equitable access to FVPSA funds and culturally specific TA:*

- In the process of developing a tribal toolkit for use by state administrators as a first step in an ongoing educational process to learn information and guidance on outreach, engagement and addressing the needs of tribes*
- Included questions in its monitoring tool to identify if a state is coordinating with tribal coalitions and/or tribes for state planning*
- Included questions in its monitoring tool to identify if a state is funding tribes*

- *Annual meetings as part of outreach and engagement with tribal grantees and state administrators. Beginning in 2021 tribal grantees will be included in the state administrator and state coalition grantee meeting.*
- *In 2019 FVPSA hosted 5 regional meetings across the nation that allowed for small group discussions among state administrators, state domestic violence coalitions, and tribal grantees.*

*The FVPSA Program has continued close communications with the grantees to learn about and lift up needs and challenges that tribes are facing nationally, and to provide training and technical assistance directly and through the National Indigenous Women's Resource Center, the Alaska Native Women's Resource Center, and StrongHearts Native Helpline.*

*In 2020, a total of \$2.26 million in discretionary funding was awarded to the National Indigenous Women's Resource Center and the Alaska Native Women's Resource Center to support training and technical assistance needs of FVPSA funded Tribal grantees.*

- *The National Indigenous Women's Resource Center serves as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women and provides technical assistance to Tribes and Tribal organizations receiving FVSPA funding. Visit [www.niwrc.org](http://www.niwrc.org) or call 1-855-649-7299 for additional information.*
- *The Alaska Native Women's Resource Center is the current statewide resource center to reduce Tribal disparities and enhance the capacity of Alaska Tribal villages and Tribal organizations to respond to family, domestic and dating violence in a culturally sensitive and effective manner. Visit [www.aknwrc.org](http://www.aknwrc.org) or call 907-328-9399 for additional information.*

*Both NIWRC and AKNWRC are active participants in the Domestic Violence Resource Network (DVRN) which is comprised of FVPSA-funded national training and technical assistance resource centers and culturally specific institutes; that coordinate technical assistance, share resources, hold cross-training; and discuss the needs of American Indian and Alaska Native Communities experiencing domestic violence.*

*For the last four years, Congress has also provided additional appropriations for the FVPSA Program to support the StrongHearts Native Helpline. StrongHearts Native Helpline is a confidential and anonymous helpline for AI/AN affected by domestic violence and dating violence. StrongHearts is currently a collaborative project of The National Domestic Violence Hotline ([www.thehotline.org](http://www.thehotline.org)) and NIWRC. Visit [www.stronghearts.org](http://www.stronghearts.org) or call 1-888-747-5707 for additional information.*

- *In July 2019, the Domestic Violence Resource Network (DVRN), comprised of FVPSA-funded national training and technical assistance resource centers and culturally specific institutes, held a two day meeting at the StrongHearts call center to learn about advocate experiences providing helpline services to Native survivors, including caller challenges and successes; explore how DVRN member organizations can support the work of StrongHearts, including problem solving and resource sharing for survivors; and discuss future opportunities for cross-training and information sharing.*

### **How are TA/Contractors addressing compliance to Executive Order 13950, while still having competency working with Tribes and specialized experience?**

*Response: Executive Order 13950 was revoked on 01/20/2021 by President Biden.*

### **Can FVPSA provide 120 notice for tribal consultation on the formula, and issue a framing paper 60 days in advance?**

*FVPSA Response: Yes, the FVPSA Program will provide 120-day notice for the virtual tribal consultation planned for 2021. Yes, the FVPSA Program will issue a framing paper 60 days in advance. This framing paper will also provide information about why the establishment of a higher minimum base award for each Tribe that applies for FVPSA funding is needed to help smaller Tribes meet the needs of 40,000 women, men, and children, at minimum, seeking their services each year.*

**Safe, non-crowded emergency housing and culturally-appropriate, Native specific shelters are desperately needed. COVID-19 has only exacerbated this need for victims served by tribal programs. What resources does your agency have that could help tribes respond to this most basic need?**

*Response: The Administration for Children and Families (ACF), Administration for Children Youth and Families (ACYF), and Family and Youth Services Bureau (FYSB) are committed to providing resources and flexibility to communities in response to the COVID-19 public health emergency and we released the FVPSA Program's Coronavirus Aid Relief and Economic Security (CARES) Act supplemental funding for FVPSA formula grantees. On May 11, 2020, ACF's Office of Grants Management released the CARES Act supplemental funding for FVPSA funded States, Tribes, and Coalitions. Each Tribe received an electronic notice of award via email. This funding provided flexibility in that Tribes could prevent, prepare for, and respond to the COVID-19 public health emergency while addressing the evolving needs of domestic violence survivors and local domestic violence programs within their communities. Allowable uses of funds included a wide range of in-scope activities including counseling, mobile advocacy, telehealth, teletherapy, peer support, shelter and temporary housing, rental assistance and nominal relocation expenses, supplies, and equipment and software to assist in carrying out remote services.*

*The FY 2020 Further Consolidated Appropriations Act included \$175 million for appropriations to the FVPSA Program, which included a \$7 million increase over the FY 2020 enacted appropriation level. Congressional Appropriations Committee Report language directed the \$7 million increase be for the purposes of supporting Native American Tribes and tribal organizations. FVPSA allocated this funding to all federally recognized Tribes that submitted an application for FVPSA funding. With the \$7 million increase, the total amount allocated to Tribes in FY 2020 was \$22,850,000.*

*To further address the housing needs and barriers within tribes and tribal communities, in FY 2021 FVPSA will provide funding for a national Capacity Building Center on Safe and Supportive Housing for Domestic Violence Survivors in Tribal Communities (Tribal Safe Housing Center). This resource center will focus on developing and delivering comprehensive training and technical assistance to enhance safe and supportive housing for survivors of domestic violence, in a culturally sensitive and relevant manner, on meeting the housing needs of American Indian/Alaska Native survivors living in tribal communities. The Center will conduct research and needs assessments on the safe housing needs for survivors in tribal communities, including homeless youth survivors, and support the development of collaboration between service organizations, technical assistance providers, and tribal, federal, state and local governmental organizations to address these identified needs. The funding opportunity announcement, HHS-2021-ACF-ACYF-EV-1945, will be published at [grants.gov](https://www.grants.gov).*

**Competitive grants are difficult to apply for. Some tribes struggle with writing competitive applications, developing grant budgets, getting the required application documents together, meeting application deadlines, and having adequate internet access to submit applications electronically. COVID-19 distancing measures and reduced staffing have made it even more challenging. What efforts is your office taking to assist tribes with being successful in applying for grant funds?**

*Response: For 36 years, the FVPSA Program has administered noncompetitive formula grants for tribes. Each year, FVPSA Program Specialists provide training and answer questions about preparing budgets, implementing program requirements, and reporting requirements for tribes. To support new tribal program staff members the FVPSA Program also provides one-one-one orientation training on FVPSA Program requirements and FVPSA Program Specialists are available for technical assistance as needed.*

**We've heard a lot of testimony from tribal leaders here and through the Operation Lady Justice tribal consultations on the crisis of Missing and Murdered Indigenous Women. What is your agency or office doing around this issue?**

*Response: To address the epidemic of MMIW, the FVPSA Program is committed to increasing training and technical assistance on violence prevention for American Indian and Alaska Natives, which also includes lifting up best practices and helping to enhance prevention programs for Tribes. For FY 2021, we will increase training, regional discussions, and information sharing on prevention programs developed by Tribes. The FVPSA Program's violence prevention training and technical assistance initiative is focused on preventing domestic violence from happening in the first place or to prevent it from continuing, as well as implementing approaches to lessen the immediate and long-term harms of partner violence. We firmly believe that federal leadership and Tribal partnerships are needed to elevate the importance of violence prevention to stem the epidemic of Missing and Murdered Indigenous Women and Children.*

*In 2019, the FVPSA Tribal Grantee meeting featured presentations and discussion on MMIW, the NamUS system, as well as prevention programs developed by Tribes. We will continue those discussions through training and virtual grantee meetings in 2021.*

*The FVPSA Program contributed to the development of ACF's MMNA framework under the leadership of Commissioner Hovland and her team. ACYF Commissioner Darling has contributed her insights and support for the full implementation of this framework. The FVPSA Program partnered with ANA to hold a webinar on the StrongHearts Native Helpline on October 22nd to share information about the availability of this important resource for American Indians and Alaska Natives experiencing domestic violence.*

*The FVPSA Program supports the National Indigenous Women's Resource Center, Alaska Native Women's Resource Center, and Strong Hearts Native Helpline's efforts to increase awareness and prevent domestic violence. They have connected the issue of MMIW with intimate partner violence and lifted up the important and sacred role of safe and healthy women in Native communities. These tribal organizations' work to increase awareness of MMIW through training, technical assistance, and resource development has been very impactful as evidenced by the high numbers of people supported, engaged, and trained.*



## Appendix 3: Consultation Participants

### Tribal Participants

NAME	TITLE	ORGANIZATION
Charlene Abrahamson	Family Services Director	Squaxin Island Tribe
Dellis M. Agard	Court Administrator, SRST Court	Standing Rock Sioux Tribe
Lee Allen	Project Manager	Administration for Native Americans
Joy Anderson	General Counsel	Association of Village Council Presidents
Heather Anderson	Assistant Program Specialist	DPS-Victims Services
Julie Andrews	Licensed Clinical Social Worker (LCSW)	Televox
Cheryl Andrews-Maltais	Chairwoman	The Wampanoag Tribe of Gay Head Aquinnah
Tammy Ashley	Director of Operations	Alaska Native Justice Center
Bernadine Atchison	Tribal Council Vice- Chair	Kenaitze Indian Tribe
Rajiv Arora	Professor	Punjab Institute of Medical Sciences
Tara Azure	Technical Assistance Coordinator	NIWRC
Curtison Badonie	Media & Communications Coordinator	Coalition to Stop Violence Against Native Women
Michelle Bailey	Planner/Advocate	Oskeh-Waepeqtah DV/SA Program/ Menominee Tribe
Jaisha Baird	Linkline Advocate	Utah Domestic Violence Coalition
Bonita Ball	EA/TA Project Coordinator	Red Wind Inc.
Rebecca Balog	SxTr Coordinator	MIWSAC
Cinnamon Bankey	Tribal Sexual Assault Services Prog TA Coordinator	MN Indian Women's Sexual Assault Coalition
Sara Barber	Executive Director	SC Coalition Against DV & SA
Amber Barcel	Public Policy Coordinator	Washington State Coalition Against Domestic Violence
Tania Bardin	Acting Director	Muscogee (Creek) Nation Family Violence Prevention
Angela Barney Nez'	Consultant	Navajo
Amber Batchelor	Program Director	Nevada Coalition End Domestic and Sexual Violence
Nita Battise	Tribal Council Secretary	Alabama-Coushatta Tribe of Texas
Jean Bearcrane	Executive Director	The Montana Native Women's Coalition
Chia Beetso	Tribal Court Specialist	Tribal Law and Policy Institute
Dawn Begay	Native American Affairs Coordinator	City of Albuquerque
Shane Begay	T/TA Program Manager	NAIHC
Sonya Begay	Executive Staff Assistant	Navajo Nation
Jill Bellefeuille	Learning and Resource Coordinator	Mending the Sacred Hoop
Dr. Christine Benally	Mom	Dine
Moroni Benally	Policy Coordinator	Restoring Ancestral Winds
Sandra Bercier	Executive Director	First Nations Women's Alliance
Jaymee Bird	Project Specialist	Ohkay Owingeh
Melissa Blasing	Program Manager	AMBER Alert in Indian Country-NCJTC

NAME	TITLE	ORGANIZATION
Angela Blount	Associate Director	Virginia Sexual and Domestic Violence Action Alliance
Beatriz Blue-Arakawa	LEFA Program Manager and Victim Advocate	Lower Elwha Klallam Tribe - Family Advocacy
Cheryl Bowie	Founder	@dreamgbutterfly botanicals
Joe Bravo	Program Manager (Contractor)	OVC HTCBC
Alane Breland	Chief Prosecutor	SRPMIC
Renae Britton	Advocate	Round Valley Indian Tribes
Donna Brown	Outreach Coordinator	Wabanaki Women's Coalition
Erick Brown	Reg. Manager	Association of American Law School
Levette Brown	Advocate	StrongHearts Native Helpline
Shannon Buchanan	Project Manager	Muscogee (Creek) Nation Family Violence Prevention
Hiedi-Beth Burns	Manager/Dual Advocate	Bad River Band of Lake Superior Chippewa
David Burrage	Chief Justice	Choctaw Nation
Alvena Bush	Councilwoman	White Mountain Apache
Deborah Bush	Program Manager	Three Sisters Program
Brandi Bynum	Lead Program Coordinator	Blue Campaign
Henry Cagey	Councilman	Lummi Nation
Diane Cabrera	Tribal Attorney	Lower Elwha Klallam Tribe
Carole Cadue-Blackwood	Education and Outreach Coordinator	The Sexual Trauma and Abuse Care Center
Debi Cain	Director	Division of Victim Services
Melanie Campos	Captain	Lummi Nation Police Department
Shanaviah Canales	Victim Services Program Manager	Little River Band of Ottawa Indians
Jade Carela	Director	Children's Advocacy Center & Legacy of Healing
Sheila Carl	Tribal Administrator	Akiak Native Community
Elizabeth Carr	Senior Native Affairs Advisor	National Indigenous Women's Resource Center
Rachel Carr	Executive Director	Uniting Three Fires Against Violence
Christina Carroll	Manager, Grant Development	Cherokee Nation
Kristy Carter	Victim Assistance Division Director	Criminal Justice Coordinating Council
Mia Carter	Youth Adviser	CHPA
Courtney Castro	Consultant	JSI Research and Training Institute, Inc.
Jordan Catlett	Cultural Outreach Specialist	South Dakota Network
Angi Cavaliere	Staff Attorney	Yurok Tribal Court
Janelle Chapin	Program Specialist	Alaska Native Women's Resource Center
A Charley	ED	CSVANW
Kristie Charlie	Tribal Administrator	Native Village of Tetlin
Chandelle Chavez	Tribal Overdose Prevention Coordinator	New Mexico Dept. of Health
Tang Cheam	Director of Information Technology	NIWRC
Tracy Chiles	Paralegal	Legal Division the Chickasaw Nation
DeeJay Chino	Field Operations Manager	American Indian Development Associates
Jan Christiansen	Executive Director	Georgia Coalition Against Domestic Violence

NAME	TITLE	ORGANIZATION
Collin Church	Board Member	Uniting Three Fires Against Violence
Chy Cilot	Healthy Relationships Advocate	APIA
Alex Cleghorn	Legal and Policy Director	Alaska
Geralyn Clendon	Community Advocate	White Mountain Apache Tribe
Erin Cleveland	Grant Writer	Nottawaseppi Huron Band of the Potawatomi
Kerri Colfer	Congressional Advocate on Native American Policy	FCNL
Pearl Gipson Collier	Section Manager	WA State Office of Crime Victims Advocacy
Drew Colling	Director of Social Change and Resilience	MCADSV
Alyssa Collyer	Victim Services Assistant	NHBP Tribal Court Victim Services
Jacci Connell	Project Coordinator	Peoria Tribe of Indians of Oklahoma
Norma Contreras	Treasurer	La Jolla Band of Luiseño Indians
Elizabeth Cook	Senior Staff Attorney	Nottawaseppi Huron Band of the Potawatomi
Melissa Cook	Intergovernmental Affairs Manager	Menominee Indian Tribe of Wisconsin
Michael Cook	Police Officer	Columbia River Inter-Tribal Police
Jack Coppedge	Assistant General Counsel	Chickasaw Nation
Patricia Courchane	Department Head	CSKT
Rachel Cox	Chief Programs Officer	NMCADV
Desiree Coyote	Family Violence Services Program Manager	Confederated Tribes of the Umatilla Indian Reservation
Amber Kanazbah Crotty	Council Delegate	Navajo Nation
Julie Curtiss	Project Manager	Suquamish Tribe
Pamela Dallas	Contracts and Grants Manager	Ak-Chin Indian Community
Cassie Dandy	Domestic Violence Relief Advocate	Confederated Tribes of Grand Ronde
Chasity Davis	PEACE Advocate	Iowa Tribe of Kansas and Nebraska
Gaelyn Davis	Program Administrator	Governor's Office Youth Faith Family
Linda Davis	Advocate	Quapaw Nation Family Services Program
Kim Day	Forensic Nursing Director	International Association of Forensic Nurses
Angela de los Santos	Domestic Violence Advocate	Morongo Band of Mission Indians
Carolyn DeFord	Trafficking Project Coordinator/MMIWP Advocate	Puyallup Tribe Community DV Advocacy Program
Raquel DeHerrera	Tribal College Campus TTA Coordinator	Red Wind Consulting, Inc.
Lulu Demantle	Grants Administrative Assistant	International Association of Forensic Nurses
Amelia Blodgett DeLaCruz	Social Services Manager	Quinault
Arealia Denby	DV/Native Homeless Advocate	X-Specially-4-U
Sally DeRoche	Self (Disabled)	Blackfeet Tribe
Sarah DeWitt	DV Shelter Coordinator/Advocate	Micmac Advocacy Center
Enola Dick	Advocate	The Confederated Tribes of the Umatilla Indian Reservation
Talia Dixon	Tribal Youth Advocate	Pauma Band of Luiseño Mission Indians
Kim Doherty	Victim Liaison	Montana Department of Corrections

NAME	TITLE	ORGANIZATION
Deborah Dotson	President	Delaware Nation
Star Downwind	Safe Harbor Case Manager	Ain Dah Yung
Julia Dreyer	Vice President, Public Policy	National Council of Urban Indian Health
Shawna Duch	Director	Cherokee Nation One Fire Victim Services
Katherine Eagle	Executive Director	Mending the Sacred Hoop TA Project
Amber Ebarb	Legislative assistant	U.S. Senate
Catherine Edwards	1st Vice President	Tlingit
Sandra Erickson	Grant Project Coordinator	IAFN
Maeke Ermarth	Self	Interested Resident
Crystal Esquivel	Program Specialist	Yakama Nation
Stacey Ettawageshik	Lead Advocate	Little Traverse Bay Bands of Odawa Indians
Tonia Evans	Volunteer	BFB
Gwynne Evans-Lomayesva	Researcher	National Congress of American Indians
Anne Falla	Victim Assistance Advocate	Confederated Tribes of Grand Ronde
Alan Faulkner	Consultant	Dot Lake Village / Faulkner Consulting
Alyxis Feltus	Coalition Director	Sacred Hoop Coalition
Stuart Fenton	SDVCJ Coordinator/Trainer	Little Traverse Bay Bands Odawa Indians
Cyndi Ferguson	Self-Governance Specialist/Policy Analyst	SENSE Incorporated
Karen Fierro	Self-Governance	Ak-Chin Indian Community
Melanie Fillmore	PhD Student Researcher	Boise State University
Sara Fisher	Domestic Violence Advocate	Taos Pueblo
Honor Fisher	Ombudsman	State of New Mexico
OJ Flores	Chief Prosecutor	Office of the Prosecutor - Pascua Yaqui Tribe of Arizona
Rafaela Flores	Deputy Court Clerk	Pascua Yaqui Tribe
Marlon Footracer	Administrative Coordinator	Tribal Law and Policy Institute
Annie Forsman Adams	Program Director	WA State Native American Coalition Against DV/SA
Yolanda Francisco-Nez	Executive Director	Restoring Ancestral Winds, Inc.
Heather Valdez Freedman	Deputy Director	Tribal Law and Policy Institute
Cat Fribley	Director of the Resource Sharing Project	RSP/ Iowa CASA
Wanda Friday	Transitional House Coordinator	Organized Village of Kake
Tito Galvez	Outreach Coordinator	Utah Legal Services
Diana Garcia	Contracts & Grants Specialist	Ak-Chin Indian Community
Teresa Garcia	Communication, Education and Outreach Coordinator	NMCADV
Jerry Gardner	Executive Director	Tribal Law and Policy Institute
Regina Gasco-Bentley	Tribal Chairperson	Little Traverse Bay Bands of Odawa Indians
Anthony Gastelum	Tribal Youth, Tribal Courts/Tribal Court Judge	Organized Village of Kate
Debra Gee	General Counsel and Executive Officer	Chickasaw Nation
Robyn George	Tribal Court Manager	Native Village of Kluti-Kaah

NAME	TITLE	ORGANIZATION
Valerie Ghahate	Program Manager	Pueblo of Zuni - New Beginning Program
Carleton Giff	Legal Aide	Gila River Ind. Comm. Office of the Prosecutor
Angel Gilberti	Program Director/Advocate	Aroostook Band of Micmacs
Elizabeth Gillette	Senator and Scholar	Columbia University, School of Social Work
LaTisha Gilmore	Office and Information Coordinator	Southwest Center for Law and Policy
Grace Goldtooth	Vice President	Lower Sioux Indian Community
Deanna Gomez	Shelter Director	Family Violence Prevention Services
Andrea Gonzales	Pascua Yaqui Tribal Council Member	Pascua Yaqui Tribe
Elizabeth Gonzales	Supervisor of Central Office; Office of the Med In	MMIW, Task Force Member
Beth Goodrich	Executive Director	Arkansas Coalition Against Domestic Violence
Elicia Goodsoldier	Children and Youth TTA Coordinator	Red Wind Consulting Inc.
Daniel Goombi	Executive Director	Midwest Native Coalition for Justice and Peace
Diane Gout	Gray O.A.K, LLC, Owner	Data Collection, Utilization, and Program Assessment
Anita Granbois	VAWA Program Manager	WA State Department of Commerce
Loni Greninger	Vice Chair/Deputy Director of Social Services	Jamestown S'Klallam Tribe
Madison Gribbon	Grant Manager	Office of the Texas Governor
Maria Guerra	Family and Social Services Director	Kenaitze Indian Tribe
Marisa Guevara-Michalski	CSO	AALS
Leanne Guy	Executive Director	Southwest Indigenous Women's Coalition
Joann H	Executive Director	Emmonak Women's Shelter
Steven Hafner	Research Scientist	University of North Texas Health Science Center
Jennifer Hale	Operations Manager	Midwest Native Coalition for Justice & Peace
April Hall	Federal Services	Chickasaw Nation Industries
Jessica Harjo	Operations Director	Tribal Law and Policy Institute
Sherrie Harris	Grant Writer	San Carlos Apache Healthcare Corporation
Shelly Harrison	Assistant General Counsel	Chickasaw Nation
Denise Harvey	Tribal Council	Confederated Tribes of Grand Ronde
Tania Harvey	Director of Tribal Engagement	Southwest Indigenous Women's Coalition - SWIWC
Debbie Hassler	Councilwoman	Cowlitz Indian Tribe
Erica Hawpetoss	Division Director	Ho-Chunk Nation Social Services - DA Division
Donita Hay	Women's Safety Program coordinator	Office of Victim services
Trittany Heggie	Peer Support Specialist	Squaxin Island Tribe DBA NWITC
Wendy Helgemo	Attorney	Big Fire Law

NAME	TITLE	ORGANIZATION
Charlieann Herkshan	Victim Advocate	Columbia River Inter Tribal Fish Commission
Al Hernandez-Santana	Public Policy Associate	NCUIH
Pamelya Herndon	Chief Executive Officer	KWH Law Center for Social Justice and Change
Stephanie Herrald	TSASP Coordinator	Sacred Heart Center
Marta Herron	OVC Program Support/Community Advocate	Tuolumne Mewuk Tribal Council Social Services Dept
Hannah Hershfield	Meetings Manager	Association of American Law Schools
John Hersrud	Director	Knik Tribe
Lisa Heth	ED	Wiconi Wawokiya, Inc.
Sarah Heuser	Prevention & Education Director	Michigan DHHS Division of Victim Services
Samantha Hickok	Kids First Manager	Pokagon Band of Potawatomi Indians
Brenda Hill	Director of TA & Training	National Indigenous Women's Resource Center
David Hill	Principal Chief	Muscogee (Creek) Nation
Jamesina Hillaire	Victim Advocate	Tulalip Tribes Legacy of Healing
Penny Hillaire	LVOC Coordinator	Lummi Victims of Crime
Hedi Hitchcock	Attorney	Pauma Band of Mission Indians
Vanessa Hofmann	DV/SA Program Coordinator	Tuolumne Band of Me-Wuk Indians
Jolene Holgate	Training and Education Director	Coalition to Stop Violence Against Native Women
Tia Holley	Board member	Alaska Native Women's Resource Center
Shannon Holsey	President	Stockbridge Munsee
Jodine Honeysett	Program Manager	Office of Crime Victims Advocacy
Lenora Hootch	Executive Director	Yup'ik Women's Coalition
Diana Horn	Executive Administrator	AURP
Joann Horn	Executive Director	Emmonak Women's Shelter
Shannon Hoshnic	Victim Advocate	SASNWNM
CC Hovie	Communications Manager	StrongHearts Native Helpline
Brianna Howell	DV/Social Services Director	Sac and Fox Nation of Missouri in KS and NE
Mary Hudetz	Journalist	Seattle Times
Devin Huffman	Admin/ Outreach Coordinator	AKNWRC
Kristine Huntsman	Attorney	Chickasaw Nation
Angelene Isaac	Victim Advocate	Tetlin Village Council
Jamie Jackson	Victim Advocate	Cahuilla Consortium
Sharissa Jackson	Tribal Council member	Organized Village of Kake
Jennifer Jacobson	Victim Witness Coordinator	Spirit Lake Tribe
Audrey Jim	Domestic Abuse Manager	Shoshone-Bannock Tribes
Cibonay Jimenez	Consultant	Self
Elisa Jimenez	Director	California Mental Health Connection
Tiffany Jiron	Advocate Coordinator	Coalition to Stop Violence Against Native Women
Andrea Johnson	Office Manager	Lummi Nation Victims of Crime
Annette Johnson	Treasurer	Chippewa

NAME	TITLE	ORGANIZATION
Pamela Johnson	Executive Director	American Indians Against Abuse Tribal Coalition
Verna Johnson	Project Manager	Inter Tribal Council of Arizona
Mary Jomia	Public Health Associate Fellow	National Council of Urban Indian Health
Sam Jordan	Director, Marketing & Communications	NamUs
Dena Joseph	Shelter Aid/Advocate	Aroostook Band of Micmacs
Paula Julian	Senior Policy Specialist	NIWRC
Lori Jump	Director	StrongHearts Native Helpline
Priscilla Kameroff	Rural Outreach Coordinator	Yupik Women's Coalition
Abigail Kamm	Family Services Specialist	Prairie Island Indian Community
Stacey Kartes	Exec. Admin. Asst.	First Nations Women's Alliance
Canolia Kaska	Domestic Violence Advocate/Manager	Havasupai tribe
Rod Kaskalla	Domestic Violence Prevention Coordinator	Rod Kaskalla
Ricky Keller	Policy Coordinator	NCUIH
Wanda Keller	Juvenile and Criminal Probation Officer	Chickasaw Nation of OK, Legal Division
Lacie Kelly	Business Services Coordinator	SCIT Behavioral Health Program
Sheryl Kelly	Executive assistant/HR	Organized Village of Kake
Kelbie Kennedy	Policy Counsel	National Congress of American Indians
Candy Keown	Communications Coordinator	Alaska Native Women's Resource Center
Jolene Keplin	Health Educator	Turtle Mountain Band of Chippewa
Lowanda Kessay	Program Coordinator	Division of Health Teen Pregnancy Prevention - AZ
Hyun-mi Kim	Equal Justice Works Fellow- Indian Child Welfare	API Legal Outreach
Martha King	President	Martha L. King, P.C.
Amy Kinzie	Program Coordinator	Pawnee Nation VAW
Jessie Kitamura	Healthy Relationships Program Coordinator/Advocate	Aleutian Pribilof Islands Association, Inc.
Laura Knapp	Community Outreach Coordinator & TTA provider	Rural Alaska Community Action Program
Danielle Knudsen	Domestic Violence Advocate	Organized Village of Kake
Hildegard Koenig	Outreach & Civil Rights Coordinator	Utah Office for Victims of Crime
Dee Koester	Executive Director	WomenSpirit Coalition
Vivian Korthuis	Chief Executive Officer	AVCP
DoraAnn Kozevnikoff	Wellness Court Director	Akiak
Jacki Kozlowski	Human Services Director	Grand Portage Human Services
Sheri Kurdakul	CEO	Victims Voice
Esther Labrado	Staff Attorney	National Congress of American Indians
Melissa LaFernier	Home Coordinator	KBIC Transitional Home
Robert LaFountain	Project Attorney	The Montana Native Women's Coalition
Terri LaFountain	Advocate	Cahuilla Consortium
Kimberly Lane	Program Coordinator	Confederated Tribes of Siletz Indian
Corinne Lange	Membership and Outreach Manager	Midwest Native Coalition for Justice and Peace

NAME	TITLE	ORGANIZATION
Carole LaPointe	Team Lead, KBIC Niimigimiwang Transitional Home	Keweenaw Bay Indian Community
Evelyn Larson	Office Manager	Bristol Bay Native Association
Jeweline Larson	Family Wellness Division Manager	Bristol Bay Native Association
Maraya Lasinsky	Campaign Coordinator	Blue Campaign
Lucy Laughter-Begay	Child Welfare Specialist	Navajo Social Work
Faith Laurence-Leslie	Pediatric Case Manager	Tsehootsooi Medical Center
Letara Lebeau	Governor's MMIP TASK FORCE Community Coordinator	Missing and Murdered Indigenous People Task Force, Northern Arapaho
Sarah Lemieux	Legislator	Ho-Chunk Nation
Peter Lengkeek	Chairman	Crow Creek Sioux Tribe
Brent Leonhard	Attorney	Umatilla
Patricia Lerma	Office Manager / Advocacy	Cahuilla Consortium Victim Advocacy Program
Katarzyna Lewczuk	PM	SelectUSA
Tonilee Lewis	Victim Advocate	Ute Mountain Ute Tribe
Brandi Liberty	Tribal Consultant	Morning Star Consultant
Shylena Lie	Maniilaq Family Crisis Center Manager	Maniilaq Family Crisis Center
Keely Linton	Executive Director	Mesa Grande Band of Mission Indians
Sirène Lipschutz	Lead Crisis Clinician	Terros Health
Natha Little Crow	Advocate	Otoe-Missouria Tribe
T. Lilly Little Water	CEO	South Carolina Indian Affairs Commission
Zynia Llamas-Hill	Program Manager- Trauma	Pascua Yaqui Tribe
Nikki Locklear	DV/SA Program Director	NC Commission of Indian Affairs
Kwis Logan	Grant Development Coordinator	Confederated Tribes of the Colville Reservation
Karen Lombri	VAWA Administrator	North Carolina Department of Public Safety
Hope MacDonald LoneTree	Legislative Staff Assistant	The Navajo Nation Council
Tammi Long	Administrative Assistant	Emmonak Women's Shelter
Darlene Lopez	Victim Witness Specialist	Fremont County, WY District Attorney Victim Witness
Gina Lopez	Rural & Indigenous Communities Specialist	Colorado Coalition Against Sexual Assault
Melissa Lopez	Domestic Violence Director	Absentee Shawnee Tribe of Oklahoma
Stephanie Lowery	Federal Grants Division Director	Oklahoma District Attorneys Council
Danielle Ludwigsen	Special Projects Assistant	Ketchikan Indian Community Social Services
Raylyne Lujan	Interim Program Director	Eight Northern Indian Pueblos Council
Rebekah Main	Tribal Child Welfare & Foster Care Specialist	TLPI Capacity Building Center for Tribes
Juana Majel-Dixon	Traditional Council Woman	Pauma Band of Luiseño Indians
Deanna Maldonado	Crime Victim Advocate	Alabama-Coushatta Tribal Police Department
Alexa Maltby	Project Manager	Association of American Law Schools



NAME	TITLE	ORGANIZATION
Kt Mandoka	Victims Advocate	Saginaw Chippewa Indian Tribe (SCIT)
Tanya Marceau	Referral Coordinator	Cowlitz Tribe
Nina Martin	Public Health Project Manager	National Indian Health Board
Hazel Martinez	Detective Sgt	Pauma/Rincon SART
Rita Martinez	Program Manager	American Indian Development Associates, LLC
Medina Matonis	Business Manager	Native Women's Society of the Great Plains
Nicole Matthews	Executive Director	Minnesota Indian Women's Sexual Assault Coalition
Shannon May	Director of Victim Services	Zero Abuse Project
Stephen Chavez Matzel	MSW, LCSW	Cahuilla Consortium
Courtney Meadows	Project Coordinator	Data Collection, Utilization, and Program Assessment
Shelley Miller	Executive Director	Native Alliance Against Violence
Marquel Musgrave	Membership and Outreach Director	Coalition to Stop Violence Against Native Women
Patti McClure	Advocate	NHBP Tribal Court Victims Services
Adam McCreary	Sr. Manager of Government Relations	Cherokee Nation
Stacy McDonald	Legal Advocate	Iowa Tribe of Oklahoma Victims Services
Ila McKay	Planning Director	Spirit Lake Tribe
Hali McKelvie	Community Outreach Specialist	Uniting Three Fires Against Violence
Jennifer McLaughlin	Self-Governance Legislative Associate	Jamestown S'Klallam Tribe
Donna McNamara	Chief Prosecutor	Suquamish Museum
Stacey McQuade-Eger	Director at King County	Confederated Salish and Kootenai Tribe
Cara McQuitty	Membership Review and Program Manager	Association of American Law Schools
Beth Meeks	Director, TA	NNEDV
David Melton	Research Assistant	American Indian Development Associates
Jenifer Metcalf	Tribal Sexual Assault Advocate	Confederated Tribes of Siletz Indians
Laura Mike	Executive Director	Navajo United Way
Cecilia Miller	Grants Director	MN Dept of Public Safety, Off. of Justice Programs
Gabrielle Mills	ANA Project Coordinator	California Indian Manpower Consortium
Mary Ann Mills	Tribal Council Member	Kenaitze Indian Tribe
Taryn Minthorn	Personal	CTUIR
Holly Mitchell	Advocacy Program Manager	Alaska Native Justice Center
Tasha Mitchell	Director	Choctaw Nation of Oklahoma
Robert Mora	Governor	Tesuque Pueblo
Anita Morales	Member At Large	Pokagon Band
Jami R. Moran	Program Director	Sault Ste. Marie Tribe of Chippewa Indians - Advocacy Resource Center
Samantha Moran	CTAS Program Director	Otoe - Missouria Tribe of Indians
LaRenda Morgan	Governmental Affairs	Cheyenne Arapaho Tribes
Kaydee Morsette	Domestic violence advocate	Chippewa Cree Tribe
Shirley Moses	Executive Director	Healing Native Hearts Coalition

NAME	TITLE	ORGANIZATION
Kelley Moulton	Researcher	University of Cape Town
Tiffany Mow	Director, Victim Services Division	National Missing and Unidentified Persons System
Debra Muir	Associate	NCJTC
Leanne Muriel	Shelter Aid Advocate	Micmac Domestic & Sexual Violence Advocacy Center
Michael Murphy	Legislative Counsel	Ho-Chunk Nation
Danielle Murrell	Warriors of Hope, Program Manager	Confederated Tribes of Grand Ronde
Jacqueline Nanouk	Elder/Legal/SART Advocate	Maniilaq
Jesse Navarro	Governmental Affairs Assistant	Tohono O'odham
Beverly Nelson	Bookkeeper/Victim Services Liaison	Strong Hearted Native Women's Coalition
Denise Nerby	Tribal Justice Department Manager	Association of Village Council Presidents
Deannah Neswood-Gishey	Executive Director	Navajo Division of Social Services
Phefelia Nez	First Lady	Navajo Nation
Sarah Nicholas	Shelter Aid Advocate	Micmac Domestic & Sexual Violence Advocacy Center
Geraldine Nicoli	Program Manager	Knik Tribe
Krista Niemczyk	Public Policy Director	California Partnership to End Domestic Violence
Kelly Njike	Project Consultant	ANA
Travis Noland	Government Relations Manager	Cherokee Nation
Sabrina Norris	Program Coordinator	Cheyenne and Arapaho
Barbara Nunn	Tribal Response Team Coordinator	Bristol Bay Native Association
Holly Oden	Resource and Information Specialist	Mending the Sacred Hoop TA Project
Debra O'Gara	Senior Policy Specialist	Alaska Native Women's Resource Center
Annette Okitkun	OVW Program Coordinator	Kotlik Traditional Council
Cora Olson	Victims Services Program Director	STOP Funding State Administrator
Carmen O'Leary	Director	Native Women's Society of the Great Plains
Germaine Omish-Lucero	Special Projects Director	Rincon Band of Luiseño Indians
Carey Onsa-Namoki	Executive Director	Hopi-Tewa Women's Coalition to End Abuse
Leslie O'Reilly	VOCA Program Specialist	Division of Victim Services
Tamani Ortiz	Victim Advocate	Santo Domingo Pueblo Office on Violence Against Women Program
Christina Otto	Clinical Therapist	Saginaw Chippewa Indian Tribe
Vanessa Owaski-Patzwald	Training Coordinator	Uniting Three Fires Against Violence
Traci Paetzel	DVSA Manager	St. Croix Tribal Health and Human Services
Jodie Palmer	Tribal Council Vice Chair	Match-E-Be-Nash-She-Wish Band of Pottawatomis
Vickie Palmer		AURP
Shiny Pandirala	Violence Prevention & Victim Services Director	Seneca-Cayuga Nation
Tor Parker	DV Community Advocate	Skokomish Tribal Nation

NAME	TITLE	ORGANIZATION
Shawn Partridge	Acting Secretary of Community and Human Services	Muscogee (Creek) Nation
Sharon Paulson-Tainter	Director	Oakwood Haven DV/SA Program
Diane Pavlat	Communications Coordinator	StrongHearts Native Helpline
Aaron Payment	Tribal Chairperson	Sault Ste. Marie Tribe of Chippewa Indians
Moriah Pease	VAWA/SASP Grants Program Manager	Utah Office for Victims of Crime
Casey Peck	Grants Contracts Coordinator	Department of Corrections, Crime Control Bureau
Kayla Pelter	Attorney	Advocacy Resource Center
Mary Peltola	Tribal Court Judge	Orutsararmut Native Council
Marilyn Peratrovich	ICWA Paralegal	Alaska Native Justice Center
Querida Perez	domestic violence advocate	Nisqually Indian Tribe
Ron Pete	Tribal Council Speaker	Little River Band of Ottawa Indians
Kristopher Peters	Chairman	Squaxin Island Tribe
Shira Phelps	Program and Policy Analyst	WI Department of Justice
Melanie Phillip	Akiak OVW Director	Akiak Native Community
Richard Pickrell	Domestic Violence Program Coordinator	Ketchikan Indian Community
Sandra Pilgrim-Lewis	Project Manager/Tribal Liaison	State of Michigan DHHS Division of Victim Services
Dee Platero	Technology Vice Chair	PANDOS (Peaceful Advocates for Native Dialogue...)
Amber Poleviyuma	Membership & Outreach Coordinator	Hopi-Tewa Women's Coalition to End Abuse
Kelsey Potdevin	Tribal Court Facilitator	Alaska Native Justice Center
Angela Pratt	Speaker/Congresswoman	Osage
Wanda Price	Prevention Coordinator	Alutiiq Tribe of Old Harbor
Alejandro Prince	Education Coordinator	Thrive Virginia Community Action Agency
Lynn Quan	SOCIAL SERVICES DIRECTOR	Ketchikan Indian Community
Laura Quasney	Program Specialist I	South Dakota Victims' Services Program
Rose Quilt	Director of Research and Policy	National Indigenous Women's Resource Center
Debra Ramirez	Project Sanctuary Shelter Coordinator	Little River Band Pomo
Veronica Ramos-Arambula	CD Counselor	Riverside San Bernardino County Indian Health Clinic
Ann Rausch	VAWA Administrator	Alaska's Council on Domestic Violence and Sexual Assault
Pauletta Red Willow	Director	Maggie's House
Rachel Reed	Victim Advocate	Sexual Assault Services of Northwest New Mexico
Tammy Rein	Program Coordinator	Ponca Tribal Victim Services
Linda Resoff	Social Services Director	Sun'aq Tribe of Kodiak
LindaLee Retka	Program Director	National American Indian Housing Council
Angela Roberts	Community and Youth Engagement Coordinator	Youth and Family Services
Antoinette Rodriguez	Program Assistant	Oglala Sioux Lakota Housing

NAME	TITLE	ORGANIZATION
Hilda Rodriguez	Clinician	Pascua Yaqui Tribe
Shannon Rodriguez	Advocate	Cahuilla Consortium
Griselda Rogers	Director	Ute Mtn Ute Tribe
Artika Roller	Executive Director	MNCASA
Shannon Romero	Vice-Chairwoman	Big Pine Paiute Tribe of the Owens Valley
Jane Root	Executive Director, Wabanaki Women's Coalition	Wabanaki
Kendra Root	Program Assistant	National Indigenous Women's Resource Center-NIWRC
Timothy Ruise	Victim Services Liaison	Strong Hearted Native Women's Coalition
Melissa Rupprecht	DV Advocate	Delaware Tribe of Indians
Laura Russell	Grant Programs Specialist for VAWA, SASP, and Rura	Oklahoma District Attorneys Council
Tammy Sagataw	Tribal Secretary-Executive Officer	Hannahville Potawatomi
Christine Sage	Chairman	Southern Ute Indian
Dorma Sahneyah	Executive Director	Hopi Tribe
Miranda Salazar	Office Administrator	ENIPC, Inc. PeaceKeepers
Stephanie Salazar	General Counsel	NM Indian Affairs Department
Shirley Sam	Victim Specialist	Koyukuk Native Village
Corinne Sams	Board of Trustees Member	Confederated Tribes of the Umatilla Indian Reservation
Chastity Sandoval	Victim/Legal Advocate	Nambe Pueblo Healthy Families Services
Blase Sands	Children's Advocate	Nambe Pueblo Healthy Family Services
Zorina Sanisya	Program Assistant	Victim Support Services
Joanna Saubel	Tribal Advocate/peer counselor	Morongo Band of Mission Indians
Wendy Schlater	Vice Chairwoman	La Jolla Band of Luiseño Indians
Kia Schmitke	ADB	YFS
Chelsa Seciwa	Project Specialist	National Criminal Justice Training Center
Lisa Serrano	Executive Director	The Bridge
Cheryl Shendo-Toya	Field Operations Manager II	AIDA
Rabinderpal Singh Singh	Field operations	Interpol International
Cherie Skonberg	Domestic Violence Advocate	Sun'aq Tribe of Kodiak
Lauren Smiley	Associate	Booz Allen Hamilton
Nancy Smit	Secretary	Nottawaseppi Huron Band of the Potawatomi
Autumn Smith	HT Case Manager II	Alaska Native Justice Center
Christine Smith	Public Policy Coordinator	California Partnership to End Domestic Violence
Cindy Smith	Chief Judge	Suquamish Tribal Court
Davina Smith	Community Engagement and Trainer	Restoring Ancestral Winds
Emma Smith	Victim Services Coordinator	RurAL CAP
James Smith	Program Manager	DOJ/OJP Fed
Bridgette Solomon	victim witness advocate	Swinomish Police Department
Diane M. Soubly	Of Counsel	Butzel Long PC
B.J. Spamer	Executive Director, NamUs Operations	National Missing and Unidentified Persons System

NAME	TITLE	ORGANIZATION
Francie Spencer	Fund Development Officer	Native Health
Bobbie Spires	Chairperson Indigenous Women's Alliance of SC	Santee Indian Organization (Santee Indian Tribe)
Kasey Starr	Domestic Violence Assistant/Advocate	Standing Rock Sioux Tribe- Tribal Court
Lisa Starr	Grants Accountant	San Pasqual Band of Mission Indians
Allison Stein	Family Service Specialist	Prairie Island Indian Community
Sunny Stevenson	Director, Federal Relations	National Council of Urban Indian Health
Misty Stewart	Program Specialist	NCEDSV
Kelly Stoner	Victim legal advocacy specialists	Tribal Law and Policy Institute
Donald Stout	Associate Administrator	Office of the Governor of Texas
Dawn Stover	Executive Director	Alliance of Tribal Coalitions to End Violence
Michaeleen Suazo	BIP	Peacekeepers
Honey Sunday	Project and Media Assistant	Coalition to Stop Violence Against Native Women
Terri Surveyor	Communications Specialist	Hopi-Tewa Women's Coalition to End Abuse
Leona Swan	Advocate	Woman's Safety
Traci Swan	Court Administrator/Magistrate	Sault Ste. Marie Chippewa Tribal Court
Heather Syrette	DVS Project Coordinator	Uniting Three Fires Against Violence
Heather Takes Horse	Executive Assistant	The Montana Native Women's Coalition
Amanda Takes War Bonnett	Public Education Specialist	Native Women's Society of the Great Plains
Debbie Tanaka	Grants Manager	Nevada Office of the Attorney General
Wyanet Tasker	Housing and Homeless Services TTA Coordinator	Red Wind Consulting, Inc.
James Taylor	Managing Attorney, Tribal Prosecutors Office	Confederated Salish and Kootenai Tribes
Sheila Taylor	Victims Advocate Specialist	Prairie Island Indian Community
Brittany Teter	TA Operations/Training Coordinator	Red Wind Consulting, Inc.
Tiana Teter	Program Specialist	Alaska Native Women's Resource Center
Abby Thoennes	Program Assistant	Tribal Law and Policy Institute
Gayle Thom	Project Director	NCVC Tribal Resource Tool
Tracie Thomas	Director of Meetings	Association of American Law Schools
Linda Thompson	OD	MIWSAC
Estelle Thomson	Tribal Court Program Director	Native Village of Paimiut
Samantha Thornsberry	Program Director	Cahuilla Band of Indians: Cahuilla Consortium
Vernita Thunder	Grant management assistant	Wind River Healthcare
Carletta Tilousi	Council Member	Havasupai Tribe
Vanessa Timmons	Executive Director	Oregon Coalition Against Domestic & Sexual Violence
Jacqueline Tirona	Program Manager	Chickasaw Nation Industries
Elizabeth Tonti	Domestic Violence Victim Advocate	Suquamish Tribe Victim Services
Heather Torres	Program Director	Tribal Law and Policy Institute
Thomas Tortez	Chairman	Torres Martinez Desert Cahuilla
Aida E Tosca	Grants Manager	MN Office of Justice Programs

NAME	TITLE	ORGANIZATION
Ofiialii Tovia	Assistant Director/DV Coordinator	Northwest Indian Treatment Center - Squaxin Island
Gena Tran	Planning and Development Administrator	Fairbanks Native Association
Tami Truett Jerue	Executive Director	Alaska Native Women's Resource Center
Charlaine Tso	Council Delegate	Navajo
Beata Tsosie-Peña	Pueblo representative	NM Governor's Task Force on MMIW
Aimee Turner	Family & Children Services Director	Delaware Tribe of Indians
Kasandra Turner	Chief	Navajo Region
Tosa Two Heart	Director of Community Behavioral Health	Great Plains Tribal Chairmen's Health Board
Sierra Valadez	VAWA Deputy Tribal Prosecutor	Lummi Nation
Joe Valandra	Executive Director	Native American Contractors Association
Heidi Vantrease	DV Program Coordinator	The Organized Village of Kake
Theressa Villa	Tribal Secretary	Pala Band of Mission Indians
Tallie Viteri	Assistant Director-Grants Administrator	Utah Office for Victims of Crime
Lando Voyles	Chief Prosecutor	Gila River Indian Community
Stephanie Wachman	CEO	I H.O.P.E.
Dorothy Wait	Director	Tolowa Dee-ni' Nation Community & Family Services
Coralette Waite	Associate General Counsel	Association of Village Council Presidents
Marisa Walton	Grant Development	Cherokee Nation Office of Grant Services
Amber Warman	TTA Program Specialist	Red Wind Consulting, Inc.
Michelle Warren	Attorney	Michelle Warren Law, LLC
Myrna Warrington	Legislator	Menominee
Angel Washington	Project Assistant	Muscogee (Creek) Nation
Nellie Wassilie	Tribal Justice Department Assistant Manager	AVCP
Rita Weeks	Court Administrator	Fort Peck
Kristin Welch	MMIW Women's Leadership Cohort Coordinator	Menikanaehkem, Inc.
Hope Wenke	Responses for Urban Natives TTA Coordinator	Red Wind Consulting, Inc.
Lydia Werito	Secretary/Notary	Hopi Tribe
Marchell Wesaw	Compliance Manager	Pokagon Band of Potawatomi Indians
Matthew West	Legal DV/SA Advocate	Shoshone-Bannock Tribes Victims Assistance Program
Makenzi Weymer	Staff Attorney	Lummi Victims of Crime
Deanna White	Tribal Administrator	Tuntutuliak Traditional Council
Hallie White	Executive Director	Southwest Center for Law and Policy
Kristy White	Assistant Victim Advocate	Quechan Victim Services Program
Trisha White	Program Manager/Advocate	CSKT Victim Assistance Program
Sunshine Whitehair	Sr. Assistant General Counsel	Gila River Indian Community
Keja Whiteman	Program Consultant/Training Technical Assistance	QHI
Kimberly Whitten	Tribal Transitional Housing Coordinator / Advocate	Iowa Tribe of Oklahoma Victim Services

NAME	TITLE	ORGANIZATION
Autumn Rose Williams	Communications Coordinator	Administration for Native Americans
Brittany Williams	Tribal Victim Advocate	Cahuilla Consortium
Lorraine Williams	Victim services	Chickasaw Nation Lighthouse Police Dept
Lucretia Williams	Victim Service Coordinator	Santa Clara Pueblo
Michael Williams	Chief	Akiak Native Community
Trish Williams	Appointed Tribal Leader	Pokagon Band of Potawatomi Indians
Karen Wilson	Victim Services Liaison	Strong Hearted Native Women's Coalition, Inc
Linsey Wingfield	VAWA Administrator/Grant Program Manager	Colorado Department of Public Safety
Terry Withrow	Health Programs & Policy Analyst	Citizen Potawatomi Nation
Michael Woestehoff	Consultant	Navajo
Tyesha Wood	Project Coordinator	AMBER Alert in Indian Country-NCJTC
Kira Woosley	Outreach & Education Specialist	Siletz CARE Program
Raven Word	Communication Specialist	Native Alliance Against Violence
Victoria Ybanez	Executive Director	Red Wind Consulting, Inc.
Ellen Yin-Wycoff	Deputy Director	National Network to End Domestic Violence (NNEDV)
Todd York	Content Director	indianz.com
Kelsen Young	Executive Director	Montana Coalition Against Domestic and Sexual Violence
Marianne Young	Domestic Violence Advocate	Native Village of Tetlin
Maude Yoyhoeoma	Director	Hopi Tribe Domestic Violence Program
Kim Zahne-Tacheene	Director of Training and TA	Hopi Tewa Women's Coalition to End Abuse

## Federal Representatives

NAME	TITLE	ORGANIZATION
Gina Allery	Deputy Director, Office of Tribal Justice	Department of Justice
Christopher Alston	Grants Administrative Specialist	Department of Justice
Jessica Andrew	Program Specialist	Department of Justice
Bronia Ashford	Chief of Tribal and Community Affairs	Department of Homeland Security
Sybil Barksdale	Executive Officer	Department of Justice
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Anne Beamon	Grant Program Specialist	Department of Justice
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Michelle Brown	Health Communications Specialists	Center for Disease Control and Prevention
Errical Bryant	Advisor	Department of Justice
Patti Buhl	MMIP Coordinator	Department of Justice
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Karla Checo	PHA	Department of Health and Human Services
Clarissa Cole	Social Worker	Department of Interior
Frances Cook	Attorney Advisor	Department of Justice
Christine (Tina) Crossland	Senior Social Science Analyst	Department of Justice
E Ingrid Cumberlandidge	Missing & Murdered Indigenous Persons Coordinator	Department of Justice
Katherine Darke	Deputy Director, Office for Victims of Crime	Department of Justice
Robert Davis	Communications Officer	Department of Justice
Shawndell Dawson	Director, Family Violence Prevention and Services	Department of Health and Human Services
Latonya Eaddy	Grant Program Specialist	Department of Justice
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Morgan Farley	Health Technician	Department of Health and Human Services
Tia Farmer	Program Manager	Department of Justice
Diana Fleming	Program Analyst	Oregon Department of Justice CVSSD
Kateri Gachupin	Staff Analyst	Department of Health and Human Services
Lori Gardner	Grants Manager	Department of Justice
JoAnn Garrison	NICS Liaison Specialist	Department of Justice
Marcia Good	Executive Director, Operation Lady Justice	Department of Justice
Erica Gourneau	IHS Forensic Nurse Consultant	Department of Health and Human Services
Briana Grant	Supervisory Special Agent	Federal Bureau of Investigation
Juli Ana Grant	Senior Policy Advisor	USDOJ, SMART
Kellie Greene	Grant Program Specialist	Department of Justice
Betsi Griffith	Associate Deputy Director	Department of Justice
Leslie Hagen	National Indian Country Training Coordinator	Department of Justice
Melissa Harrington	Lead Grant Program Specialist	Department of Justice
Jessica Hart	Director of the Office for Victims of Crime	Department of Justice



NAME	TITLE	ORGANIZATION
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Chuck Heurich	Senior Physical Scientist	Department of Justice
Deserea Jackson	Grant Management Specialist	Department of Justice
Valerie Jacobs	Fed	Department of Interior
Rebekah Jones	Grants Program Specialist	Department of Justice
Jennifer Kaplan	General Counsel	Department of Justice
Phil Keith	Director	Department of Justice
Laura Kollar	Behavioral Scientist	Department of Health and Human Services
Kenneth Le Mieux	Specialist	Department of Interior
Rachel Lentz	Economic Development Coordinator	Office of Senator Martin Heinrich
Amy Loder	Associate Director	Department of Justice
Matthew Lysakowski	Senior Advisor for Tribal Affairs	Department of Justice
Regina Madison	Sr Grant Program Specialist	Department of Justice
Nancy Mathieson	Program Specialist	Department of Health and Human Services
Taylor McConkie	Deputy Associate Attorney General	Department of Justice
Ada Melton	President, Owner	Department of Justice
Jenna Meyer	Deputy Director, OTASA	Department of Health and Human Services
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David B. Muhlhausen	Director	Department of Justice
Debra Murphy	Attorney Advisor	Department of Justice
Claire Murray	Principal Deputy Associate Attorney General	Department of Justice
Lauren Nassikas	Associate Director	Department of Justice
Kristi Naternicola	Program Manager/Liaison Specialist	Department of Justice
Jessica Neal	Program Manager	Department of Justice
Tonette Ngassa	Grants Specialist	Department of Justice
Phyllis Niolon	Senior Scientist	Department of Health and Human Services
Darla Nolan	OVW Tribal Affairs Team Lead	Department of Justice
Rod Robinson	Deputy Associate Director	Department of Interior
Luana Rodriguez	Certified Nurse-Midwife	Department of Health and Human Services
Laura L. Rogers	Principal Deputy Director	Department of Justice
Barbara Roland	Director of Behavioral Health	Department of Health and Human Services
Delight Satter	Senior Health Scientist	Department of Health and Human Services
Michelle Sauve	Executive Director	Department of Health and Human Services
Glorinda Segay	Director, Division of Behavioral Health	Department of Health and Human Services
Marnie Shields	Attorney Advisor	Department of Justice
Trent Shores	United States Attorney	Department of Justice
Benjamin Smith	Deputy Director for Intergovernmental Affairs	Department of Health and Human Services
Jared Stokes	Public Health Advisor	Department of Health and Human Services
Elizabeth Swedo	Physician	Department of Health and Human Services
Kevin Sweeney	Grants Program Specialist	Department of Justice
Kristi Synold	Management and Program Analyst	Department of Health and Human Services
Trish Thackston	Policy Advisor	Department of Justice

NAME	TITLE	ORGANIZATION
Lisa Thompson	Contracted Researcher	Department of Justice
Alec Thundercloud	Director, Office of Tribal Affairs and Policy	Department of Health and Human Services
Michael Toedt	Chief Medical Officer	Department of Health and Human Services
Eugenia Tyner-Dawson	Justice Programs Policy Coordinator	Department of Interior
Valerie Vasquez - Braun	Regional Social Worker	Department of Interior
Mary Wasaff	Management Analyst	Department of Justice
Michael Weahkee	Director	Department of Health and Human Services
Sydney West	Grants Management Specialist	Department of Justice
Emma WestRasmus	Program Manager	Department of Justice
Cedar Wilkie Gillette	US DOJ District of Oregon MMIP Coordinator	Department of Justice
Amanda Wilson	Grant Manager	Department of Justice
Ashley Wilson	Deputy Chief of Staff for Operations	Department of Justice
Judy Wolfe	Sexual Assault Care Coordinator	Department of Health and Human Services
Bill Woolf	Sr Advisor	Department of Justice
Shamier Yates	Public Health Analyst	Department of Health and Human Services
Jessie Young	Senior Counselor	Department of Interior

## Appendix 4: Consultation Agenda

Tuesday, October 27 Consultation - Day 1	
TIME	EVENT
12:00 p.m. - 6:00 p.m.	<b>Resource Room Open</b>
1:00 p.m. - 1:05 p.m.	<b>Call to Order</b> <b>Sherriann Moore</b> Deputy Director U.S. Department of Justice, Office on Violence Against Women, Tribal Affairs Division
1:05 p.m. - 1:15 p.m.	<b>Flag Ceremony and Pledge of Allegiance</b> Southern California Native Veterans Color Guard and La Jolla Band of Luiseño Indians Avellaka Program Youth
1:15 p.m. - 1:20 p.m.	<b>Traditional Opening Prayer Ceremony</b> Shelley Buck, President, Prairie Island Indian Community, Welch, MN
1:20 p.m. - 1:30 p.m.	<b>Traditional Shawl Ceremony</b> Moderated by Carey Onsaie, Hopi-Tewa Women's Coalition to End Abuse, Second Mesa, AZ  Domestic Violence: Strong Hearted Native Women's Coalition, Valley Center, CA Child/Youth Victims: Wabanaki Women's Coalition, Lincolnville, ME Elder Abuse: Uniting Three Fires Against Violence, Sault Ste. Marie, MI LGBTQ/2S Victims: Southwest Indigenous Women's Coalition, Mesa, AZ Murdered or Missing: Native Women's Society of the Great Plains, Eagle Butte, SD Sexual Assault: Women Spirit Coalition, Sequim, WA
1:30 p.m. - 1:45 p.m.	<b>Welcome &amp; Opening Remarks</b> <b>The Honorable William P. Barr</b> Attorney General U.S. Department of Justice  <b>Laura Rogers</b> Principal Deputy Director U.S. Department of Justice, Office on Violence Against Women, Tribal Affairs Division  <b>Introductions of Federal Representatives from DOJ, DOI, and DHHS</b>
1:45 p.m. - 2:15 p.m.	<b>Sovereign Tribal Leaders of the NCAI VAWA Task Force</b> Juana Majel-Dixon, Co-Chair of the NCAI VAWA Task Force Shannon Holsey, Co-Chair of the NCAI VAWA Task Force
2:15 p.m. - 3:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> Ron Pete, Little River Band of Ottawa Indians Mike Williams, Akiak Native Community
3:00 p.m. - 3:15 p.m.	<b>Break</b> Take this opportunity to visit the Resource Room for valuable information from our partners.
3:15 p.m. - 6:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> Nancy Smit, Nottawaseppi Huron Band of the Potawatomi Amber Kanazbah Crotty, Navajo Nation Carletta Tilousi, Havasupai Tribe Juana Majel-Dixon, Pauma

## Wednesday, October 28

### Consultation - Day 2

TIME	EVENT
12:00 p.m. - 6:00 p.m.	<b>Resource Room Open</b>
1:00 p.m. - 1:45 p.m.	<b>Analysis and Research on Violence Against Indian Women: An Update from the National Institute of Justice</b> <b>Christine (Tina) Crossland</b> Senior Social Science Analyst U.S. Department of Justice, National Institute of Justice, Office of Research, Evaluation, and Technology  <b>Sherriann Moore</b> Deputy Director U.S. Department of Justice, Office on Violence Against Women, Tribal Affairs Division
1:45 p.m. - 3:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> Aaron Payment, Sault Ste. Marie Tribe of Chippewa Indians Wendy Schlater, La Jolla Band of Luiseño Indians Estelle Thomson, Native Village of Paimiut
3:00 p.m. - 3:30 p.m.	<b>Break</b> Take this opportunity to visit the Resource Room for valuable information from our partners.
3:30 p.m. - 6:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> Michelle Beaudin, Lac Courte Oreilles Jane Root, Aroostook Band of Micmac on behalf of the Wabanaki Governments
4:00 p.m. - 5:00 p.m.	<b>Live Meet-n-Greet with the National Baseline Study Research Team – Ask Me Anything</b> Please visit the "Meet with NIJ" menu option on the navigation bar to participate in their virtual meet & greet!
5:00 p.m.	<b>Closing</b> Sessions are over but take your time to visit the Resource Room and Tribal Coalitions.

Thursday, October 29 Consultation - Day 3	
TIME	EVENT
12:00 p.m. - 6:00 p.m.	<b>Resource Room Open</b>
1:00 p.m. - 1:15 p.m.	<b>Opening Remarks</b> <b>Jeannie Hovland</b> Commissioner Administration for Native Americans, U.S. Department of Health and Human Services
1:15 p.m. - 3:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> Samantha Thornsberry, Cahuilla Band of Indians Germaine Omish-Lucerno, Rincon, Band of Luiseño Indians Loni Greninger, Jamestown S'Klallam Tribe Keely Linton, Mesa Grande Band of Mission Indians Henry Cagey, Lummi Nation Anita Morales, Pokagon Band
3:00 p.m. - 3:15 p.m.	<b>Break</b> Take this opportunity to visit the Resource Room for valuable information from our partners.
3:15 p.m. - 5:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> Maria Guerra, Kenaitze Indian Tribe Vivian Korthuis, Association of Village Council Presidents Catherine Edwards, Central Council Tlingit and Haida Indian Tribes of Alaska Shawn Partridge, Muscogee (Creek) Nation Cheryl Andrews-Maltais, The Wampanoag Tribe of Gay Head Aquinnah
5:00 p.m.	<b>Closing</b>

Friday, October 30 Consultation - Day 4	
TIME	EVENT
12:00 p.m. - 6:00 p.m.	<b>Resource Room Open</b>
1:00 p.m. - 1:15 p.m.	<b>Opening Remarks</b> <b>Claire Murray</b> Principal Deputy Associate Attorney General U.S. Department of Justice
1:15 p.m. - 1:20 p.m.	<b>Transitional Break</b>
1:20 p.m. - 3:40 p.m.	<b>VAW Government-to-Government Consultation Q&amp;A Session</b>
3:40 p.m. - 3:45 p.m.	<b>Closing Remarks</b> <b>Laura Rogers</b> Principal Deputy Director U.S. Department of Justice, Office on Violence Against Women, Tribal Affairs Division
3:45 p.m. - 4:05 p.m.	<b>Traditional Closing Shawl Ceremony</b> Carey Onsaie and Tribal Coalition Leadership
4:05 p.m. - 4:10 p.m.	<b>Traditional Closing Prayer Ceremony</b> Shelley Buck, President, Prairie Island Indian Community, Welch, MN
4:10 p.m. - 4:20 p.m.	<b>Retiring of the Colors</b> Retiring by Southern California Native Veterans Color Guard and La Jolla Band of Luiseño Indians



## Appendix 5: Consultation Framing Papers

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**Consultation Topic: A request for continued input on the Department of Justice's (DOJ) Office on Violence Against Women (OVW) proposal to streamline the application process for OVW's tribal-specific grant programs, as well as feedback on the COVID-19/Violence Against Women Assistance to Tribes Solicitation application process.**

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From June 30 to July 9, 2020, OVW hosted a series of four online webinars – two government-to-government consultations with tribal leaders and designated governmental representatives as well as two listening sessions with other tribal stakeholders – to solicit recommendations regarding OVW's proposal to create a streamlined application process for its tribal-specific grant programs, including administering OVW's Tribal Governments Program (i.e., Purpose Area 5) outside of DOJ's Coordinated Tribal Assistance Solicitation (CTAS). A majority of those who testified and submitted comments expressed their support for removing OVW's Tribal Governments Program (TGP) from CTAS, and suggested ways that OVW could simplify the application process for TGP and for OVW's other tribal-specific grant programs, which are already not part of CTAS.<sup>1</sup>

Based on the testimony and comments received, as well as its own experience administering tribal-specific programs, OVW has decided to solicit applications for the TGP outside of CTAS beginning in FY 2021 while continuing to consult and seek feedback on the application process for its tribal-specific programs. In addition, OVW issued a special solicitation on July 30, 2020 – titled the COVID-19/Violence Against Women Assistance to Tribes (Tribal COVID-19/VAW) solicitation – to respond to tribes' needs in responding to violence against women during the pandemic and to provide an example of a streamlined application structure that OVW could adapt for FY 2021. OVW is now requesting feedback from tribes regarding: (1) their experiences with applying to the Tribal COVID-19/VAW solicitation, and (2) any further recommendations for streamlining the application process for OVW's tribal-specific grant programs.

The Tribal COVID-19/VAW solicitation was funded with unobligated funds from two separate tribal-specific grant programs: the Tribal Governments Program (TGP) and the Tribal Sexual Assault Services Program (TSASP). The application process articulated in the Tribal COVID-19/VAW solicitation differed from standard OVW applications in several ways. First, OVW consolidated the application instructions for both TGP and TSASP into one combined solicitation. Second, applicants only had to submit a project narrative and a budget by the deadline for the application to move forward to peer review. This option was adopted so that only those applicants likely to be funded would have to submit the full set of documents that are required for award processing. Finally, the solicitation shortened and simplified the project narrative section of the application, with a simplified chart template for the "What will be done" section of the narrative.

OVW implemented these solicitation changes to expedite the disbursement of remaining FY 2020 funds to tribal communities that have been disproportionately affected by the COVID-19

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<sup>1</sup> OVW's other tribal-specific programs are the Tribal Sexual Assault Services Program, Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction, and the Tribal Domestic Violence and Sexual Assault Coalitions Program.

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## Streamlining OVW's FY 2021 Tribal Grant Application Process

*September 2020*

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pandemic. OVW is considering adapting some of these changes for FY 2021 tribal program solicitations; however, before doing so, OVW is consulting further with tribal governments on these and other strategies for increasing tribes' access to OVW grant funds. Several tribal leaders and stakeholders who testified in June and July recommended that OVW continue to consult on this subject at the 15<sup>th</sup> Annual Government-to-Government Violence Against Women Tribal Consultation. By way of this framing paper, OVW is carrying out this recommendation.

Accompanying this framing paper is a report of the testimony and recommendations received at the June/July sessions and OVW's responses to those recommendations. OVW received many excellent suggestions and plans to implement as many of the recommendations as possible. OVW is also eager to hear from tribes and tribal organizations on how the adjustments made in the Tribal COVID-19/VAW solicitation affected them. The set of specific consultation questions below are intended to help guide feedback from tribal leaders, but OVW welcomes testimony on any aspect of OVW's efforts to streamline the application process for OVW's tribal-specific programs and to increase tribal access to OVW funding.

### QUESTIONS

1. For those tribes that applied under the Tribal COVID-19/VAW solicitation, was the application easier to complete in comparison to applications for other OVW grants or other federal grants? Which parts of the solicitation or application process worked well or which did not work well? Is there any part of the prior process that you prefer?
2. OVW has already received some feedback from tribal applicants that combining two grant programs in the Tribal COVID-19/VAW solicitation was confusing and did not work well. Do tribal leaders also recommend against this approach?
3. Some tribal applicants found the chart for completing the "what will be done" section of the project narrative to be helpful, but others found it too limiting or confusing. The chart was optional but encouraged; the idea behind it was to make it easier to complete the project narrative without needing a professional grant writer to prepare the narrative. Would tribal leaders recommend continuing to give this option or making any adjustments to it? Are there other steps OVW could take to guide applicants through the application, particularly those that do not have a grant writer on staff?
4. At the June/July 2020 consultations and listening sessions, some testified that it is hard for new, smaller applicants to compete against experienced applicants. OVW is considering a short, easy application for new TGP applicants that would like to obtain a limited number of smaller awards to plan or begin to develop a project. Applying for a planning grant would not be mandatory for new applicants. New applicants could choose to apply for a planning grant or to immediately compete for a standard/larger award. Do tribes support this idea?
5. Do tribes have any additional ideas for streamlining the application process for OVW's tribal-specific grant programs or enhancing tribes' access to OVW funding, beyond those discussed here or raised in the accompanying report on the June/July consultations and listening sessions?



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**Consultation Question: Do tribes support creating a separate process under the Office on Violence Against Women's (OVW) Tribal Jurisdiction Program, in addition to the current one, to award a portion of the appropriated funds specifically for basic costs associated with the implementation of Special Domestic Violence Criminal Jurisdiction, for those tribes that are already exercising the jurisdiction?**

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## **BACKGROUND**

The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) recognized the authority of participating tribes to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit crimes of domestic violence or dating violence or violate certain protection orders in Indian country. VAWA 2013 also authorized an OVW grant program to support tribes in exercising this jurisdiction, commonly referred to as the Tribal Jurisdiction Program. These grant funds may be used to strengthen tribal criminal justice systems, provide indigent criminal defense, conduct jury trials, and provide services and applicable rights to crime victims. Congress first appropriated funds for this grant program in fiscal year (FY) 2016, allocating \$2.5 million, and increased that amount to \$4 million each year for FY 2017 through FY 2020.

In several of these fiscal years, OVW has had to extend the application deadline for this program to get more applications, and still the funding available for the program often exceeds the number of applications received. At the 2018 consultation, OVW specifically requested input on how to encourage more tribes to apply and expend unobligated funds under the program. In response to tribal leaders' testimony, OVW made a number of changes to the program, including simplifying the application, allowing grant funds to be used for minor renovations, and removing the requirement to submit and receive approval of the SDVCJ questionnaire prior to using funds to prosecute cases or incarcerate defendants. Even with these changes, OVW has had trouble attracting sufficient numbers of applicants to award all available funds for this program.

OVW has heard from tribes that are already exercising the jurisdiction that they would like to receive funding to support discrete costs such as incarceration, medical care, and indigent defense without all the trappings of a "project." Tribes that have recently planned and implemented the changes in their justice system to implement and exercise SDVCJ are unlikely to need to expend time or funds to plan and implement a grant project involving multiple tribal partners or additional changes to their code and criminal justice system. They have already completed this work. Instead, they need funds to support the exercise of the SDVCJ and technical assistance support for training and peer-to-peer networking opportunities.

To meet the needs of tribes currently exercising SDVCJ, while still funding tribes that are making changes in their justice systems to exercise SDVCJ, OVW is considering providing two different and separate application processes under the Tribal Jurisdiction Program. First would be the regular solicitation for tribes interested in comprehensive projects, and second would be a new process for tribes currently exercising SDVCJ to request financial support for anticipated costs associated with



## Potential Changes to OVW's Tribal Jurisdiction Grant Program

*September 2020*

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exercising the jurisdiction. OVW would then allocate the funds appropriated for the Tribal Jurisdiction Program depending on the number of successful applicants under the regular solicitation and the number of eligible implementing tribes that request funds for expenses associated with exercising SDVCJ. OVW is consulting with tribes to determine whether to implement this new second process under the program. OVW also is requesting tribal input on the proposed parameters of the potential separate process for implementing tribes. For example, OVW might:

- Solicit statements of interest from tribes that wish to apply for these funds and are currently exercising SDVCJ but not have an open Tribal Jurisdiction Program award.
- Invite eligible tribes to apply non-competitively for a share of available funds.
- Require only a brief project narrative and budget from the invited tribes, similar to the applications for OVW's Violence Against Women Tribal Special Assistant U.S. Attorney Program (TSAUSA).

### QUESTIONS

1. Do tribes support the concept of a separate, simplified process for awarding grants to tribes interested in funding to support expenses associated with exercising SDVCJ?
2. Do tribal leaders have any suggestions as to how OVW might administer these separate funds? Would tribal leaders support the simplified application process described above? Please keep in mind that the Tribal Jurisdiction Program statute does not authorize OVW to reimburse past expenses related to the exercise of SDVCJ, only to issue grants to tribes to cover future expenses.
3. Do tribal leaders have any additional recommendations for ensuring that all Tribal Jurisdiction Program funds are expended each year?



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## NATIONAL INSTITUTE OF JUSTICE FRAMING PAPER ON THE IMPACT OF THE COVID-19 PANDEMIC ON THE NATIONAL BASELINE STUDY

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### BACKGROUND

Congress relies on the U.S. Department of Justice (USDOJ) to conduct national-level crime, justice, and victimization studies. As the USDOJ's research and evaluation arm, the National Institute of Justice (NIJ), carries out many of the congressionally authorized studies nationwide, including those involving American Indian (AI) and Alaska Native (AN) tribes and citizens.

In 2005, Congress enacted Title IX, Section 904(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law No. 109-162 (codified at 42 U.S.C. § 3796gg-10 note), as amended by Section 907 of the Violence Against Women Reauthorization Act (VAWA), Pub. L. No. 113-4. The law authorizes NIJ, in consultation with the Office on Violence Against Women (OVW), to conduct analyses and research on violence against AI and AN women living in Indian country and AN villages. NIJ addresses this directive as a "program of research" to meet the varied study needs through multiple research projects occurring over time.

NIJ has worked extensively to obtain tribal input on this program of research through direct consultation with tribal governments and the Federal Advisory "Task Force on Research on Violence Against American Indian and Alaska Native Women" (commonly referred to as the Section 904 Task Force) created by the 2005 VAWA Reauthorization. In addition to the Section 904 Task Force, NIJ gathered input and feedback on the program from prominent researchers and experts on violence against women, indigenous research and evaluation methods and execution, and public health and safety issues in Indian Country.

### TYPES OF RESEARCH FUNDED UNDER THIS PROGRAM

NIJ's research program on Violence Against Indian Women (VAIW) began in 2007. In 2008, NIJ published the report titled, "Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known."<sup>1</sup>

NIJ's research program funds and supports three major types of scientific research—primary data collection, secondary data analysis, and evaluation. Secondary data analysis provides an opportunity to expand our understanding of the nature, consequences, and responses to violence against indigenous women by using existing data sources. The 2016 NIJ report titled "[Violence Against American Indian and Alaska Native Women and Men](#)" is an example of secondary data analysis funded under this program.

Another component of the program involves evaluation. Under this category, NIJ examines programs or interventions to enhance law enforcement, prosecutorial, and judicial responses to

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<sup>1</sup> Bachman, R., Zaykowski, H., Kallmyer, R., Poteyeva, M, and Lanier, C. (2008). Violence Against Indian and Alaska Native Women and The Criminal Justice Response: What is Known." National Institute of Justice. NCJ Number [223691](#).



violence against indigenous women and programs or interventions to improve victim engagement with the criminal justice system. An example of a study funded under this category is the University of Alaska Anchorage's Justice Center's assessment of the Village Public Safety Officer program (see <https://www.ncjrs.gov/pdffiles1/nij/grants/251890.pdf>).

The third type of research funded under this program involves primary data collection. This type of research is important because many of the data required to address topics outlined in the statute and the goals of NIJ's research program are not available from existing data systems or sources, have not been collected, or have been collected but are incomplete. An example of this type of research is the National Baseline Study (NBS), a study of health, wellness, and safety of AI and AN women living in tribal communities. NBS, which began in 2014, is the flagship of NIJ's VAIW program of research.

### **NATIONAL BASELINE STUDY (NBS)**

By design, the NBS is occurring in geographically dispersed tribal communities across the United States (lower 48 and Alaska). The study includes a tribal sampling plan for recruiting tribes and a local sampling strategy for recruiting randomly selected households, from which to invite all adult American Indian and Alaska Native women to participate in the study.

The NBS survey uses key measures contained in the Centers for Disease Control and Prevention's National Intimate Partner and Sexual Violence Survey Study. The NBS asks participants a series of questions about their health, well-being, safety, and resiliency. Questions include participants' lifetime and previous 12-month experiences with psychological aggression, coercive control and entrapment, physical violence, stalking, and sexual violence. The NBS survey includes questions about the perpetrator (race/ethnicity), where the incident took place (on/off tribal lands), was the incident reported to law enforcement, and, if not reported, why it was not reported. Importantly, these questions address questions related to criminal jurisdiction, which have not been previously studied. The survey also asks participants about the impact of their victimization and service needs, which will help address gaps in health and legal services and their respective outcomes, particularly for victims living on tribal lands.

As described, the NBS will capture significantly more information than previous studies. Once completed, the research results will provide a much more nuanced understanding of the victimization experiences of indigenous women living in tribal communities in the U.S. The NBS findings and results will inform policy, prevention, and interventions specifically for Indian country and Alaska.

### **NBS DELAYS**

In preparation for a national study, NIJ directed a research methods pilot study beginning in 2009 and ending in 2013 that involved testing different sample techniques, cognitively testing survey instruments, and assessing different modes of survey administration. This pilot study was crucial to finalizing the NBS research design and the specific tribal nation engagement and participant



recruitment protocols. Upon completion of the pilot study, NIJ procured contractors to implement the NBS starting in 2014. Those contracts were for a three-year period of performance.

The study encountered a number of unanticipated delays. Considerably more time was needed to confer with and secure tribal nation study agreements at each study site than NIJ had planned. At the same time, the coding and programming of the study survey was delayed due to software constraints and hardware capabilities. These setbacks pushed the study timeline considerably beyond the original anticipated performance period allowed by Federal procurement regulations. This required NIJ to halt study activities in 2018. NIJ immediately began to procure new contracts, and those contracts were awarded in May 2019.

NIJ wants to assure tribal leaders and stakeholders of our commitment to completing the NBS study, given the importance of the topic and the urgent need to support healthy and safe tribal communities. NIJ knows this study is required to provide a critical foundation for quantifying the magnitude of violence and victimization experienced by Native women living in tribal communities and understanding their service needs.

### **COVID-19 PANDEMIC**

The NBS tribal nation engagement protocol requires initial outreach between NIJ and tribal leaders from communities randomly selected for the study. Further discussions occur with tribal leaders and stakeholders by in-person government-to-government engagement that may involve presentations to the tribal council, study-related program staff, and tribal institutional review boards or research review boards. If tribal leaders express interest in participating, the study team works directly with the tribe to secure study approval. Tribes that wish to participate are asked to provide formal written approval that may include a tribal resolution or executive order and a memorandum of understanding or agreement that authorizes study participation. This process ensures close attention and adherence to established governance protocols for each tribal community.

NIJ and the NBS research team had planned to begin tribal nation outreach and recruitment late spring, early summer 2020; however, the COVID-19 pandemic has caused federal, state, and tribal government closures as well as travel bans. While the NBS team had plans in place for a robust schedule of site recruitment in various locations in Indian country and Alaska starting May 2020, postponement of those site visits was required by the current public health crisis.

The NBS study team has been tracking the COVID-related tribal closures since April 2020. The tracking now includes tribal re-openings, including key tribal points of contacts' employment status (terminations, layoffs, furloughs, reinstatements) to gauge the availability of tribal representatives. The study team checks tribal websites and/or makes personal phone calls to tribes without websites to inquire about restrictions on business with outside entities such as researchers. This practice helps determine the timing for starting the official outreach and



recruitment of tribes for the study. The study team also tracks each tribe's broadband and the Internet connectivity capacity and phone service to identify optimal times and platforms to support virtual communications.

NIJ is committed to ethical and engaged efforts in line with responsible research conduct and federal trust responsibilities. The federal-Indian trust doctrine makes clear the federal government's responsibility to ensure the well-being of tribes and their citizens, especially when the issues may have a substantial direct impact on them, which extends to all research and evaluation efforts. NIJ also recognizes that the COVID-19 pandemic has had a particularly devastating impact in tribal communities and is consulting with tribal leaders and stakeholders to get their input and advice on how best to move forward with this very important study. Because of the ongoing pandemic, the NIJ and NBS team are drafting new protocols regarding outreach and recruitment that ensures the protection of tribal nations, their citizens, and study staff and seek tribal input on the NBS tribal outreach, engagement, and recruitment protocols to be used during the pandemic.

### **QUESTIONS FOR DISCUSSION**

The following discussion questions seek to solicit ideas and recommendations to inform NIJ's adjustments to the NBS outreach and engagement protocols for site recruitment during the current pandemic crisis.

1. What precautions have tribal nations put in place regarding human subject research during the COVID-19 pandemic?
2. What are the challenges tribal leaders are experiencing with tribal engagement during the COVID-19 pandemic?
3. What challenges are tribal leaders experiencing using only virtual methods to communicate with other government entities and tribal citizens?
4. What are some effective ways to launch tribal outreach to recruit randomly selected tribes for the NBS during and post the COVID-19 pandemic?
5. What are some strategies for building trust with the randomly selected tribes using only virtual methods during the COVID-19 pandemic?
6. What are the best ways to collaborate with tribal communities to implement the NBS during the COVID-19 pandemic?

NOTE: This paper is not a statement of official Department policy. It is intended to provide information and suggest questions to be considered by tribal leaders and representatives as they prepare to participate at the 15<sup>th</sup> Annual Government-to-Government Violence Against Women Tribal Consultation. The Department welcomes all input from tribes on this and other matters of concern to tribal communities.





## Appendix 6: Acronyms and Definitions

ACRONYM	DEFINITION
ACF	Administration for Children and Families
AI/AN	American Indian and Alaska Native
ANJC	Alaska Native Justice Center
ANWRC	Alaska Native Women’s Resource Center
BIA	Bureau of Indian Affairs
BJA	Bureau of Justice Assistance
BOP	U.S. Bureau of Prisons
CDC	Centers for Disease Control and Prevention
CDVCJ	Certain Domestic Violence Criminal Jurisdiction
CFR	Code of Federal Regulations
COPS	Office of Community Oriented Policing Services
CTAS	Coordinated Tribal Assistance Solicitation
DoD	U.S. Department of Defense
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
FBI	Federal Bureau of Investigation
FVPSA	Family Violence Prevention and Services Act
GAO	U.S. Government Accountability Office
HHS	U.S. Department of Health and Human Services
HUD	U.S. Department of Housing and Urban Development
IHS	Indian Health Service
LGBTQ	Lesbian, gay, bisexual, transgender, and queer
MMIP	Missing or Murdered Indigenous People
MMIW	Missing or Murdered Indigenous Women
MMNA	Missing or Murdered Native Americans
NamUs	National Missing and Unidentified Persons System
NBS	National Baseline Study
NCAI	National Congress of American Indians
NIHB	National Indian Health Board
NIJ	National Institute of Justice
NIPVS	National Intimate Partner Violence and Sexual Violence Assessment
NIWRC	National Indigenous Women’s Resource Center
OIG	Office of the Inspector General
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OJS	Office of Justice Services
Oliphant Fix	In <i>Oliphant vs. Suquamish Indian Tribe</i> , the Supreme Court ruled against tribes’ criminal jurisdiction over non-Indian perpetrators of crime on tribal lands. The term “Oliphant Fix” refers to legislative proposals to reverse this decision and reaffirm tribal jurisdiction over all crimes on tribal lands.
OVC	Office for Victims of Crime
OVW	Office on Violence Against Women
P.L.	Public Law
P.L. 280	For the six states in which it applies, Public Law 83-280 limits federal authority over most major crimes on tribal lands, supplanting it with expanded state criminal jurisdiction over those crimes.

ACRONYM	DEFINITION
P.L. 638	Under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, tribes and tribal organizations can acquire increased authority over federal programs that affect tribes. The agreements that transfer this authority are called 638 contracts or compacts.
SAMHSA	Substance Abuse and Mental Health Services Administration
SAUSA	Special Assistant U.S. Attorney
SDVCJ	Special Domestic Violence Criminal Jurisdiction
SOAR	Stop, Observe, Ask and Respond Training Program
STOP	Services, Training, Officers, Prosecutors (used in the title of OVW's largest grant program, the STOP Violence Against Women Formula Grant Program, which provides funding based on population to the states, which in turn make subawards to entities within their states)
TAP	Tribal Access Program
TGP	Tribal Grants Program
TLOA	Tribal Law and Order Act
TSASP	Tribal Sexual Assault Service Program
U.S.C.	U.S. Code
VAWA	Violence Against Women Act
VOCA	Victims of Crime Act
VPSO	Village Public Safety Officer







United States Department of Justice

**Office on Violence Against Women**

*Working Together to End the Violence*

## **2021 Update on the Status of Tribal Consultation Recommendations**

*prepared for*

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

**Violence Against Women Tribal Consultation**

**Four Online Sessions**

**August 17-20, 2021, 1 pm ET**

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## Introduction

On October 27-30, 2020, the Department of Justice (DOJ) hosted its 15<sup>th</sup> annual government-to-government consultation on violence against American Indian and Alaska Native (AI/AN) women. This annual consultation is required by law to address the federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (VAWA) and its subsequent reauthorizations.<sup>1</sup> DOJ, the Department of Health and Human Services (HHS), and the Department of the Interior (DOI) received recommendations from tribal leaders on the four statutorily-mandated consultation topics:

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

In addition, DOJ's Office on Violence Against Women (OVW) asked tribal leaders for input on efforts to streamline the application process for OVW's tribal-specific grant programs, including feedback on the application process under OVW's special summer 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation. OVW also requested testimony on creating a separate application process under OVW's Tribal Jurisdiction Program for tribes already exercising special domestic violence criminal jurisdiction, and DOJ's National Institute of Justice sought input on the impact of the COVID-19 pandemic on the National Baseline Study.

The purpose of this follow-up report, also known as the Update Report, is to provide tribal leaders with a comprehensive update on activities undertaken in the past year to respond to their recommendations at the 2020 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 2020 and prior consultations; 2) a review of progress made on implementation of tribal provisions included in VAWA, as amended; and 3) an update on other DOJ activities related to combating violence against AI/AN women. It also includes an appendix (Appendix A) with information about HHS's Family Violence Prevention and Services Act (FVPSA) Program and Indian Health Service (IHS), an appendix with a table of recommendations from the 2020 consultation and brief responses (Appendix B), and two appendices with information on OVW's tribal grant funding. This Update Report is meant to be a companion to the report summarizing the proceedings of the 2020 consultation, which is available at [www.justice.gov/ovw/tribal-consultation](http://www.justice.gov/ovw/tribal-consultation).

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

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

## Part One: Detailed Responses to Selected 2020 Recommendations

This part addresses recommendations made by tribal leaders (or their designees)<sup>3</sup> at the 2020 consultation in four specific areas: 1) expansion of tribal jurisdiction over non-Indian offenders; 2) improved responses to the disappearance or murder of AI/AN people, including women and girls; 3) tribal access to crime information databases, including entry of tribal protection orders; and 4) tribal set-aside funding under the Victims of Crime Act (VOCA). Information on responses to other recommendations related to the implementation of VAWA 2005 and 2013, as well as strengthening the federal response to violence against AI/AN women, can be found in Parts Two and Three of this report. In addition, Appendix B of this report contains a table of recommendations made at the 2020 consultation with brief responses or cross-references to relevant information.

### *Expansion of Tribal Jurisdiction Over Non-Indian Offenders*

**Recommendations:** Tribal leaders recommended that federal agencies support legislation restoring tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking; they also recommended expanding protections for children and public safety personnel and ensuring inclusion of tribal nations in Alaska and Maine. Finally, for those tribes already implementing special domestic violence criminal jurisdiction (SDVCJ) under VAWA 2013, tribal leaders recommended increased funding and resources to support the costs of implementation, including detention and healthcare costs for non-Indian inmates sentenced by tribal courts.

**Response:** On March 17, 2021, President Biden issued a [Statement of Administration Policy](#) urging swift passage H.R. 1620, the Violence Against Women Reauthorization Act of 2021, noting that the bill recognizes tribal jurisdiction that will allow participating tribes to hold accountable non-native perpetrators of sexual violence, sex trafficking, domestic violence against child victims, stalking, elder abuse, and assault against law enforcement officers when they commit such crimes on tribal territory. In addition, OVW has been working with implementing tribes to ensure the Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction Program (Tribal Jurisdiction Program) is meeting their needs, including issuing a separate solicitation specifically for the costs associated with implementing the jurisdiction and a framing paper for this year's consultation regarding how best to ensure that these funds reach tribes. OVW also has met with implementing tribes to discuss the parameters of reimbursement funding for implementation costs, as proposed in H.R. 1620. Finally, to assist with the increasing needs likely to come with SDVCJ expansion, the President's FY 2022 Budget includes increased funding for OVW's Tribal Jurisdiction Program and for the Department of the Interior's (DOI) Tribal Justice Support programs at the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS), which includes training for tribal courts on SDVCJ implementation, related technical assistance on amending tribal codes, and funding for prosecutor and defender positions.

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<sup>3</sup> When describing tribal testimony and recommendations, this report uses "tribal leaders" to refer to testimony and recommendations submitted by tribal leaders or their authorized designees.



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

**Recommendations:** Tribal leaders recommended that federal agencies coordinate across departments to increase support for tribal responses to missing or murdered AI/AN women and girls and, in consultation with tribal nations, to increase the response of state governments, where appropriate, to such cases. Specifically, they recommended increased support for tribally based victim advocacy services, as well as counseling for children and family members, burial assistance, and community healing. They also recommended that DOJ and DOI develop guidelines and protocols for interjurisdictional collaboration appropriate to the disappearance or murder of indigenous people, including improved data collection, support full implementation of Savanna's Act and the Not Invisible Act, and ensure that the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives (also known as Operation Lady Justice or the OLJ Task Force) is working with tribal domestic violence and sexual assault coalitions and advocates in carrying out its work.

**Response:** In April 2021, DOI and DOJ [announced](#) coordination to establish a joint Commission on reducing violent crime against American Indians and Alaska Natives, as required by the Not Invisible Act. The Commission must be composed of at least 27 federal, tribal, and other non-federal members who represent diverse experiences, backgrounds, and geography, and who are able to provide balanced points of view regarding the duties of the Commission. Many of the federal entities serving on the OLJ Task Force also are to be represented on the Commission, along with tribal, state, and local law enforcement, different types of service providers, tribal judges and other officials, survivors of human trafficking, and family members of missing or murdered Indian people. The Commission will hold hearings, take testimony, and receive evidence to develop recommendations for the federal government to combat violent crime against Indians and within Indian lands, including responses to instances of missing persons, murder, and human trafficking.

DOJ also has taken several steps to implement Savanna's Act. First, OVW has ensured that all materials related to this annual consultation under VAWA have included the consultation topics added by Savanna's Act – enhancing the safety of Indian women from homicide and improving access to local, regional, state, and federal crime information databases and criminal justice information systems. Second, in June 2021, DOJ held two tribal consultations on how to further improve tribal data relevance and access to databases, as directed by Savanna's Act. The framing paper for these consultations provided background information on federal databases and a series of specific questions for tribal leaders' consideration.

Further, to specifically address the training requirements set out in Savanna's Act, DOJ's National Indian Country Training Initiative (NICTI) developed a multiprong approach, short webinars, multiday webinars, and written products. Because of the global pandemic, all training offered by the NICTI since mid-March 2020 has been virtual, and it is provided free of charge to participants. The NICTI advertises the MMIP training via email using a database of names and email addresses collected over time. The NICTI also sends all training announcements and registration links to the following: MMIP coordinators, tribal liaisons, law enforcement coordinators and victim witness coordinators in the USAOs, training contacts for the FBI, USMS and BIA, Department funded Indian country training and technical assistance providers, program

managers and policy advisors in Department components with Indian country programs, and the Executive Director of OLJ. Each of these contacts are requested to forward the training announcement to their constituent list, thereby ensuring that each training announcement is sent out to thousands of criminal justice and social service personnel working in or with tribal communities. Additional information about the NICTI's MMIP training and related resources is provided in Part Three of this report.

Finally, OVW's FY 2021 solicitations for the Grants to Indian Tribal Governments Program and the Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program included the new purpose areas add by Savanna's Act related to law enforcement policies, protocols, and training regarding cases of missing or murdered Indians and data collection and reporting related to missing or murdered Indians.

On May 4, 2021, President Biden issued [A Proclamation on Missing and Murdered Indigenous Persons Awareness Day, 2021](#), stating this his "Administration is fully committed to working with Tribal Nations to address the disproportionately high number of missing or murdered Indigenous people, as well as increasing coordination to investigate and resolve these cases and ensure accountability." He further committed to addressing the underlying causes behind those numbers, including sexual and domestic violence, other types of violent crime, systemic racism, and economic disparities, and noted that federal partnerships to address missing and murdered American Indians and Alaska Natives will be governed by respect for tribal sovereignty and self-determination.

In addition to a series of listening sessions and tribal consultations throughout 2020, the OLJ Task Force is coordinating with state and tribal task forces, met with the DOJ Tribal Nations Leadership Council, and held listening sessions with grassroots organizations, including tribal coalitions, and with AI/AN LGBTQ+ and Two-Spirit communities and organizations working with and supporting these communities. A federal data discussion and listening session on strategies for improving data collection, analysis, use, and communication related to missing or murdered indigenous persons took place on July 27, 2021.

The Task Force website (<https://operationladyjustice.usdoj.gov/>) is full of the types of resources requested by tribal leaders at the 2020 VAWA consultation. These include fact sheets on [emergency alerts](#) for missing persons and [federal funding opportunities](#) – including those that can support the range of services tribes recommended, as well as [two issues](#) of the DOJ Journal of Federal Law and Practice dedicated to this subject, with articles on legal and practical issues. The website also contains [transcripts, notes, written comments, and recordings](#) of listening sessions and consultations held to date, as well as a [recording](#) of a May 2021 training for tribal law enforcement on volunteer engagement and the Unresolved Cases Technical Assistance Project.

### ***Improving Tribal Access to National Databases, Including Entry of Tribal Protection Orders***

**Recommendation:** Tribal leaders recommended building awareness of the Department's Tribal Access Program for National Crime Information (TAP) and encouraging tribes to participate in

TAP, ensure that their protection orders meet the requirements for full faith and credit, and enter those orders into the National Crime Information Center (NCIC) directly and independently of any state.

**Background:** DOJ launched TAP in August 2015 and has expanded the program yearly to provide tribes access to national crime information databases for federally authorized criminal justice and non-criminal justice purposes. TAP allows participating federally recognized tribes to more effectively serve and protect their communities by helping apprehend fugitives, register convicted sex offenders, enforce domestic violence protection orders, and protect children. TAP-LIGHT provides software that enables both query and entry access to national crime information databases, such as NCIC, for criminal justice agencies, including police departments, prosecutors, criminal courts, jails, and probation departments. TAP-FULL, in addition to the basic access capabilities of TAP-LIGHT, provides a kiosk workstation that is capable of processing finger and palm prints, taking mugshots, and submitting information to FBI Criminal Justice Information Services (CJIS) systems. TAP-FULL enables tribal officials to submit and query fingerprint-based transactions via FBI's Next Generation Identification (NGI) system for both criminal justice and non-criminal justice purposes. There are 98 Tribes participating in TAP, providing access to over 330 tribal government agencies.

Collaboration with DOI's BIA is also critical to filling criminal justice information sharing gaps. The BIA's OJS is now a partner in TAP. Although TAP kiosk deployment was delayed in FY 2020 due to the COVID-19 pandemic, TAP deployment at BIA OJS sites is resuming. Once fully deployed, BIA OJS will have over 30 TAP kiosks deployed at various locations across Indian country, which will serve over 50 tribes.

**Response:** DOJ raises awareness of TAP through its publicly available website (<https://www.justice.gov/tribal/tribal-access-program-tap>) and by providing speakers to regional and national events, publicizing the announcements of TAP application periods, and using distribution lists to reach federally recognized tribes.

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

TAP continues to be available to tribes that have an agency for which there is a federal law authorizing access, including those in PL-280 states such as Alaska. Authorized criminal justice agencies include law enforcement with arrest powers, corrections, criminal courts, probation, parole, pretrial services, and prosecution; authorized non-criminal justice agencies include sex offender registries, civil courts, Head Start, human resources, social services, child support enforcement, and social services. The key is for an interested tribe to review the worksheet

available on the TAP website setting forth the federal legal authorities for which TAP may be utilized and decide if the program would benefit the tribe.

TAP is co-managed by DOJ's Office of the Chief Information Officer (OCIO) and Office of Tribal Justice (OTJ) and is currently funded by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office), the Office of Community Oriented Policing Services (COPS Office), the Office for Victims of Crime (OVC), and OVW, but lacks a permanent authorization of appropriations from Congress. The Department continues to advocate for permanent funding for TAP, as well as working closely with partners to expand the program and increase the services offered.

TAP is currently soliciting applications from tribes. The FY 2021 TAP application period is July 1 – August 31, 2021. For more information on TAP, including how to apply, visit [www.justice.gov/tribal/tribal-access-program-tap](http://www.justice.gov/tribal/tribal-access-program-tap).

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

**Recommendations:** Tribal leaders stated that OVC's FY 2020 solicitation for the tribal set aside under VOCA reflected the concerns and recommendations raised by tribal leaders, including moving forward with formula distribution for this funding. Tribal leaders recommended that OVC continue to consult with tribal nations to improve distributions of set-aside funds and use a tribally based view of what constitutes activities that will improve services to victims of crime, recognizing that tribes must have flexibility to address the unique needs of their communities. They also recommended extending the project period for set-aside awards to four years.

**Response:** In response to tribal consultations and listening sessions, in which tribal leaders expressed a strong preference that the VOCA tribal set-aside funding be distributed via a formula rather than a competitive program, the Department implemented an interim formula grant program for disbursing tribal set-aside funds in FY 2020. Under the FY 2020 Tribal Victim Services Set-Aside (TVSSA) Formula Program, the Department made 133 awards, totaling over \$112.9 million, to over 200 tribes and tribal consortia. The purpose of the program is to improve services for victims of crime in tribal communities. OVC established a dedicated Tribal Division to ensure appropriate staffing to implement the TVSSA Formula Program and serve OVC's tribal grantees.

After consultation with tribal leaders in November 2020, OVC retained many of the features of the FY 2020 set-aside formula program, including noncompetitive distribution of set-aside funds based on population; a two-phase process that allows OVC to calculate grant awards based on the number of tribes that intend to apply; a self-determined project period of 12-60 months; and self-certification of tribal population numbers based on the population the tribe intends to serve under the set-aside grant program. All federally recognized tribes were eligible to apply for FY 2021 set-aside formula funding regardless when they last received set-aside awards, and regardless of the project periods of those awards.

Under the FY 2021 TVSSA Formula Program, federally recognized Indian tribes, tribal designees, and tribal consortia, consisting of two or more federally recognized Indian tribes, were eligible to apply for tribal set-aside funding. Eligible applicants were invited to submit a population certification in March 2021 in order to allow OVC to run the formula to determine allocations for each eligible applicant. Applicants were then invited to submit a full application, including a project narrative and budget, by June 14, 2021. As of July 2021, OVC is in the process of collecting and reviewing applications from tribes that submitted their intent to participate in the FY 2021 TVSSA Formula program. Awards will be made in fall 2021.

OVC made additional changes to the TVSSA Formula program in FY 2021 to allow tribes to use those funds to serve victims as their communities deem appropriate, such as supplies necessary to support victim participation in traditional/cultural therapeutic practices (sweat lodges, smudging, and crafting supplies, etc.) and food as part of cultural/traditional activities reasonably incorporated into victim services.

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

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

### *Administering VAWA grant programs*

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

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

More information about each of these programs appears below, and an analysis of the funding levels for each of the four programs in FY 2021 is provided in Appendix C.

#### Tribal Governments Program

The Tribal Governments Program (TGP), which was created by Section 906 of VAWA 2005 and amended by section 901 of VAWA 2013 and section 7 of Savanna’s Act, provides funding to tribal governments or their designees to:

- 1) develop and enhance effective governmental strategies to curtail violent crimes against women;
- 2) increase tribal capacity to respond to domestic violence, dating violence, stalking, sexual assault, and sex trafficking crimes against Native women;
- 3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, and correctional facilities;
- 4) enhance services to Indian women who are victims;
- 5) develop prevention and education strategies;
- 6) provide supervised visitation services;
- 7) provide transitional housing and related support services to victims;
- 8) provide legal assistance to victims;
- 9) provide services to youth victims and children and youth exposed to these crimes;
- 10) develop and promote legislation and policies to respond to violent crimes against Indian women;
- 11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna’s Act (25 U.S.C. § 5704); and

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

In FY 2020, OVW received 58 applications for the TGP requesting a total of \$44,659,755. Twelve of these were new applicants, and 46 were submitted by current grantees who were seeking funding to enhance or continue their existing OVW-funded projects (continuation applicants).

Three applications did not meet the eligibility criteria in the solicitation because they were substantially incomplete. The 55 remaining applications were sent to a panel of external peer reviewers and were also reviewed internally by OVW Program Specialists. During the internal review, OVW staff determined whether the applications contained activities that might compromise victim safety and how well continuation applicants had complied with the requirements of their current OVW grant awards. Each application sent to external peer review was evaluated and scored by a three-person panel composed of individuals with expertise in violence against women issues and the unique needs of tribal communities. After peer review, one applicant withdrew its application.

Based on the internal and external review of the applications, OVW made 54 awards through the TGP for FY 2020 for a total of \$39,070,734. Eleven of these awards went to new applicants, and 43 went to continuation applicants. A list of FY 2020 TGP awards is provided in Appendix D to this report.

#### *FY 2021 Changes in Response to Tribal Recommendations*

At the 2020 consultation, OVW provided a framing paper reporting that TGP applications would no longer be solicited through DOJ's Coordinated Tribal Assistance Solicitation (CTAS), based on feedback received at prior consultations. OVW also requested further feedback on streamlining the application process and increasing tribal access to OVW funding. Tribal leaders expressed support for a planning grant option for new applicants; in response, OVW created an option in the FY 2021 TGP solicitation to apply for a \$600,000 capacity-building project, referred to as an Improving Tribal Responses to Violence Against Native Women (ITR) Capacity-Building project. An ITR Capacity-Building project includes specialized technical assistance to assess strengths and gaps in the tribal community's response to violence against women and implement strategies tailored to these strengths and gaps.

FY 2021 continuation applicants and new applicants not interested in the capacity-building option were able to request up to \$900,000. The FY 2021 TGP solicitation also included an option for applicants that had successfully completed the strategic planning process with funding under CTAS Purpose Area 2 to apply for up to \$900,000 to implement the applicable parts of their plan. FY 2021 applications were due April 22, 2021. In response to recommendations from tribal leaders to extend the length of TGP awards, OVW continues to offer three-year awards with the possibility of two-year, noncompetitive supplemental awards for grantees that are meeting project goals and

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

spending their funds on schedule. This five-year funding option is available to ITR Capacity-Building applicants, as well as CTAS Purpose Area 2 and standard applicants. FY 2021 awards were in process as this report was prepared; details on these awards will be provided in the 2022 Update Report.

After the COVID-19 pandemic hit, and after consulting with tribes on their needs in responding to violence against women during the pandemic, OVW solicited additional applications for TGP funding to meet these needs in a separate solicitation. The FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation covered both the TGP and TSASP. Applicants were instructed to request award amounts in the range of \$50,000-\$100,000 but were allowed to request a greater amount with sufficient justification. OVW received over 75 applications under this solicitation, selected six TGP recipients from those that were submitted by August 20, 2020, and made an additional 29 awards in winter/spring 2021, for a total of \$3,003,013.74 in TGP funds under this special solicitation. The six TGP awards made in FY 2020 and 29 awards made in FY 2021 are included in the award lists in Appendix D of this report; information on TSASP awards is provided below. At the 2020 consultation, tribal leaders provided feedback on the application process under this special solicitation, which OVW used in developing the FY 2021 solicitations for all tribal-specific programs.

#### *Alaska TGP Project Implementation Workshop*

In 2017, OVW created this workshop for all active Alaska TGP grantees to help them successfully implement their projects and strengthen responses to domestic and sexual violence in their villages or service areas. This effort was developed specifically to respond to recommendations at prior consultations to address the unique challenges faced by Alaska Native villages in responding to violence against women. The workshop includes hands-on grant administration and management training and provides an opportunity for tribal leaders to discuss their role in supporting the project, sustaining its success, and maximizing community strengths. Since implementing this effort, OVW has seen increases in successful applications from Alaska. The workshop could not be held online during the pandemic because much of the content requires in-person interaction and because internet connectivity varies in remote villages. The next Alaska workshop is tentatively scheduled for Spring 2022, and OVW also is working on adapting this model to assist TGP grantees in the lower forty-eight with project implementation.

#### Tribal Jurisdiction Program

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

- 1) strengthen tribal criminal justice systems;
- 2) provide counsel for indigent defendants;
- 3) ensure that jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and



- 4) accord victims rights that are similar to the rights of a crime victim described in section 3771(a) of Title 18, consistent with tribal law and custom.

Funds may be used for law enforcement, prosecution, trial and appellate courts, probation systems, detention and correction facilities (including medical care up to a maximum of 20 percent of the total project budget), alternative rehabilitation centers, culturally appropriate services and assistance for victims and their families, and criminal codes and rules of criminal procedure, appellate procedure, and evidence. Eligibility for the program includes both tribes that are already exercising or immediately prepared to exercise SDVCJ and those that intend to use funding for planning and preparation activities related to implementing SDVCJ.

For FY 2020, new applicants for the Tribal Jurisdiction Program were able to request up to \$450,000 for three years, and continuation applicants could request up to \$300,000 for two years. OVW received 12 unduplicated applications for the program, ten of which met program eligibility requirements. Based on an internal review of all eligible applications, OVW made ten awards for a total of \$3,266,458. Six of these awards went to new applicants, and four went to continuation applicants. Four of the awards went to tribes currently exercising SDVCJ. Reasons that applications did not receive funding included ineligibility for the program, including proposed activities significantly outside the scope of the program. A list of FY 2020 Tribal Jurisdiction Program awards is provided in Appendix D.

At the 2020 consultation, OVW provided a framing paper asking whether tribes support creating a separate process under the Tribal Jurisdiction Program to award a portion of the appropriated funds specifically for basic costs associated with SDVCJ implementation, for those tribes that are already exercising the jurisdiction. The responses were favorable, so in FY 2021, OVW issued two solicitations under the program, one for standard projects and one for tribes currently exercising the jurisdiction and interested in targeted funding to support their work. Unfortunately, no applications were received, and only two applications came in under the standard solicitation. OVW has again issued a framing paper for the 2021 consultation requesting ideas for additional ways to ensure the program is meeting tribes' needs, as well as input on how best to administer the reimbursement program proposed as part of the VAWA reauthorization bill passed by the House of Representatives, should it be enacted.

#### TSASP

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

organizations, which are uniquely situated to respond to the needs of AI/AN sexual assault victims. By statute, tribal governments, tribal organizations, and tribal non-profits with programs and activities within Indian country and Alaska Native villages are the only eligible entities for TSASP funding. All applications must include documentation demonstrating authority to apply as described in the solicitation.

In response to the FY 2020 TSASP solicitation, OVW received ten applications requesting a total of \$3,478,146. Each application was reviewed for eligibility, completeness, proposed project activities within the scope of the TSASP statutory purpose area, and any proposed activities that might compromise victim safety. Upon completion of these reviews, OVW determined that one application was ineligible for funding and made nine awards through TSASP for FY 2020 for a total of \$2,662,939. A list of FY 2020 TSASP awards is provided in Appendix D to this report.

As discussed above, OVW also solicited applications for TSASP funding under the FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation. OVW made one TSASP award in FY 2020 and five more in winter/spring 2021, for a total of \$576,544 in TSASP funds awarded under this solicitation; these awards are included in the lists in Appendix D to this report.

For FY 2021, OVW posted a TSASP solicitation on January 13, 2021, with a deadline of March 18, 2021. As award processing coincided with the preparation of this report, details on FY 2021 applications and awards will be provided in the 2022 Update Report.

#### Tribal Coalitions Program

OVW's Tribal Coalitions Program provides funding to 19 nonprofit tribal organizations in 16 states to support tribal communities in ending violence against AI/AN women. Grant funds can be used to increase awareness of domestic violence and sexual assault; enhance the federal, state, and tribal response to violence against Indian women; provide technical assistance to coalition membership and tribal communities to enhance access to essential services for victims of domestic and sexual violence, including sex trafficking; and assist tribes in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against AI/AN women. VAWA authorizes three funding sources for tribal coalitions. The first is a distribution of 1/56 of the STOP Violence Against Women Formula Program appropriation. The second is five percent of the appropriation for the Improving the Criminal Justice System Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program. The third is not less than one percent of the total appropriation for SASP and is available only to those coalitions that are involved in sexual assault work. At least 90 percent of Tribal Coalitions Program funding is to be equally divided among the recognized tribal coalitions that apply each fiscal year, and up to 10 percent may be awarded to new coalitions.

For FY 2020, OVW issued awards to 19 recognized tribal coalitions and no awards to new tribal coalitions for a total of \$6,718,691. A list of FY 2020 Tribal Coalitions awards is provided in Appendix D to this report.

For FY 2021, OVW issued an invitation to apply to 18 recognized coalitions; no new coalitions began the multi-step planning process necessary to be eligible to apply for Tribal Coalitions funding in FY 2021. Additional details on FY 2021 awards will be provided in the 2022 Update Report.

In addition to these four tribal programs, tribal governments are eligible to apply directly to a number of the other grant programs authorized by VAWA, and OVW continues to receive applications from tribes for those programs. FY 2020 OVW grant awards to tribes and tribal organizations from all OVW programs are included in Appendix D to this report.

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

#### NIJ Program of Research

Section 904(a) of VAWA 2005, as amended by VAWA 2013, calls for the National Institute of Justice (NIJ), in consultation with OVW, to examine violence against Indian women in Indian country and Alaska Native villages.<sup>5</sup> In conducting its analyses and research, NIJ is asked to focus on domestic violence, dating violence, sexual assault, stalking, murder, and sex trafficking, and to evaluate the effectiveness of federal, state, tribal, and local responses to violence against Indian women.

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

Some studies are completed and have been presented at annual consultations and other tribal venues, such as the National Congress of American Indians (NCAI) Mid-Year Meeting and Task Force on Violence Against Women gatherings and the National Indian Nations Conference meetings. NIJ annually assesses what studies have been funded and determines what areas are needed to fill knowledge gaps. In FY 2021, NIJ once again released competitive research investigator-initiated solicitations seeking research and evaluation proposals covering the topics outlined in VAWA 2005 and 2013. While most NIJ’s solicitations are open for proposals addressing violence against AI/AN women, three funding opportunities specifically requested applications in this area. Those solicitations include *Research and Evaluation on Violence Against Women, Fiscal Year 2021*, *Research and Evaluation on Trafficking in Persons, Fiscal Year 2021*, and the *Tribal-Researcher Capacity-Building Grants, Fiscal Year 2021* solicitations. NIJ anticipates making research awards before the end of the fiscal year that will address some of the topics covered under the statutes (*VAWA 2005 § 904, VAWA 2013 § 907*).

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

As studies come to a close and findings are available, NIJ will continue to disseminate the information using many dissemination modes and media. For example, the 2021 consultation's research presentation highlights a study examining MMIP issues (i.e., *Assessing the scope of missing Native Americans in Nebraska through an NIJ-funded tribal-researcher partnership* presented by Drs. Wright and Richards from the University of Nebraska at Omaha).

In preparation for the 2020 consultation, NIJ issued a [framing paper](#) describing the history of the National Baseline Study (NBS), the capstone of NIJ's program of research regarding violence against AI/AN women. The framing paper requested recommendations on adjustments to NIJ's outreach and engagement protocols for the NBS during and post the COVID-19 pandemic. Tribal leaders recommended transitioning the NBS to a virtual model during the pandemic and working with Alaska Native and tribal organizations to implement the NBS, facilitate communication with tribes, and build trust. Guidance from the Task Force on Research on Violence Against American Indian and Alaska Native Women (discussed below) and other tribal stakeholders informed the NBS protocols to be implemented, including recommendations on how to engage and recruit tribal nations. With encouragement from tribal leaders, NIJ and its contractor for the NBS, American Indian Development Associates (AIDA), LLC, began virtual NBS recruitment and engagement activities in late 2020 into 2021. Finally, NIJ and AIDA have been working with tribal communities and other tribal stakeholders, as appropriate, to implement the study. To provide more current updates to stakeholders, AIDA has been drafting articles for the *Restoration of Native Sovereignty and Safety for Native Women* magazine (see <https://www.niwrc.org/restoration-magazine/february-2021/national-baseline-study> and <https://www.niwrc.org/restoration-magazine/june-2021/national-baseline-study-nbs-tribal-engagement-strategies>). NIJ and AIDA also regularly seek out opportunities to present information on the NBS (e.g., NCAI meetings, Alaska Federation of Nations, and Women are Sacred Conference).

#### Federal Advisory Task Force

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

The Attorney General originally established the Task Force on March 31, 2008, and has re-chartered the Task Force on a regular basis to ensure that NIJ continues to receive timely advice during the execution of the program of research. During summer 2020, Attorney General Barr approved the most recent re-charter of the Task Force and approved the selection of eight new [members](#) with criminal justice and research expertise, as well as an understanding of the unique challenges faced by geographically diverse tribal communities. The Department notified Congress of the new charter on June 26, 2020. The Task Force met virtually on October 22, 2020, with the new members engaging in helpful discussions regarding the dissemination of

program study findings and potential studies outside the scope of VAWA 2005 and 2013, such as studies of urban AI/AN populations, should additional funds become available.

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

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

In addition to administering tribal grant funds, OVW's TAD works to build tribes' capacity to reduce violence against AI/AN women and collaborates with other DOJ components and federal agencies to increase the focus on sex trafficking and murdered or missing women in tribal communities. This includes special initiatives, such as improving responses for AI/AN populations residing in urban locations, strengthening sovereign responses to sex trafficking in Indian country and Alaska, and developing partnerships with tribal colleges and universities to address domestic violence, dating violence, sexual assault, and stalking on campus. TAD also is planning a new initiative focused on the needs of tribal men and boys who are survivors of childhood sexual abuse, victims of sex trafficking, or affected by MMIP issues through a national gathering in FY 2022-2023.

Through the Tribal Affairs Coordination Circle (TACC), OVW's TAD offers opportunities for OVW staff to learn about tribal culture and other targeted tribal topics, including presentations by the Deputy Director for Tribal Affairs or guest speakers, and opportunities to attend tribal technical assistance events. The TACC is designed to influence how OVW works with its tribal grantees to ensure the highest quality of service, including maximizing resources, coordinating efforts, learning and sharing, and strategizing about technical assistance needs. The TACC has resulted in the creation of specialized teams focused on streamlining application processes, reducing burdens, and enhancing technical assistance for tribes in different regions, starting with an Alaska-focused team and expanding to tribes in the lower 48 states in FY 2022-2023.

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

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

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

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

Unfortunately, the calendar year (CY) 2020 and 2021 NICTI residential training calendar was significantly disrupted due to the COVID-19 global pandemic. In CY 2020, the NICTI sponsored two residential courses at the NAC (Indian Country Leadership Summit and the National Institute on the Prosecution of Sexual Violence in Indian Country), hosted one faculty development day, and developed and delivered seven webinars with the majority being multiday events. The webinars included the following: Domestic Violence in Indian Country: Investigation Basics and Prosecution Options; Accessing Grants Workshop; Prosecuting the Forensic Science Case; Investigating the Forensic Science Case; and Identifying and Responding to Stalking. In addition, the NICTI Coordinator taught numerous webinars for other federal agencies and DOJ-funded training and technical assistance providers and authored or edited significant written publications. The focus areas of all NICTI trainings and course development were identified through constituent surveys, conference calls, list-serve emails, reviews of new legislation, regulations, and case law, discussions with experts, prosecutors, and investigators, and monitoring of new policy documents issued by Department leadership.

In calendar year (CY) 2020 and 2021, thousands of criminal justice and social service professionals received NICTI residential training at the NAC or virtually via webinar. These students represented federally recognized tribes, United State Attorneys' Office (USAO) employees, and federal, state, and tribal organizations serving Indian country. Students' professions ranged from law enforcement, prosecutors, and judges to victim advocates, medical and social services professionals, and forensic interviewers. The majority of students attending classes are from tribes or tribal organizations. Of particular note, DOJ's Office of Legal Education covers the costs of travel and lodging for tribal attendees at residential classes sponsored by the NICTI, and all online NICTI training is offered free of charge. This allows many tribal criminal justice and social service professionals to receive cutting-edge training from national experts at no cost to the student or tribe.

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

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

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

A review of DOJ’s case management data shows that the number of defendants indicted under this provision steadily increased from 12 in FY 2010 to 49 in FY 2018, likely because of the Supreme Court’s decision in *Bryant*. The number of indictments fell to 25 in FY 2020, and as of June 30, 2021, 23 defendants had been indicted under 18 U.S.C. § 117 for the first three quarters of FY 2020; however, FY 2020 and 2021 federal prosecution numbers across the board have been affected by pandemic-related restrictions.

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

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

In June 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. Since then, over 50 tribes have voluntarily joined the ITWG, and almost of all have remained actively engaged in ITWG meetings – sharing their experiences implementing or preparing to implement SDVCJ, attending in-person meetings, and participating in numerous webinars on subjects such as jury pools and juror selection, defendants’ rights, victims’ rights and prosecution skills. Through the ITWG, tribes that have implemented SDVCJ not only have discussed challenges and successes but also have shared best practices with tribes preparing to implement, including their revised tribal codes, court rules, court forms, jury instructions, and other tools they have developed to implement the jurisdiction.

The Department continues to support the ITWG with training and technical assistance, including awards by OVW to the National Congress of American Indians (NCAI) to support the ITWG’s ongoing work. During the COVID-19 pandemic, ITWG members have used the group to share best practices and challenges as tribes navigated the impact of the pandemic on their court systems. The ITWG held its 15th meeting virtually on March 16-18, 2021.

As of May 2021, 27 tribes have reported to NCAI that they have implemented SDVCJ. Based on updates provided at the March 2021 ITWG meeting (which does not include data from all exercising tribes), 332 arrests of 212 non-Indian abusers have led to 130 convictions. In July 2020, the United States District Court for the Western District of Washington dismissed the only *habeas* petition filed to date challenging an SDVCJ tribal conviction.

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

VAWA 2013 recognized the gravity of strangulation and suffocation crimes, including their lethality in domestic violence cases, by amending the federal assault statute, 18 U.S.C. § 113, to include a specific charge of assault or attempted assault by strangulation or suffocation. This change in the law, which was effective March 7, 2013, makes it possible to prosecute in Indian country a perpetrator who commits or attempts to commit an act of strangulation against a spouse, intimate partner, or dating partner. The statute defines strangulation as the intentional, knowing, or reckless impeding of the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck – and importantly – regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim. This statute has been used with increasing frequency by federal prosecutors. In FY 2013, three strangulation cases were charged. In FY 2014, the number of strangulation cases indicted rose dramatically to 42 and reached 107 in FY 2019. The total for FY 2020 dropped to 70 during the pandemic, but as of June 30, 2021, 79 cases had been indicted for the first three quarters of FY 2021, which is more in line with the FY 2019 total.

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



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

In addition to the work described above responding to the concerns that tribal leaders raised at the 15th VAWA consultation (Part One) and implementing VAWA and its subsequent reauthorizations (Part Two), DOJ has provided training and resources to enhance investigations and prosecutions of crimes against AI/AN women and support comprehensive services for victims of these crimes. As a part of these efforts, DOJ, in collaboration with DOI and HHS, has taken several actions that respond to concerns and recommendations from past consultation sessions. These activities are discussed below.

- **MMIP Training and Related Resources** – In 2020-2021, the NICTI focused considerable resources on the issue of missing or murdered American Indians and Alaska Natives. The investigation and prosecution of crimes in Indian country can be complex and frequently requires a multijurisdictional and multidisciplinary response. In part, this is because more than one jurisdiction (federal, state, or tribe) may have the legal authority to investigate and prosecute a case. Training is key to the development of comprehensive trauma-informed investigations and prosecutions for many of the crimes that can be associated with a missing or murdered Indigenous person. For example, if the missing person case involves the sexual exploitation of an adolescent, many issues may potentially be involved in the case that require specialized training, including forensic interviewing, mandatory reporting obligations, forensic medical examinations, crime scene processing and evidence collection, searches of electronic communications and social media, defendant interviewing and interrogation techniques, victim advocacy, and courtroom presentation and trial skills. During the pandemic, NICTI's MMIP training has been offered using an online platform that does not require a software download to enhance access to these programs.

In addition, the NICTI has developed written products. The Department of Justice Journal of Federal Law and Practice (DOJ Journal) is published six times a year by the Executive Office for United States Attorneys. Each issue focuses on a legal or technical topic of interest to attorneys in the United States Department of Justice. The January and March 2021 DOJ Journal issues were focused on issues related to MMIP. The NICTI Coordinator served as the organizer and primary point of contact for each issue. The DOJ Journal is a public facing document and is available online.

The January 2021 DOJ Journal issue is titled Missing or Murdered Indigenous Persons: Law Enforcement & Prevention

(<https://www.justice.gov/usao/page/file/1362691/download>). Articles in this issue include the following:

- Help for Missing American Indian and Alaska Native Children;
- AMBER Alert in Indian Country;
- The Tribal Engagement Program (TEP) Builds Bridges for Tribal Partners;
- The National Crime Information Center (NCIC)-Missing Person File;

- Missing or Murdered Indigenous People: Culturally Based Prevention Strategies
- Jurisdictional Solutions in Indian Country to Support Missing or Murdered Indigenous People Efforts;
- National Survey Estimates of Violence Against American Indian and Alaska Native People;
- Addressing the Crisis of Missing or Murdered Indigenous Persons: A Path Forward Utilizing a Structured Cold Case Investigation Protocol;
- Addressing Sexual Abuse, Assault, and Trafficking as Co-Morbidities in Missing or Murdered Indigenous Populations;
- Enhancing Law Enforcement Response to Missing Person Cases in Tribal Communities;
- FBI Resources in Missing Person Cases; and
- Prevention Strategies Related to Missing or Murdered Native Americans.

The March 2021 issue is titled Missing or Murdered Indigenous Persons: Legal, Prosecution, Advocacy, & Healthcare (<https://www.justice.gov/usao/page/file/1383296/download>). Articles in this issue include the following:

- Working Together: Building and Sustaining a Multijurisdictional Response to Missing or Murdered Indigenous Children and Adolescents;
- Victim Services for Native Families with Missing Loved Ones;
- Criminal Jurisdiction in Indian Country;
- Violent Crime in Indian Country and the Federal Response;
- Living in a Cruel Limbo: A Guide to Investigating Cold Missing Persons Cases;
- American Indian and Alaska Native Knowledge and Public Health for the Primary Prevention of Missing or Murdered Indigenous Persons;
- Federal Sex Crimes;
- Sex Offender Registration in Indian Country: SORNA Implementation and 18 U.S.C. § 2250; and
- Trauma-Informed, Culturally Relevant Psychological Responses in Cases of Missing or Murdered Indigenous Peoples.

The NICTI also has provided the following 90-minute webinars on MMIP-related topics:

- Identifying and Responding to Stalking Webinar - December 14, 2020
- Sex Offender Registration and Notification Act (SORNA) in Indian Country - January 19, 2021
- MMIP: Necessity of the Medical Forensic Examination for Survivors - March 1, 2021
- Investigating and Prosecuting the Non-Fatal Strangulation Case - March 29, 2021 (349 attendees)
- Sex Trafficking and Indian Country - May 13, 2021
- Missing Persons, Ambiguous Loss, Reintegration: How It All Fits Together - June 10, 2021
- Death Investigations - June 22, 2021

- Investigating Unresolved (Cold) Cases Part I – June 24, 2021
- Investigating Unresolved (Cold) Cases Part II – June 29, 2021

Finally, the NICTI has provided multi-day webinar training focused on MMIP issues, the first of which took place on February 10-11, 2021, and was titled Strategies for Developing a Coordinated Response to the Issue of Missing or Murdered Indigenous Persons. Topics covered included developing tribal community response plans, policies and procedures, and victim services for missing person cases, as well as in-depth discussions of cold missing person cases and unidentified person cases. The training was attended by 504 students and will be offered again September 14-16, 2021.

- **BJA/OVW Rural Alaska Prosecution Initiative** – In 2019, BJA, in partnership with OVW, funded the Alaska Department of Law to create a Rural Prosecution Unit within its Office of Special Prosecutions with two new state prosecutor positions. The Rural Prosecution Unit is designed to assist the Department of Law’s rural district attorneys’ offices with staffing shortages and experience gaps. The prosecutors in the unit are cross-designated as Special Assistant United States Attorneys (SAUSAs) to achieve the best results for cases prosecuted and focus on felony offenses occurring in rural Alaska, particularly in Alaska Native villages. One position is dedicated to prosecuting cases of domestic violence, dating violence, sexual assault, and stalking. As of June 2021, the project had reduced the significant case screening backlogs in two rural district attorneys’ offices by 60 percent. In partnership with BJA, the NICTI was scheduled to offer a Criminal Trial Advocacy Training in Alaska in April 2020. This was postponed to August 2020 and was then ultimately cancelled because of the pandemic. Discussions are underway to reschedule the training for the fall of 2021.
- **OVW/OVC Sexual Assault Forensic-Medical and Advocacy Services for Tribes (FAST) Initiative** – OVW made six awards using funds provided by OVC to support the FAST Initiative, designed to increase the availability of medical forensic exams and victim advocacy in tribal communities. These April 2020 awards went to the Confederated Tribes of Siletz Indians, the San Carlos Apache Healthcare Corporation, the Sitka Tribe of Alaska, the Norton Sound Health Corporation, the South Dakota Network Against Family Violence and Sexual Assault, and the University of Wisconsin-Milwaukee. These projects are in the early stages of their work. Two are in Alaska, so they will help address the high rates of victimization and the limited reach of the justice system reported by tribal leaders from Alaska at past consultations.
- **Federal Victim Assistance in Indian Country** – The FBI’s Office for Victim Assistance (OVA) has 55 Indian country-designated victim assistance positions, including 47 Victim Specialists (VSs) and eight child/adolescent forensic interviewers (CAFIs). In addition to these 53 designated positions, numerous additional VSs and CAFIs respond to victims of crime and conduct forensic interviews in Indian country.
- **OVW Violence Against Women Tribal SAUSA Initiative** – OVW has ten open awards supporting tribes and USAOs in their investigation and prosecution of Indian country criminal cases, with an emphasis on cases involving domestic violence, sexual assault,

dating violence, and stalking; five were made in FY 2018 solely for violence against women cases, and five more were made in FY 2020 in partnership with BJA, with at least 50 percent of award funds dedicated to prosecuting cases involving domestic violence, dating violence, sexual assault, and stalking. Tribes received funds to work with their USAO partner (and other tribes in their federal judicial district, as appropriate) to hire or retain a mutually agreed upon tribal prosecutor to be designated as a SAUSA. DOJ's NICTI has partnered with both OVW and BJA to provide legal training to the tribal SAUSAs, including the fundamentals of federal criminal practice. The cross-designated prosecutors maintain an active caseload in tribal court, federal court, or both, while also helping to promote higher quality investigations and better inter-governmental communication. Tribes and USAOs report these efforts create opportunities for them to actively engage with each other regarding prosecutions arising from their respective tribes, identify areas of concern that require additional attention, and hold offenders accountable while enhancing the safety of victims in Indian country. The five tribes with FY 2018 awards are Rosebud Sioux Tribe, Salt River Pima-Maricopa Indian Community, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Colville Reservation, and Fort Peck Assiniboine and Sioux Tribes. The five tribes with FY 2020 awards are Chickasaw Nation, Mississippi Band of Choctaw Indians, Oglala Sioux Tribe, Pueblo of Laguna, and Southern Ute Tribe.

- **Indian Country Criminal Investigator Training Program** – DOJ's National Indian Country Training Initiative (NICTI) works closely and partners frequently with the FBI and BIA. The NICTI Coordinator serves as faculty at the Indian Country Criminal Investigator Training Program (ICCITP), held twice each year at the Indian Police Academy in Artesia, NM; this multi-week training course is for FBI and BIA agents as well as tribal law enforcement officers new to working in Indian country. ICCITP also includes a victim assistance training module led by either BIA's or FBI's victim assistance program. This program was canceled in March and August 2020 because of the COVID-19 pandemic, but an in-person class was held in March 2021 and a second class is scheduled for August 2021.
- **Forensic Sciences Seminar** – The NICTI, in partnership with the Office of the Deputy Attorney General and the FBI, created a new course focused on forensic sciences. This high-level crime scene seminar was designed for experienced prosecutors and law enforcement personnel who investigate and prosecute violent crime cases, including sexual assault and domestic violence. Priority was given to individuals working violent crime cases in tribal communities, including tribal law enforcement, tribal prosecutors, and tribal SAUSAs. Topics covered included: evidence identification, collection, documentation, and elimination samples; the science behind DNA, including an overview of probabilistic genotyping; the use of likelihood ratios for assessing the weight of DNA evidence; an overview of pattern comparison evidence and current admissibility issues; DOJ forensic science policy initiatives; discovery and ethical issues concerning forensic science; and models for interagency communication among prosecutors, law enforcement, and crime laboratories. A four-day virtual offering of this class was held November 30-December 3, 2020.

- **Criminal Jurisdiction in Indian Country/Special Law Enforcement Commission Training Project** – Following the U.S. Supreme Court’s decision in *McGirt v. Oklahoma*, the NICTI was called upon to quickly develop an online version of the Criminal Jurisdiction in Indian Country (CJIC) class, as there were hundreds of police officers in Oklahoma urgently needing to attend the class so that they could apply for a Special Law Enforcement Commission (SLEC). In *McGirt*, the Court held that the land within the boundaries of the Creek Nation’s historic territory remains an Indian reservation for purposes of federal criminal law. Therefore, it was critical that hundreds of officers in Oklahoma quickly receive the training that would allow them to pursue getting a SLEC and the ability to enforce federal criminal statutes. Attendance at the training and passage of a test at the end of the class are two of the BIA requirements for tribal and local officers to receive a SLEC.

In CY 2020, the NICTI Coordinator along with four experienced Assistant United States Attorneys rewrote the entire training curriculum and the test, converting a 2.5 day in-person training into a 2-day long webinar. The curriculum includes a training block on sexual assault, domestic violence, and child abuse, as well as a section on the Crime Victim Rights Act. The NICTI also worked with colleagues to develop a method for administering the test online. This training project represents a collaborative effort between DOJ’s NICTI, the USAOs, and BIA. The first offering of the new online CJIC class was August 26-28, 2020. This class was for Oklahoma law enforcement only. Three hundred forty-nine full time sworn law enforcement officers took the class, and most students passed. A second online CJIC class was held October 5-7, 2020. This class was opened to law enforcement officers around the county with 740 registering to take the class. Over 650 officers took the test and the majority passed.

- **Enforcement of Tribal Protection Orders** – OVW and BJA have continued to support targeted training and technical assistance related to the enforcement of tribal protection orders through the National Center on Protection Orders and Full Faith and Credit (NCPOFFC) and [www.TribalProtectionOrder.org](http://www.TribalProtectionOrder.org), an online resource with tips for drafting orders, a library of resources, and webinars on the topic. The NCPOFFC provides site-specific support for county/tribal collaboration to identify and resolve barriers to enforcement of tribal orders, as well as training on issuance, service, and enforcement of tribal orders at tribal and non-tribal conferences. At its National Institute on Protection Order Practice for Attorneys and Advocates, one session focused on coordinating enforcement of civil and criminal protection orders across tribal, state, and federal jurisdictions.
- **Tribal Track at May 2021 Conference on Crimes Against Women** – OVW worked with conference organizers to identify presenters and content for seven sessions in areas such as investigating and prosecuting cases in tribal communities, including a sexual assault case study, responding to domestic and sexual violence through urban Native programs, and creating and sustaining a sexual assault response team on tribal college campuses. OVW technical assistance provider, Red Wind Consulting also hosted a virtual chat-board guided discussion focused on issues related to culturally responsive services for AI/AN survivors, working with urban Native survivors, and understanding

state, federal, and tribal jurisdiction and the government-to-government relationships between the United States government and Tribal Nations.

- **Sovereign Responses to Sex Trafficking** – With OVW funding, the Minnesota Indian Women’s Sexual Assault Coalition (MIWSAC) continued to provide comprehensive training and technical assistance on sex trafficking in Indian country and Alaska Native villages. In cooperation with OVW and their project partners, Mending the Sacred Hoop, the Tribal Law and Policy Institute, and Men as Peacemakers, MIWSAC hosted roundtables (one virtual in Alaska) related to sex trafficking and produced summary reports with recommendations for technical assistance and training. MIWSAC has been providing training and technical assistance for victim advocates and justice system personnel through virtual platforms, webinars, and eLearning sessions during the pandemic and enhancing the project’s website with downloadable resources and recordings for developing tribal codes and raising awareness on sex trafficking and its intersection with other violence against women crimes. They are planning the next national sex trafficking conference for January of 2022.
- **Responses for Urban Native Programs Training and Technical Assistance (RUN-TTA)** – Through its FY 2019 OVW award, Red Wind Consulting continued to provide training and technical assistance on improving victim services and justice responses for American Indian and Alaska Native populations residing within urban areas. The project focuses on addressing the unique challenges experienced by Native victims in accessing services and justice and on improving coordination and service provision between both non-tribal and tribal organizations. During the pandemic, Red Wind has been working closely with multiple organizations in the same communities, helping them build solid foundations in providing culturally responsive services to the large number of urban AI/AN survivors in their communities, including tools, templates, and training to expand the knowledge of their staff. The goal of these efforts is to ensure that urban Native victims have options to enhance their safety, escape violence, and survive in the aftermath of violence.
- **Tribal College Campus Technical Assistance – Sexual Assault on the Campuses of Tribal Colleges and Universities (TCUs)** – This technical assistance project addresses sexual assault at TCUs, including how to respond in a culturally holistic way and ensure that victims and survivors of childhood sexual abuse receive supportive services. The project provides comprehensive support to TCUs to develop and implement their sexual assault responses, as well as tribal-specific education and prevention materials for TCU student populations. This project also focuses on helping TCUs create sustainable coordinated community response teams and build long-term working relationships with local community responders who previously overlooked this population.

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

### **FY 2021 Family Violence Prevention and Services Act (FVPSA) Government-to-Government Consultation**

The Family and Youth Services Bureau (FYSB), Family Violence Prevention and Services Program is hosting a two-day Government-to-Government Consultation scheduled for September 8 and September 9, 2021 from 2:00 p.m. to 5:00 p.m. ET. Recognizing the importance of meaningful dialogue about the allocation of FVPSA grant awards to Tribes, the purpose of this consultation is to solicit oral and written feedback from Tribes and Tribal leaders on the FVPSA Program's proposal to establish a minimum award amount of \$55,000 for Tribes that apply for FVPSA noncompetitive formula grants each year.

On July 21, 2021, the FVPSA Program issued an [invitation letter](#) to Tribal leaders and Tribal councils notifying Tribes of the consultation topic as well as distributing the links to register for the two sessions. Enclosed with the letter was a [framing paper](#) from the FVPSA Program on its proposal to establish a minimum award amount for Tribes that apply for noncompetitive FVPSA funding. This paper provides background on the current FVPSA grant award allocation process, lays out a tentative plan for implementing a minimum base grant, and asks for feedback from tribes on whether they do or do not support the proposal.

The timeline for the consultation and related events is as follows:

- **June 30:** Tribal Consultation Overview ([webinar](#) hosted by the FYSB, the National Indigenous Women's Resource Center, and the Alaska Native Women's Resource Center to provide overview of the tribal consultation process/topic)
- **July 7 and 8:** Discussion of Tribal FVPSA Issues and Allocation Formula (facilitated virtual discussion hosted by FYSB, the National Indigenous Women's Resource Center, and the Alaska Native Women's Resource Center)
- **September 8 and 9:** FVPSA Tribal Consultation

For more information and links to register for the consultation, visit: <https://www.f2-fvpsa.net/tribal.html>.



## Indian Health Service Forensic Healthcare Services

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### What is Forensic Healthcare?

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

### Training

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

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

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



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

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

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

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

## Policies

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

- IHM, Part 3, Chapter 20 “Protecting Children from Sexual Abuse by Health Care Providers” – released February of 2019. Provides additional guidance related to professional standard expectations, process for reporting of child abuse by all staff, required annual training, and role responsibility related to oversight of policy implementation.

- IHM, Part 3, Chapter 29 “Sexual Assault” – released March 2011, and updated in February of 2018. Directs IHS-operated facilities to provide access to a medical forensic exams on-site, by referral, or a combination of both, to patients age 18 and older who present for sexual assault. Patients who are referred elsewhere must be transported within a two hour drive time of the victim’s originating medical facility.

- IHM, Part 5, Chapter 27 “Responding to Requests for IHS Employee’s Testimony or IHS Documents in Proceedings where the United States is not a Party” – released October 2015. Establishes policy for responding to subpoenas or requests for testimony following the Tribal Law and Order Act (TLOA) of 2010.

- IHM, Part 3, Chapter 31 “Intimate Partner Violence” – released October 2016. Directs IHS-operated facilities to provide access to medical forensic exams in cases of intimate partner violence without a sexual assault component. In recognition of the frequency of intimate partner

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

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

### Domestic Violence Prevention Program

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

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

To allow grantees additional time due to delays caused by COVID-19, IHS extended the project period for currently funded DVPP grantees and federal awardees for an additional year, through September 2021. Information about the competitive grant cycle for domestic violence prevention and forensic health services funding is available at [www.ihs.gov/dvpi](http://www.ihs.gov/dvpi).

### Contact Information

For more information, contact:

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## Appendix B – Brief Responses to 2020 Recommendations

The tables below provide brief responses and cross-references to relevant information in response to many of the recommendations received at the 2020 tribal consultation.

DOJ-wide Grant-Related Recommendations	
Recommendation	Response
Implement non-competitive, formula-based funding for tribes. <ul style="list-style-type: none"> <li>If implemented, ensure that formula-based funding does not harm small tribes – do not use Family Violence Prevention and Services Act (FVPSA) funding as a model.</li> </ul>	OVC’s TVSSA is being implemented as a formula program, based on tribal input. OVW has consulted extensively about formula-based funding; see the following report for more information: <a href="https://www.justice.gov/ovw/page/file/1319991/download">https://www.justice.gov/ovw/page/file/1319991/download</a> .
Do NOT implement formula funding.	See response above.
Shorten the length of time between award notification and when grantees can access funds. <ul style="list-style-type: none"> <li>Prioritize processing budgets so tribes are not waiting months to draw down funds.</li> </ul>	This is a priority across DOJ’s grant-making components because of its critical importance to all grantees; increasing staffing and addressing technological challenges are key factors in making improvements in this area.
Provide a checklist to grantees that identifies what tasks they need to complete to move through the budget approval process more expeditiously.	OVW grantees receive detailed, individually tailored checklists when their budgets are under review; OVW will consider whether a generic checklist would be helpful as well.
Incorporate a “document hub” in JustGrants to streamline the application submission process.	This recommendation was implemented; JustGrants users may upload and store documents at the entity level and pull them into their applications as needed. Instructions are available on page 48 of the <a href="#">Entity Management Reference Guide</a> .
Educate tribes on the various funding opportunities available.	DOJ has provided training on accessing grants for tribes through the National Indian Country Training Initiative to assist tribes in preparing to apply for grants and educate them about funding opportunities.
Notify grant awardees of award decisions at least two months before September 30.	DOJ will consider this recommendation for future fiscal years but was not able to work on it while transitioning to a new grants management system.

In response to the COVID-19 pandemic, permit grant waivers or no-cost extensions for tribal-specific grants.	No-cost extensions are available for pandemic-related delays, which grant-making components are required to review on a case-by-case basis.
Ensure that review of tribal applications is conducted by individuals with either direct experience with and/or knowledge of tribal issues, or only following a detailed primer on tribal public safety and tribal governance frameworks.	DOJ grant-making components actively recruit peer reviewers with tribal expertise and prioritize the use of these peer reviewers in reviewing applications from tribes. New Coordinated Tribal Assistance Solicitation (CTAS) peer reviewers also are required to review a detailed primer on tribal public safety and governance before participating in peer review.
<p>Require TA providers to demonstrate their expertise in working in Indian country.</p> <ul style="list-style-type: none"> <li>• Solicit recommendations for TA providers from service providers with 10 or more years of field experience.</li> <li>• Require TA providers to have at least a minimum of 3-5 years of field work in Indian country.</li> </ul>	DOJ grant-making components do require significant experience as part of the selection criteria for tribal training and technical assistance applications, such as a documented history of more than three years successfully providing culturally specific training and technical assistance for tribal governments, tribal communities, or tribal organizations on a national level.
Administer an annual questionnaire to grantees to evaluate TA providers.	OVW is exploring options for evaluating training and technical assistance, including the recommended questionnaire.
Allow tribes to spend grant funds on food in accordance with cultural practices.	Food costs as part of cultural/traditional activities reasonably incorporated into victim services may be permissible, depending on a grant program's scope. Limitations on the use of grant funds for food at trainings/meetings are required by policies that DOJ implemented in response to recommendations from the Office of the Inspector General.

Recommendations for New/Additional Funding	
Recommendation	Response
Include AI/AN women who live off reservations and in urban areas in any research and services funding to ensure the full scope of the problem is considered and addressed.	Statutes governing research and services funding vary as to whether they include AI/AN populations living off reservations and in urban areas, which affects funding agencies' discretion to include these populations. Under OVC's TVSSA Formula program, tribes determine who will be served with project services. In addition, OVW funds a technical assistance project focused on improving victim services and justice responses for AI/AN populations in urban areas and included additional funds for this purpose in its FY 2021 Training and Technical Assistance Initiative solicitation.
Increase funding for tribal nation implementation of Special Domestic Violence Criminal Jurisdiction (SDVCJ).	As discussed in Part One of this Update Report, the President's FY 2022 Budget includes increased funding for this purpose.
Increase funding for specialized tribal advocacy training.	OVW funds a culturally-tailored advocacy training and technical assistance center for Alaska Native communities and included additional funds for this purpose in its FY 2021 Training and Technical Assistance Initiative solicitation.
Fund a transitional housing facility for victims who require long term inpatient or outpatient treatment for substance abuse.	Under BJA's Purpose Area 4 of CTAS, BJA will fund infrastructure projects that include housing and services, including access to substance abuse treatment, for victims.
Fund substance abuse treatment as part of victim services.	Under OVC's TVSSA Formula program, substance abuse services for victims of crime are an allowable expense.
Implement funding for behavioral health outcomes research teams on tribal reservations, including the Sexual Assault Nurse Examiner-Sexual Assault Response Team (SANE-SART) Initiative.	OVC's Training and Technical Assistance Center includes resources on SANE-SARTs, available at <a href="https://www.ovcttac.gov/sanesart/?nm=sfa&amp;ns=sanesart">https://www.ovcttac.gov/sanesart/?nm=sfa&amp;ns=sanesart</a> , including a <a href="#">page of resources</a> for victim service providers and allied professionals.

Provide resources for tribal law enforcement, public safety, and justice, particularly within P.L. 280 states.	Under BJA's Purpose Area 3 of CTAS, tribes can seek funding for tribal law enforcement to address public safety. Under the COPS Office's Purpose Area 1 of CTAS, tribes, including those within P.L. 280 states, can seek funding for tribal law enforcement to address public safety. OVW's TGP funds may be used to strengthen tribal justice interventions, including tribal law enforcement, prosecution, courts, probation, and correctional facilities, in cases of domestic violence, dating violence, sexual assault, stalking, and sex trafficking.
Increase funding for law enforcement.	Under BJA's Purpose Area 3 of CTAS, tribes can seek funding to for tribal law enforcement to address public safety. Funding increased in FY 2021. Under the COPS Office's Purpose Area 1 of CTAS, tribes can seek funding for tribal law enforcement to address public safety. Appropriations for Purpose Area 1 increased from \$27 million in FY 2020 to \$29.5 million in FY 2021, and the President's Budget request for FY 2022 is \$40 million. OVW's TGP funds also may be used for law enforcement to address domestic violence, dating violence, sexual assault, stalking, and sex trafficking. TGP funding also increased from \$40.92 million to \$41.59 million in FY 2021 and would increase to \$71.95 million under the President's FY 2022 Budget request.
Create a special program to assist tribes in the establishment and development of new tribal courts and justice services, including law enforcement departments.	Under BJA's Purpose Area 3 of CTAS, tribes can seek funding to for the creation of new tribal law enforcement and courts. Funding increased for this program in FY 2021. Technical assistance to develop new tribal law enforcement departments is available from the COPS Office's Collaborative Reform Initiative - Technical Assistance Center, or CRI-TAC. Two tribes (Klamath Tribes and Catawba Indian Nation) are currently receiving this type of assistance.
Increase funding for tribal courts.	Under BJA's Purpose Area 3 of CTAS, tribes can seek funding to for tribal courts. Funding increased for this program in FY 2021.
Fund prevention and outreach education. <ul style="list-style-type: none"> <li>• Support prevention/outreach education on cyberstalking, online recruitment tactics, and coercion through social media.</li> <li>• Support outreach education on the meaning of consent, setting boundaries, and body autonomy.</li> </ul>	In October 2020, OJP published a Monthly Feature on Internet Safety, available at <a href="http://www.ojp.gov/feature/internet-safety/overview">www.ojp.gov/feature/internet-safety/overview</a> , which includes sections on <a href="#">online safety for youth</a> and <a href="#">cyberstalking and cyberbullying</a> . The Centers for Disease Control and Prevention has issued a <a href="#">technical package</a> on strategies with the greatest potential to reduce sexual violence and its consequences. Tribes are eligible for funding under OVW's Consolidated Youth and Engaging Men Program, which can be used for certain types of prevention activities.

Increase funding to help tribes respond to the need for services during the COVID-19 pandemic.	Under OVC's TVSSA Formula program, supplies and equipment that facilitate the delivery of victim services during pandemic circumstances are an allowable expense. OVW issued a special solicitation in FY 2020 to assist with these types of expenses, and in May 2021, HHS's FVPSA Program awarded \$34.75 million to tribes and tribal organizations with supplemental appropriations under the American Rescue Plan.
Increase funding for shelters in response to the COVID-19 pandemic.	HHS's FVPSA Program provided \$34.75 million in supplemental grant awards for tribes under the American Rescue Plan. Additional information on these awards is available at <a href="http://www.acf.hhs.gov/sites/default/files/documents/fysb/FY2021-ACF-FYSB-FVPSA-ARP-Supplemental-Funding-Tribes.pdf">www.acf.hhs.gov/sites/default/files/documents/fysb/FY2021-ACF-FYSB-FVPSA-ARP-Supplemental-Funding-Tribes.pdf</a> .
Provide funding for a native-specific domestic violence shelter in the Lower Peninsula of Michigan.	Under the TVSSA Formula program administered by OVC, such a shelter would be an allowable expense. OVW's TGP also can fund shelter services, if one or more tribes in this region included them in their application.
Fund offender services, including batterers' intervention programs and reentry education. <ul style="list-style-type: none"> <li>• Allow tribes to provide services to offenders that address factors such as substance abuse, mental health issues, poverty, homelessness, and other social issues.</li> </ul>	BJA funds the Innovations in Reentry Initiative (IRI), which seeks to improve the capacity and effectiveness of state, local, and tribal jurisdictions to identify innovative ways to increase the success rates of individuals returning to their communities and reduce reoffending and recidivism rates. More information is available at <a href="https://bja.ojp.gov/program/innovations-reentry-initiative/overview">https://bja.ojp.gov/program/innovations-reentry-initiative/overview</a> .
Create a separate tribal Transitional Housing program dedicated for tribes/tribal programs/tribal organizations to assist tribal shelters.	OVW's Tribal Governments Program (TGP) includes a transitional housing purpose area, under which tribes may apply for funding to carry out these types of activities. Tribes and tribal organizations also are eligible for funding under OVW's Transitional Housing Program, for which the appropriation increased in FY 2021 from \$37 million to \$40 million, and for which the FY 2022 President's Budget requests \$80 million.
Provide non-competitive funding to tribal coalitions to assist tribes in their region in applying for federal grants.	OVW does not have a funding stream that can be used for this purpose but is continually working to identify allowable ways to assist tribes in applying for grants.

Recommendations for OVW	
Recommendation	OVW Response
Stop the practice of applying rescissions across tribal-specific grant programs.	OVW did have a rescission in FY 2021 but will consider this recommendation as appropriate in the future.
Provide an accounting of the funds awarded under the 2020 Tribal COVID-19/VAW Assistance to Tribes Solicitation.	Information on these funds and awards is available in Part Two, Appendix C, and Appendix D of this Update Report.
Report how much funding remains as carryover to be awarded in the upcoming fiscal year to tribal nations.	This information is provided in Appendix C of this Update Report.
Do not narrow the tribal purpose areas of the TGP without robust and timely government-to-government consultation with tribal nations.	OVW has never narrowed the purpose areas of the TGP and will not do so in the future without consultation.
Conduct informational sessions with tribal leaders to clarify ambiguities related to the Tribal Jurisdiction Program and provide detailed information on the resources available to tribal governments as they navigate the SDVCJ implementation process.	OVW conducted pre-application information sessions for both FY 2021 solicitations issued under the Tribal Jurisdiction Program and has funded extensive technical assistance for tribal governments interested in implementing SDVCJ. More information on these efforts is provided in Part Two of this Update Report.
<p>Adjust the Transitional Housing provision in the TGP statute to remove the word “relocate.”</p> <ul style="list-style-type: none"> <li>Revise the rule that has been interpreted to require a grantee to get program manager approval to provide furniture for transitional housing assistance and require the survivor to return the furniture to the tribal advocacy program.</li> </ul>	OVW supports such a change in the reauthorization of VAWA pending in Congress. Rules related to property purchased with grant funds, including furniture, are based on OMB regulations (specifically the property standards in 2 C.F.R. 200.310 to 200.316, as well as closeout requirements in 200.344(f)), and OVW is required to follow them.
Expand Transitional Housing funding to address victims of trafficking and support services, such as credit repair.	Funds may be used to support victims of sex trafficking under OVW’s TGP and to support victims of trafficking who are also victims of domestic violence, dating violence, sexual assault, and stalking under OVW’s Transitional Housing Program; support services, such as credit repair, also are allowable. <i>See also</i> OVW’s 2021 <a href="#">framing paper</a> on a potential pilot program focused on flexible financial assistance for survivors in tribal communities.



<p>Freeze state OVW funding until each state provides a detailed plan on how they are going to ensure they give qualifying tribal court protection orders full faith and credit as required by federal law, including plans for ensuring that state prosecutors know how to charge violations of foreign or tribal orders.</p>	<p>The authorizing statutes for OVW’s state formula programs include a number of requirements that states must meet to qualify for funding, but compliance with VAWA’s full faith and credit provision is not expressly listed as one of these requirements. However, OVW has supported several initiatives over the years to improve enforcement of tribal protection orders, including training for state prosecutors. More information on these initiatives is provided in prior years’ Update Reports, available on OVW’s <a href="#">website</a>, and in Part Three of this report.</p>
<p>Increase victim legal assistance and transitional housing funds for tribes outside of the TGP.</p>	<p>Tribes are eligible for funding under both OVW’s Transitional Housing and Legal Assistance for Victims Programs, and the FY 2022 President’s Budget request would increase the appropriation for both programs to \$80 million.</p>
<p>Ease restrictions on the use of grant funds.</p> <ul style="list-style-type: none"> <li>• Allow tribes to fund counseling for victims’ families, holistic therapies, legal assistance, process server assistance, basic home or car repair, credit repair, community meals to launch prevention and awareness campaigns, advertising that gets positive and preventive messaging or alerts out on a national level, etc.</li> <li>• Allow tribes to use funds for financial education, vocational job skills training, including use of computers and software, and substance abuse treatment.</li> <li>• Allow tribes to fund self-care activities for program staff under the Tribal COVID-19/VAW solicitation.</li> <li>• Allow OVW funds to support homeless women who have experienced past victimization.</li> </ul>	<p>Many, but not all, of these activities may be funded under OVW’s grant programs, depending on the program and the scope of the funded project; grantees are encouraged to discuss the specific activities they would like to implement with their program manager to determine what is allowable under their grant awards. Although medical treatment, such as substance abuse treatment, is not an allowable cost under OVW grant programs, cross-training and coordination between victim service providers and substance abuse treatment providers often is, as is victim advocacy focused on obtaining appropriate support for survivors related to substance abuse. Self-care for staff may be allowable as an employee benefit, if it is provided to both federally funded and non-federally funded staff. Homeless survivors are eligible for services as long as there is a connection between their victimization and their need for services. Finally, OVW issued a <a href="#">framing paper</a> in preparation for the 2021 consultation on a potential pilot program focused on flexible financial assistance for survivors in tribal communities.</p>

When in-person travel is once again permitted, allow tribes to opt-in to participating virtually in OVW's mandatory technical assistance obligations.	These programs are not being conducted in person at this time, but OVW will consider this recommendation as in-person technical assistance programs resume.
SDVCJ grantees should be provided resources to cover the cost associated with holding non-tribal citizens accountable in their court or jail systems.	These costs are allowable under OVW's Tribal Jurisdiction Program.
Provide two separate application processes under the Tribal Jurisdiction Program that would allow tribes currently exercising SDVCJ to request financial support for anticipated costs associated with the general exercise of enhanced jurisdiction, such as public defense, jail services, and associated medical costs.	OVW implemented this recommendation and is seeking additional tribal input on the administration of this program through a <a href="#">framing paper</a> issued in preparation for the 2021 consultation.
Remove six-month limit on no-cost extensions for Tribal Coalitions – extension periods should be determined by the individual needs of tribes/tribal coalitions.	This recommendation was implemented by allowing additional six-month extensions on a case-by-case basis. Tribal coalitions receive new awards every year, so the original policy was designed to avoid setting them too far behind in carrying out subsequent awards. OVW also recommends that coalitions work with their program specialist and technical assistance provider to identify ways to broaden their programming and services for member tribes to help ensure funds are used within the award period.
Provide optional planning grants to assist tribes that do not currently receive OVW funding.	This recommendation was implemented and is discussed in greater detail in Part Two of this Update Report.

Recommendations for NIJ	
Recommendation	Response
Fully implement the 2005 reauthorization of VAWA NIJ program of research and provide tribal nations with information regarding missing and murdered AI/AN women.	NIJ's Violence Against Indian Women (VAIW) research program is fully implemented. Additional information on the NIJ's program of research under VAWA 2005 and 2013 and the dissemination of study results is provided in Part Two of this Update Report. In addition, NIJ published a <a href="#">background paper</a> on the reporting and investigating of missing persons to help frame the issue. The paper reviews the scope, reporting, data collection, policies, and laws related to missing persons in the U.S. at all governmental levels. Similarly, NIJ's National Missing and Unidentified Persons System (NamUs) provides monthly reports on missing, unidentified, and unclaimed indigenous person published cases (see <a href="https://namus.nij.ojp.gov/missing-indigenous-persons">https://namus.nij.ojp.gov/missing-indigenous-persons</a> ).
Ensure that the National Baseline Study (NBS) on violence against Indian women is population-based rather than land-based.	The NBS's catchment area and the sample are defined by statute. However, NIJ has funded other population-based studies (see <a href="https://www.ojp.gov/pdffiles1/nij/249736.pdf">https://www.ojp.gov/pdffiles1/nij/249736.pdf</a> ) and plans to do more in the near future.
Engage the Alaska Area Institutional Review Board or Southcentral Foundation to learn more about the process for research review.	NIJ and its contractor for the NBS, AIDA, work directly with tribal nation leaders and governments to direct which institutional review board or research ethics board reviews and approvals will be employed for the study.
Recognize that the rate of misclassification of race is high in death records and considerably worse in police and healthcare data.	NIJ recognizes that race and ethnicity misclassification is a problem in most data due to variations in approaches. HHS has studied misclassification of race and ethnicity for some time (see <a href="https://aspe.hhs.gov/reports/ai-data-capacity">https://aspe.hhs.gov/reports/ai-data-capacity</a> , <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4035863/">www.ncbi.nlm.nih.gov/pmc/articles/PMC4035863/</a> , and <a href="https://www.cdc.gov/nchs/data/series/sr_02/sr02_172.pdf">www.cdc.gov/nchs/data/series/sr_02/sr02_172.pdf</a> ). In addition, a recent assessment <a href="#">study</a> was published on the American Indian and Alaska Native racial and ethnic data capacity of major health surveys that speaks to the challenges with classification, tabulation, and weighting of these data and the implications of current practices. Another report released in 2019 by the National Council of Urban Indian Health speaks to the role of funeral directors in preventing the misclassification of race on death certificates (see <a href="https://www.ncuih.org/misclassification">https://www.ncuih.org/misclassification</a> ). This study was made possible, in part, with support from HHS and CDC.

<b>Recommendations for OVC</b>	
<b>Recommendation</b>	<b>Response</b>
Implement a permanent tribal set aside as part of the Crime Victims Fund, as provided in legislation pending before Congress; this permanent direct funding should be provided through block grants or a distribution formula developed in consultation with tribal governments.	A permanent set aside in VOCA would require Congressional action, but OVC currently distributes TVSSA funds through a formula program to federally recognized tribes in consultation with tribal leaders.
Implement NCAI recommendations regarding the tribal set aside from the crime victims fund to ensure that resources reach victims, survivors, and their families.	OVC has implemented all of these recommendations, with the exception of the standing advisory board; the details are provided in Part One of this Update Report.
Extend the TVSSA grant project period for up to four years to allow time for project planning and needs assessments.	As discussed in Part One of this Update Report, the TVSSA Formula Program grant period has been extended to up to five years.
Approve no-cost extension requests from tribal nations impacted by COVID-19, because the pandemic has impacted tribal nations' ability to utilize and spend down CVF funds.	The TVSSA Formula Program grant period has been extended to up to five years, and extensions on existing awards are currently being reviewed and granted as appropriate.
Disburse all FY 2021 funds as soon as possible so that tribes have time to internally process and expend their grant awards.	OJP awards are made by the end of the fiscal year, and the FY 2021 TVSSA Formula grant funds may be expended over a period of five years.
Engage in government-to-government consultations with tribal nations to improve the distribution of the tribal set-aside funds and determine how regulations should be tailored to address unique tribal needs.	OVC holds annual consultations on tailoring the TVSSA Formula Program to tribal needs, but program requirements are not set by regulation.
Utilize a tribally based view of what constitutes activities that will improve services to victims of crime, as set forth in the Commerce, Justice, Science appropriations bill.	This recommendation is addressed in Part One of this Update Report.

Recommendations for DOJ	
Recommendation	Response
Direct U.S. Attorneys to implement Section 212 of the TLOA which requires U.S. attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute a crime on the reservation. Failure to implement the law should be tied to employee performance and merit-based reviews.	USAOs have implemented this section and continue to work with tribal partners regarding evidence for matters that were declined federally. If there are specific issues, the tribal official should raise their concerns to the U.S. Attorney in their District.
Implement TLOA provision that requires the collection and reporting of crime data in Indian country.	The Department publishes the TLOA mandated Indian Country Investigation and Prosecution Report on a yearly basis. These reports are available on the Department's website at <a href="https://www.justice.gov/tribal/tribal-law-and-order-act">https://www.justice.gov/tribal/tribal-law-and-order-act</a> .
Require U.S. Attorneys' offices to consult with tribes regularly.	U.S. Attorneys are required to meet with Tribes in their District on a yearly basis.
Require U.S. Attorneys' offices and U.S. Attorneys to notify tribal officials in a timely manner of decisions to decline to prosecute violent crimes occurring in Indian country.	All USAOs with Indian country responsibilities have policies in place that require them to notify the tribes of any declinations regarding Indian country cases. Every year the policy is reviewed to ensure this is being done. Law enforcement or the tribal prosecutor's office is the usual contact point, not the tribal legislature.
Provide U.S. Attorneys' offices with funding to assist U.S. Attorneys in prosecuting crimes in Indian country.	Grantmaking components generally may not fund positions in USAOs; however, both OJP and OVW have funded tribal prosecutor positions to be cross-designated as SAUSAs to prosecute Indian country cases in both tribal and federal courts.
Assist with improving coordination and communication between the U.S Attorneys' Offices and Indian tribes.	U.S. Attorneys and their representatives, usually Tribal Liaisons, strive to improve coordination and communication with their tribal partners. If tribes have specific suggestions, they should feel free to contact the U.S. Attorneys Office in their District to discuss any such recommendations.

Consult with tribal governments on ways to increase accountability, improve enforcement, and deter violations of tribal protection and exclusion orders.	OVW has consulted at prior consultations on several issues related to tribal protection order enforcement and has supported several initiatives over the years to improve enforcement of tribal protection orders. More information on these consultations and initiatives is provided in prior years' Update Reports, available on OVW's <a href="#">website</a> , and in Part Three of this report. DOJ welcomes additional recommendations from tribal leaders in this area.
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Recommendations for the Consultation Process	
Recommendation	Response
Consistently submit the VAWA Annual Tribal Consultation Report to Congress on time.	Reports to Congress will be submitted annually after issuance of this Update Report.
Publish the transmittal letters for each VAWA Annual Consultation Report to Congress on the DOJ website	Annual consultation reports to Congress, including transmittal letters, are available on OVW's website at: <a href="http://www.justice.gov/ovw/tribal-consultation">www.justice.gov/ovw/tribal-consultation</a> .
Concerns expressed by more than one tribe should be made available for all tribes to review on an accessible national matrix posted on the DOJ website. The matrix should also include DOJ's plan to respond to the concern as well as measurable outcomes/timelines. If an issue cannot be addressed by DOJ, the matrix should identify specific opportunities for tribal nations to engage in further dialogue with DOJ regarding the topic.	This Update Report, including this appendix, is designed to respond to this recommendation.

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

At past consultation sessions, tribal leaders have requested that DOJ provide a table showing how funds appropriated for tribal programs are spent by OVW. The table on the next page, along with the list of grant recipients in Appendix D, responds to this request. Please note, however, that because this report is being prepared before the end of the fiscal year, the table on the next page provides estimated amounts to be awarded in FY 2021. In addition, the list of recipients in Appendix D is for FY 2020; the final list of recipients for FY 2021 will be provided at the 2022 consultation.

	<b>Tribal Governments (TGP)<sup>1</sup></b>	<b>Tribal Jurisdiction</b>	<b>Tribal Coalitions<sup>2</sup></b>	<b>Tribal Sexual Assault Services (TSASP)<sup>3</sup></b>
<b>FY 2021 Appropriation</b>	\$41,590,000	\$4,000,000	\$6,899,286	\$4,100,000
<b>Prior Year Carry Forward &amp; Recoveries<sup>4</sup></b>	\$3,696,905	\$427,365	\$167,336	\$2,049,678
<b>Technical Assistance, Peer Review &amp; Evaluation Reduction &amp; Special Projects<sup>5</sup></b>	-\$6,234,269	-\$614,987	-\$525,600	-\$661,628
<b>FY 2021 Rescission<sup>6</sup></b>	\$0	\$0	\$0	\$0
<b>Salaries &amp; Expenses Reduction<sup>7</sup></b>	-\$2,391,698	-\$230,026	-\$396,754	\$0
<b>Amount available for FY 2021 grants</b>	\$36,660,938	\$3,582,352	\$6,144,268	\$5,488,058
<b>Estimated amount to be awarded in FY 2021</b>	\$32,432,119	\$733,691	\$6,144,268	\$3,784,638
<b>Remaining balance<sup>8</sup></b>	\$4,228,819	\$2,848,661	\$0	\$1,703,420

<sup>1</sup> In FY 2021, the Tribal Governments Program was funded through the appropriations for seven other OVW grant programs and did not receive its own appropriation line.

<sup>2</sup> In FY 2021, the Tribal Coalitions Program was funded through the appropriations for the STOP, Improving Criminal Justice System Responses (formerly known as Arrest), and Sexual Assault Services Programs and did not receive its own appropriation line.

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

<sup>4</sup> The Prior Year Carry Forward amount includes both funds that were not obligated in the prior year and funds that were deobligated. Recoveries/deobligated funds are funds that are returned after the end of a grant award for any number of reasons. Recoveries are as of March 31, 2021. TGP includes \$152,701 in reprogrammed funds from TSASP for awards under the FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation.

<sup>5</sup> For TGP and TSASP, this line includes \$2,523,410 and \$476,844, respectively, allocated for FY 2021 awards under the FY 2020 COVID-19/Violence Against Women Assistance to Tribes Solicitation.

<sup>6</sup> OVW had no rescission for FY 2021.

<sup>7</sup> In FY 2021, OVW did not receive an appropriation for management and administration expenses. As a result, OVW assessed the majority of its grant programs to cover management and administration expenses.

<sup>8</sup> OVW is consulting with tribes on use of these balances and issued two framing papers on potential uses for the [Tribal Jurisdiction Program](#) and other tribal-specific funds, including a [financial assistance for victims pilot](#).



## Appendix D – FY 2020 OVW Tribal Grant Awards

Grantee	Award Amount	Solicitation
Absentee Shawnee Tribe of Oklahoma	\$ 407,000.00	OVW Tribal Jur FY 20
Alaska Native Justice Center	\$ 750,000.00	OVW Rural FY 2020
Alaska Native Tribal Health Consortium	\$ 499,951.00	OVW Rural FY 2020
Alaska Native Tribal Health Consortium	\$ 288,300.00	OVW SASP CSS FY 2020
Alaska Native Women's Resource Center	\$ 200,000.00	OVW TA FY 2020
Aleut Community of St. Paul Island Tribal Government	\$ 475,000.00	OVW Housing FY 2020
Aleut Community of St. Paul Island Tribal Government	\$ 499,987.00	OVW Rural FY 2020
Aleutian Pribilof Islands Association, Incorporated	\$ 880,702.00	OVW FY 20 CTAS 5 TGP
American Indians Against Abuse, Incorporated	\$ 353,615.00	OVW Tribal Coal FY20
Big Valley Rancheria Band of Pomo Indians	\$ 748,399.00	OVW FY 20 CTAS 5 TGP
Big Valley Rancheria Band of Pomo Indians	\$ 99,806.00	OVW Tribal C-19/TGP FY20
Cahto Tribe of Laytonville Rancheria	\$ 488,136.00	OVW FY 20 CTAS 5 TGP
Chickasaw Nation	\$ 450,000.00	OVW Tribal SAUSA FY20
Choctaw Nation of Oklahoma	\$ 825,643.00	OVW FY 20 CTAS 5 TGP
Choctaw Nation of Oklahoma	\$ 499,775.00	OVW Housing FY 2020
Coalition to Stop Violence Against Native Women	\$ 353,615.00	OVW Tribal Coal FY20
Confederated Salish and Kootenai Tribes	\$ 655,623.00	OVW FY 20 CTAS 5 TGP
Confederated Salish and Kootenai Tribes	\$ 438,209.00	OVW Rural FY 2020
Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Indians	\$ 515,000.00	OVW Housing FY 2020
Confederated Tribes of Siletz Indians	\$ 616,708.00	OVW FY 20 CTAS 5 TGP
Confederated Tribes of Siletz Indians	\$ 706,397.00	OVW FAST SA FY 2020
Confederated Tribes of the Grand Ronde Community of Oregon	\$ 789,997.00	OVW FY 20 CTAS 5 TGP
Delaware Tribe of Indians	\$ 899,999.00	OVW FY 20 CTAS 5 TGP
Eastern Band of Cherokee Indians	\$ 299,640.00	OVW Tribal Jur FY 20
Eastern Shoshone Tribe	\$ 870,105.00	OVW FY 20 CTAS 5 TGP
Eight Northern Indian Pueblos Council, Incorporated	\$ 625,000.00	OVW Housing FY 2020
First Nations Women's Alliance	\$ 353,615.00	OVW Tribal Coal FY20
Fond du Lac Band of Lake Superior Chippewa	\$ 640,529.00	OVW FY 20 CTAS 5 TGP
Grand Traverse Band of Ottawa and Chippewa Indians	\$ 300,000.00	OVW Tribal Jur FY 20
Hannahville Indian Community	\$ 84,440.00	OVW Tribal C-19/TGP FY20
Healing Native Hearts Coalition	\$ 353,615.00	OVW Tribal Coal FY20
Ho-Chunk Nation	\$ 690,764.00	OVW FY 20 CTAS 5 TGP
Hopi Tribe	\$ 900,000.00	OVW FY 20 CTAS 5 TGP
Hopi-Tewa Women's Coalition to End Abuse	\$ 353,615.00	OVW Tribal Coal FY20
Hualapai Tribe	\$ 900,000.00	OVW FY 20 CTAS 5 TGP
Indian Township Tribal Government	\$ 770,467.00	OVW FY 20 CTAS 5 TGP
Iowa Tribe of Kansas and Nebraska	\$ 27,002.00	OVW Tribal C-19/TGP FY20
Iowa Tribe of Oklahoma	\$ 900,000.00	OVW FY 20 CTAS 5 TGP

Kawerak, Incorporated	\$	498,555.00	OVW Rural FY 2020
Kenaitze Indian Tribe (IRA)	\$	320,000.00	OVW Families FY 2020
Keweenaw Bay Indian Community	\$	900,000.00	OVW FY 20 CTAS 5 TGP
La Jolla Band of Luiseno Indians	\$	836,856.00	OVW FY 20 CTAS 5 TGP
Lac Vieux Desert Band of Lake Superior Chippewa Indians	\$	251,841.00	OVW FY 20 CTAS 5 TGP
Legal Aid of Nebraska	\$	900,000.00	OVW FY 20 CTAS 5 TGP
Little River Band of Ottawa Indians	\$	299,815.00	OVW FY 20 CTAS 5 TGP
Little Traverse Bay Bands of Odawa Indians	\$	600,000.00	OVW Families FY 2020
Makah Tribal Council	\$	122,513.00	OVW FY 20 CTAS 5 TGP
Maniilaq Association	\$	699,015.00	OVW FY 20 CTAS 5 TGP
Maniilaq Association	\$	323,764.00	OVW TSASP FY 2020
Mending the Sacred Hoop	\$	353,615.00	OVW Tribal Coal FY20
Menominee Indian Tribe of Wisconsin	\$	199,767.00	OVW TSASP FY 2020
Midwest Native Coalition for Justice and Peace	\$	353,615.00	OVW Tribal Coal FY20
Mille Lacs Band of Ojibwe	\$	734,898.00	OVW FY 20 CTAS 5 TGP
Minnesota Indian Women's Sexual Assault Coalition	\$	353,615.00	OVW Tribal Coal FY20
Mississippi Band of Choctaw Indians	\$	900,000.00	OVW FY 20 CTAS 5 TGP
Mississippi Band of Choctaw Indians	\$	449,722.00	OVW Tribal Jur FY 20
Mississippi Band of Choctaw Indians	\$	450,000.00	OVW Tribal SAUSA FY20
Mississippi Band of Choctaw Indians	\$	350,000.00	OVW TSASP FY 2020
Montana Native Women's Coalition	\$	353,615.00	OVW Tribal Coal FY20
National Center for Victims of Crime, Incorporated	\$	400,000.00	OVW TA FY 2020
Native Alliance Against Violence, Incorporated	\$	597,849.00	OVW LAV FY 2020
Native Alliance Against Violence, Incorporated	\$	353,615.00	OVW Tribal Coal FY20
Native Village of Port Graham	\$	272,618.00	OVW FY 20 CTAS 5 TGP
Native Village of Port Heiden	\$	385,000.00	OVW FY 20 CTAS 5 TGP
Native Village of Tetlin	\$	80,000.00	OVW Tribal C-19/TGP FY20
Native Women's Society of the Great Plains	\$	353,615.00	OVW Tribal Coal FY20
Nez Perce Tribe	\$	879,946.00	OVW FY 20 CTAS 5 TGP
Nez Perce Tribe	\$	385,906.00	OVW Tribal Jur FY 20
Northern Arapaho Tribe	\$	899,991.00	OVW FY 20 CTAS 5 TGP
Norton Sound Health Corporation	\$	1,132,002.00	OVW FAST SA FY 2020
Oglala Sioux Tribe	\$	450,000.00	OVW Tribal SAUSA FY20
Osage Nation	\$	291,082.00	OVW TSASP FY 2020
Pauma Band of Mission Indians	\$	900,000.00	OVW FY 20 CTAS 5 TGP
Pauma Band of Mission Indians	\$	363,223.00	OVW Tribal Jur FY 20
Pawnee Nation of Oklahoma	\$	761,416.00	OVW FY 20 CTAS 5 TGP
Pokagon Band of Potawatomi Indians	\$	517,458.00	OVW LAV FY 2020
Ponca Tribe of Indians of Oklahoma	\$	300,000.00	OVW TSASP FY 2020
Ponca Tribe of Nebraska	\$	781,810.00	OVW FY 20 CTAS 5 TGP
Prairie Band Potawatomi Nation	\$	841,082.00	OVW FY 20 CTAS 5 TGP
Pueblo of Isleta	\$	684,965.00	OVW FY 20 CTAS 5 TGP

Pueblo of Laguna	\$	450,000.00	OVW Tribal SAUSA FY20
Pueblo of Tesuque	\$	898,969.00	OVW FY 20 CTAS 5 TGP
Pueblo of Tesuque	\$	365,665.00	OVW Tribal Jur FY 20
Qagan Tayagungin Tribe	\$	409,441.00	OVW FY 20 CTAS 5 TGP
Quartz Valley Indian Reservation	\$	792,601.00	OVW FY 20 CTAS 5 TGP
Red Lake Band of Chippewa Indians	\$	296,629.00	OVW Tribal Jur FY 20
Red Wind Consulting, Incorporated	\$	500,000.00	OVW Housing FY 2020
Restoring Ancestral Winds, Incorporated	\$	353,615.00	OVW Tribal Coal FY20
Sac & Fox Tribe of the Mississippi in Iowa	\$	766,563.00	OVW FY 20 CTAS 5 TGP
Saginaw Chippewa Indian Tribe of Michigan	\$	309,199.00	OVW TSASP FY 2020
Saint Regis Mohawk Tribe	\$	100,000.00	OVW Tribal C-19/TGP FY20
San Carlos Apache Healthcare Corporation	\$	845,572.00	OVW FAST SA FY 2020
San Pasqual Band of Mission Indians	\$	900,000.00	OVW FY 20 CTAS 5 TGP
Santee Sioux Nation of Nebraska	\$	492,000.00	OVW FY 20 CTAS 5 TGP
Sault Ste. Marie Tribe of Chippewa Indians	\$	836,284.00	OVW FY 20 CTAS 5 TGP
Seneca Nation of Indians	\$	692,363.00	OVW FY 20 CTAS 5 TGP
Seven Dancers Coalition, Incorporated	\$	353,615.00	OVW Tribal Coal FY20
Shoshone-Bannock Tribes	\$	721,203.00	OVW FY 20 CTAS 5 TGP
Shoshone-Paiute Tribes	\$	325,212.00	OVW TSASP FY 2020
Sitka Tribe of Alaska	\$	487,559.00	OVW FY 20 CTAS 5 TGP
Sitka Tribe of Alaska	\$	852,300.00	OVW FAST SA FY 2020
Sitka Tribe of Alaska	\$	515,000.00	OVW Housing FY 2020
South Dakota Network Against Family Violence and Sexual Assault	\$	1,463,729.00	OVW FAST SA FY 2020
Southern Indian Health Council, Incorporated	\$	614,433.00	OVW FY 20 CTAS 5 TGP
Southern Ute Indian Tribe	\$	399,972.00	OVW FY 20 CTAS 5 TGP
Southern Ute Indian Tribe	\$	450,000.00	OVW Tribal SAUSA FY20
Southwest Indigenous Women's Coalition	\$	353,615.00	OVW Tribal Coal FY20
Spirit Lake Tribe	\$	607,630.00	OVW FY 20 CTAS 5 TGP
Squaxin Island Tribe	\$	88,056.00	OVW Tribal C-19/TGP FY20
St. Croix Chippewa Indians of Wisconsin	\$	895,162.00	OVW FY 20 CTAS 5 TGP
St. Croix Chippewa Indians of Wisconsin	\$	235,605.00	OVW TSASP FY 2020
Standing Rock Sioux Tribe	\$	900,000.00	OVW FY 20 CTAS 5 TGP
Strong Hearted Native Women's Coalition	\$	353,615.00	OVW Tribal Coal FY20
Swinomish Indian Tribal Community	\$	227,124.00	OVW Tribal Jur FY 20
Tolowa Dee-ni' Nation	\$	900,000.00	OVW FY 20 CTAS 5 TGP
Tolowa Dee-ni' Nation	\$	328,310.00	OVW TSASP FY 2020
Tulalip Tribes of Washington	\$	897,977.00	OVW FY 20 CTAS 5 TGP
Tulalip Tribes of Washington	\$	171,549.00	OVW Tribal Jur FY 20
Turtle Mountain Band of Chippewa Indians	\$	767,680.00	OVW FY 20 CTAS 5 TGP
Uniting Three Fires Against Violence	\$	353,615.00	OVW Tribal Coal FY20
University of Wisconsin-Milwaukee	\$	2,000,000.00	OVW FAST SA FY 2020
Wabanaki Women's Coalition, Incorporated	\$	353,615.00	OVW Tribal Coal FY20

Washington State Native American Coalition	\$	353,615.00	OVW Tribal Coal FY20
White Earth Band of Chippewa Indians	\$	899,055.00	OVW FY 20 CTAS 5 TGP
Wild Horse Butte Community Development Corporation	\$	500,000.00	OVW Rural FY 2020
Wise Women Gathering Place	\$	100,000.00	OVW Tribal C-19/TSASP FY20
Yerington Paiute Tribe	\$	663,004.00	OVW FY 20 CTAS 5 TGP
Yup'ik Women's Coalition	\$	353,615.00	OVW Tribal Coal FY20
Yurok Tribe	\$	900,000.00	OVW FY 20 CTAS 5 TGP
	\$	<b>70,788,204.00</b>	

**FY 2020 Tribal COVID/Violence Against Women Assistance Awards Made in FY 2021**

Grantee	Award Amount	Solicitation
Absentee Shawnee Tribe of Oklahoma	\$ 90,503.00	OVW Tribal C-19/TGP FY20
Alaska Native Justice Center	\$ 100,000.00	OVW Tribal C-19/TGP FY20
Bishop Paiute Tribe	\$ 76,536.00	OVW Tribal C-19/TGP FY20
Cahuilla Band of Indians	\$ 56,820.00	OVW Tribal C-19/TGP FY20
Cherokee Nation	\$ 99,880.00	OVW Tribal C-19/TGP FY20
Cheyenne and Arapaho Tribes	\$ 100,000.00	OVW Tribal C-19/TGP FY20
Confederate Tribes of the Colville Reservation Public Safety	\$ 79,189.00	OVW Tribal C-19/TGP FY20
Dena' Nena'' Henash dba Tanana Chiefs Conference	\$ 150,000.00	OVW Tribal C-19/TGP FY20
FORT BELKNAP INDIAN COMMUNITY	\$ 98,132.00	OVW Tribal C-19/TGP FY20
Gila River Indian Community	\$ 100,000.00	OVW Tribal C-19/TSASP FY20
Grand Traverse Band of Ottawa and Chippewa Indians	\$ 69,499.00	OVW Tribal C-19/TGP FY20
Iowa Tribe of Oklahoma	\$ 68,800.00	OVW Tribal C-19/TGP FY20
Kalispel Indian Community of the Kalispel Reservation	\$ 78,950.31	OVW Tribal C-19/TGP FY20
Kaw Nation	\$ 58,338.00	OVW Tribal C-19/TGP FY20
Modoc Nation	\$ 99,128.63	OVW Tribal C-19/TGP FY20
Nez Perce Tribe	\$ 99,340.00	OVW Tribal C-19/TSASP FY20
Nisqually Indian Tribe	\$ 127,510.00	OVW Tribal C-19/TGP FY20
Pauma Band of Mission Indians	\$ 100,000.00	OVW Tribal C-19/TGP FY20
Ponca Tribe of Indians of Oklahoma	\$ 99,338.00	OVW Tribal C-19/TGP FY20
Ponca Tribe of Indians of Oklahoma	\$ 77,204.00	OVW Tribal C-19/TSASP FY20
Prairie Band Potawatomi Nation	\$ 78,311.00	OVW Tribal C-19/TGP FY20
Pueblo of San Felipe	\$ 100,000.00	OVW Tribal C-19/TGP FY20
Pyramid Lake Paiute Tribe	\$ 100,000.00	OVW Tribal C-19/TGP FY20
Red Lake Band of Chippewa Indians	\$ 104,568.00	OVW Tribal C-19/TGP FY20
San Carlos Apache Tribe	\$ 99,396.00	OVW Tribal C-19/TGP FY20
Santo Domingo Pueblo (Kewa Pueblo)	\$ 59,566.00	OVW Tribal C-19/TGP FY20
Scotts Valley Band of Pomo Indians	\$ 100,000.00	OVW Tribal C-19/TSASP FY20
Shoshone-Bannock Tribes	\$ 85,850.00	OVW Tribal C-19/TGP FY20
The Chickasaw Nation	\$ 85,065.00	OVW Tribal C-19/TGP FY20
The Seneca Nation of Indians	\$ 76,697.73	OVW Tribal C-19/TGP FY20
The Suquamish Tribe	\$ 43,200.00	OVW Tribal C-19/TGP FY20

Tulalip Tribes of Washington	\$	51,486.07	OVW Tribal C-19/TGP FY20
Tundra Women"s Coalition	\$	100,000.00	OVW Tribal C-19/TSASP FY20
Yurok Tribe	\$	86,946.00	OVW Tribal C-19/TGP FY20
		<b>\$ 3,000,253.74</b>	