



**16TH ANNUAL** GOVERNMENT-TO-GOVERNMENT  
TRIBAL CONSULTATION

VIRTUAL EVENT | AUGUST 17-20, 2021

ANNUAL REPORT OF PROCEEDINGS



## Disclaimers

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This document is a summary of testimony provided at the 2021 16th 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 2021 16th Annual Government-to-Government Violence Against Women Tribal Consultation. The complete transcript for the 2021 Tribal Consultation is available upon request. Please note hard copy requests may incur a charge for printing and shipping.



**U.S. Department of Justice**

Office on Violence Against Women

*Office of the Director*

Washington, DC 20530

February 25, 2022

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 16<sup>th</sup> Annual Government-to-Government Tribal Consultation held virtually on August 17 to 20, 2021.

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 American Indian and Alaska Native women.

Please find enclosed a copy of the 2021 Government-to-Government Violence Against Women Tribal Consultation Annual Report of Proceedings, which summarizes the recommendations that OVW received from tribal leaders at last year's consultation. OVW remains committed to supporting the efforts of tribal governments to 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 2022 Government-to-Government Violence Against Women Tribal Consultation to be held September 21 to 23, 2022, in Anchorage, AK. If you have any questions or comments regarding the 2021 report, please contact OVW's Deputy Director for Tribal Affairs, Sherriann Moore, at [Sherriann.Moore@usdoj.gov](mailto:Sherriann.Moore@usdoj.gov) or (202) 514-8804.

Sincerely,

A handwritten signature in black ink that reads "Allison L. Randall".

Allison L. Randall  
Principal Deputy 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 authorized designees and seek recommendations regarding:

- 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;
- 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 authorized designees during the 2021 tribal consultation virtual event or subsequently submitted to OVW in writing.

## Consultation Framing Papers | Questions

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OVW provided two framing papers to registrants prior to the tribal consultation: the first, requesting suggestions to improve OVW's Tribal Jurisdiction grant program; the second, asking if OVW should create a pilot program that provides financial assistance directly to survivors for safety, stability and healing (See Appendix 6 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:

### OVW's Tribal Jurisdiction Grant Program

- If your tribe is currently exercising Special Domestic Violence Criminal Jurisdiction (SDVCJ), in regard to the Tribal Jurisdiction Targeted Support for Exercising Tribes solicitation and awards:
  - What are the costs associated with exercising SDVCJ that your tribe has experienced? Of those costs, which, if any, currently are not covered as an allowable cost under the Tribal Jurisdiction Program?
  - Are the current award lengths and suggested award caps in the Targeted solicitation sufficient to support the discrete costs of exercising SDVCJ you have experienced to date? If not, what is the recommended award length? What is the total suggested amount per 12 months?
  - Do you have recommendations to enhance the comprehensive training and technical assistance currently available to tribes exercising SDVCJ, which includes the Inter-Tribal Technical Working Group (ITWG)?
  - Would you recommend that exercising tribes be able to apply to the Targeted solicitation noncompetitively and on a rolling basis throughout a fiscal year?
  - Do you have any additional recommendations for ensuring that the Tribal Jurisdiction Program's Targeted solicitation and awards made under it are accessible and responsive to the needs you are experiencing as a result of exercising SDVCJ?
- If your tribe is currently not exercising SDVCJ, is your tribe considering implementing SDVCJ in your tribal justice system?
  - If yes,
    - What is the estimated cost of activities leading to implementation and are you interested in grant funding to support these costs?
    - What is the estimated cost of activities associated with exercising SDVCJ for the first five years?
    - Do you anticipate any needs that are not currently covered as an allowable cost under the Tribal Jurisdiction Program?
    - What training and technical assistance do you need to prepare for, plan, implement, and exercise SDVCJ?
  - If no,
    - Are there specific reasons why not (such as current capacity of the tribal court, lack of incarceration facilities, concerns with future on-going costs)?
    - Is there any training or technical assistance OVW or our comprehensive TA provider could assist with to mitigate any of the specific concerns?
- Legislation passed by the House of Representatives authorizes a separate program to reimburse tribal governments for expenses incurred in exercising SDVCJ (or the jurisdiction as expanded by the bill).

- If your tribe is currently exercising SDVCJ or expects to do so in the future, do you have specific recommendations for the administration of this potential new program, including how to make it accessible to tribes that have not sought grant funding under the existing program?
- Based on your experience with other federal funding, are there specific policies and procedures that would be effective for disbursing these funds and ensuring that they meet the needs of tribes?
- Should the funds be disbursed on a first come, first served basis until they run out, or should they be prioritized in some way over the course of the fiscal year?

## Tribal Consultation Framing Paper on Financial Assistance for Victims

- What are the needs of survivors in your communities that your tribe and victim service providers have been unable to address, either with or without VAWA funding? What are the unmet needs that prevent survivors from achieving safety and healing?
- Do tribes support the creation of a pilot program that would allow recipients to give flexible financial assistance to survivors?
- What types of entities should be eligible for the pilot financial assistance grant program?
- Do tribes believe that OVW should place restrictions on how survivors may use the funds, such as establishing a limited universe of approved expenditures? If so, what types of expenditures should OVW allow?
- Would such a program be more effective if it permitted multiple small amounts be given to survivors or larger lump sums?
- What kind of support or technical assistance would tribal recipients need to implement such a program?
- What suggestions do tribes have for the financial controls that OVW should place on the program to ensure its effectiveness and fiscal responsibility?
- Do tribes support funding the program using de-obligated funds from OVW's tribal-specific grant programs or other programs with de-obligated funds?

## Tribal Consultation Event

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OVW held its 16th Annual Government-to-Government Violence Against Women Tribal Consultation on August 17-20, 2021, through an online virtual platform. Participants included 63 tribal leaders, 25 authorized designees, 131 federal representatives, and 616 other attendees, including tribal organizations and coalitions, for a total of 835 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 Ceremony led with Mr. Chris Devers and his son Chris Devers, Jr. from the Pauma Band of Luiseño Indians, offering an opening prayer. The Red Leaf Drum Group led by Pat Bad Hand from the Rosebud Sicangu' Lakota Tribe followed the prayer with a flag song. Ms. Amie Barnes, Executive Director of Seven Dancers Tribal Coalition, Akwesasne, NY and members of the coalition conducted a traditional shawl ceremony to pay homage to victims of violence. Coalition members placed shawls on six chairs to symbolize domestic violence, child/youth victims, elder abuse, LGBTQ/2S victims, murdered or missing, and sexual assault. Cheyenne Jocko narrated the ceremony.

### Welcoming Remarks

#### **Allison L. Randall, Acting Director, Department of Justice, Office on Violence Against Women**

Allison welcomed tribal leaders and citizens to the tribal consultation and thanked the participants in the opening ceremonies for creating a beautiful and deeply moving opening session. She also thanked participants for their patience as they participated in their second virtual Tribal Consultation. Allison mentioned that although she wished the consultation could have been held in person, it was more important to protect the safety and health of tribal communities. She has high hopes that the 2022 Consultation will take place in person.

Allison gave a brief introduction to the Honorable Merrick B. Garland, Attorney General, U.S. Department of Justice. She emphasized his commitment, as well as the Department of Justice's, to help and support tribes responding to violence against women in Indian country and Alaska Native villages. She reminded tribal leaders that their testimony is critical to help Attorney General Garland and everyone at the Department to understand tribal priorities and guide their work with tribes.

Allison also introduced Secretary of the Interior Deb Haaland, a member of the Pueblo of Laguna, a 35th generation New Mexican, and the first Native American to serve as a cabinet secretary. She called Secretary Haaland a true partner in the work to end violence in tribal communities and a champion of the rights and welfare of Native American women.

In addition, Allison provided a welcome to Associate Attorney General Vanita Gupta prior to her remarks, and introduced the virtual head table federal representatives.

#### **Allison L. Randall, Day Two2 Opening Remarks**

Allison opened day two of the tribal consultation by reiterating OVW's commitment to hearing tribal representatives' testimony and responding to questions and concerns as promptly as possible. She quoted President Biden's 2021 Missing and Murdered Indigenous Persons Awareness Day proclamation: "Our failure to

allocate the necessary resources and muster the necessary commitment to addressing and preventing this ongoing tragedy not only demeans the dignity and humanity of each person who goes missing or is murdered; it sends pain and shock waves across our Tribal communities. Our treaty and trust responsibilities to Tribal Nations require our best efforts and our concern for the well-being of these fellow citizens require us to act with urgency. To this end our government must strengthen its support and collaboration with Tribal communities.”

She further stated that the current administration strongly supports the expanded recognition of tribal jurisdiction over non-Indian offenders. OVW is working with tribes to ensure that grants to Tribal Governments to exercise the Special Domestic Violence Criminal Jurisdiction program (SDVCJ) are meeting tribe's needs for funding and resources to support implementation costs. OVW issued one of the framing papers this year requesting additional input on how to make this program more useful and more accessible to tribes.

OVW is also meeting with tribes who are implementing SDVCJ to discuss the reimbursement program that's proposed in the U.S. House of Representatives' Violence Against Women Act reauthorization bill, H.R. 1620. Allison emphasized that she has seen firsthand the impact that the annual consultations have on OVW's Tribal Affairs Division grants and policies.

#### **Allison L. Randall, Day Four Introduction for Deputy Attorney General Monaco**

On the final day of the consultation, Allison introduced Deputy Attorney General Lisa O. Monaco. In her remarks, Allison recognized the powerful and emotional session the day prior. She also reiterated her thanks to the survivors who have spoken over the last three days about the trauma they and their extended families have suffered, stating that they “are the very definition of courageous, and...such an important part of reducing violence against women.”

Allison went on to introduce Deputy Attorney General Monaco, specifically recognizing her decades-long commitment to ending violence against women, preceding her service at the Department of Justice. Allison further stated that in OVW's experience, the Deputy Attorney General specifically thinks about the needs of survivors and about strengthening law enforcement and prosecution in response to violent crimes like sexual assault, domestic violence, and sex trafficking.

#### **Merrick B. Garland, Attorney General, Department of Justice**

The Attorney General, Honorable Merrick B. Garland, welcomed everyone to the 16th Annual Government to Government Tribal Consultation on Violence against American Indian and Alaska Native Women. Attorney General Garland reminded attendees that the Annual Consultations, which were mandated in the 2005 Reauthorization of the Violence Against Women Act (VAWA), are very important to the recognition of tribal sovereignty. They are founded on the government to government relationship and built on over two centuries of law. The Attorney General recognized that the history of that relationship has involved many broken promises to the United States' sovereign Tribal partners, but he reiterated that the Justice Department comes to these consultations with commitment, humility, sincerity, and openness.

The Attorney General highlighted the significance consultations play in helping the Justice Department receive input from tribal leaders on issues essential to protecting the safety of American Indian and Alaska Native (AI/AN) women. The issues discussed include administering tribal funds and programs, increasing the safety of AI/AN women from several forms of violence and exploitation, strengthening the federal response to such violent crimes, and improving tribal access to local, regional, State, and Federal Crime Information Databases.

Attorney General Garland highlighted how consultations helped propel the 2013 VAWA Reauthorization, which recognized and affirmed tribes' inherent power to exercise SDVCJ over certain non-Indian defendants. He noted that 27 tribes are now exercising SDVCJ. These tribes have secured over 130 convictions, many of which involved defendants with long histories of violence and abuse. The Attorney General explained that this fact alone underscores how VAWA has helped empower Tribal Nations to obtain justice when others had previously failed. He noted that, through follow-up consultations, the Administration has learned that the 2013 VAWA Reauthorization did not go far enough and that there remains a pressing need for further changes. By way of example, the Attorney General added that these consultations have helped DOJ understand the need to cover common forms of violence against women, such as stalking, sexual assault, or sex trafficking. They have also shed light on the fact that to exercise jurisdiction successfully you must be able to prosecute non-Indians who assault responding law enforcement officers or courtroom personnel.

The Attorney General stated that DOJ's fiscal year 2022 budget includes increased funding for the Justice Department's Tribal Jurisdiction Program and for the Interior Department's tribal justice support programs, and that this administration has strongly advocated for provisions in the House VAWA Reauthorization Bill that would recognize tribal criminal jurisdiction over an expanded set of crimes.

Attorney General Garland stressed that though progress has been made since VAWA became law, the rates of violence experienced by AI/AN women remain shocking and deplorable. He concluded by stating that history demonstrates that challenges in tribal communities are best met by solutions that are informed and shaped by tribal Leaders and governments, and that the Administration will keep these lessons in mind as they look to address the intolerable rates of violence faced by AI/AN women.

### **Secretary Deb Haaland, Secretary of the U.S. Department of Interior**

Secretary Deb Haaland thanked everyone who has spent countless hours in the development of tribal domestic violence programs, the advocates, tribal leaders, community members, and survivors. She also thanked the tribal leaders attending the consultation for their commitment to address these issues.

She stated that tribal consultation is a top priority of the Administration. At the Department of Interior (DOI), that includes normalizing the role of tribal consultation in federal decision making. She reiterated that the best ideas come from robust, transparent, and meaningful government to government consultation with tribal nations as part of the federal trust responsibility.

Secretary Haaland mentioned violence in Native American communities and against indigenous peoples is a longstanding issue that has needlessly impacted all their lives. Indigenous women are disproportionately affected by violence compared to any other group in the country. These horrific statistics are unacceptable and why she has made it a part of her life's work to address violence in communities and uplift indigenous voices so they can begin to heal and build a better future for the next generation.

Secretary Haaland recognized everyone's fierce work on uplifting the voices of those who have been stolen, like Savanna Greywind, who's Spirit Lake Dakota and Turtle Mountain Chippewa, and Ashlynn Mike of the Navajo Nation. Together we can continue to bring violence against women into the light and find justice for indigenous people.

As the first Native American Cabinet Secretary, Secretary Haaland is proud to be a part of a community of such strong indigenous people. She stated that we are at an inflection point. The Biden Administration is prioritizing indigenous issues and she highlighted a few of the steps that the Biden-Harris Administration and DOI are taking to address violence against Native women and communities:

- **Missing and Murdered Unit:** Everyone deserves to feel safe in their communities, but the missing and murdered indigenous people's crisis is one that Native communities have faced since the dawn of colonization. Many times, cases go unsolved and unaddressed leaving families and communities devastated. One of her first acts as Secretary she announced that the DOI is putting the full weight of their agency behind a new Missing and Murdered Unit within the Bureau of Indian Affairs (BIA). The unit will provide the resources and leadership to prioritize unsolved indications and coordinate resources to hold perpetrators accountable, keep our community safe, and provide closure for families.
- **Implementation of the Not Invisible Act:** The Not Invisible Act and the Savanna's Act take steps to address the missing and murdered people's epidemic by closing gaps in information sharing and data collection and empowering the DOI and DOJ to draw on the experience and expertise of those on the front lines of this crisis. To implement the Not Invisible Act, a Joint Commission led by both the Interior and Justice Departments was established to reduce violent crime against AI/AN women. The Commission's first tribal consultation will be held virtually in August 2021. The Commission is composed of a minimum of 28 federal and non-federal members. The Commission has opened the nominations for non-federal employee commission members. It is important that it reflects members who know firsthand the needs of their people and she encouraged everyone to consider submitting nominations from their community.
- **White House Council on Native American Affairs:** In 2021, President Biden re-established the White House Council on Native American Affairs. Secretary Haaland is co-chair of the council and is determined to use an all of government approach to develop actionable goals for Indian country and Alaska Native villages. The council will coordinate with tribal nations as it advances on key issues, such as public safety and justice, climate change, tribal homelands and treaties, economic development, energy and infrastructure, health, education, and international indigenous issues.
- **President's investment in Indian Country:** President Biden's proposed 2022 budget demonstrates his commitment to tribal nations and addressing public safety resources on tribal lands. The proposal includes \$4.2 billion, an increase of more than \$727 million for Indian affairs at Interior. This includes more than \$500 million for the BIA Public Safety and Justice Program, which will provide funding in operation of tribal law enforcement, support the Missing and Murdered Unit, expand workforce capacity for police services and detention and corrections, and support Tribal Courts.

Secretary Haaland, concluded by thanking Attorney General Garland for his commitment, and his entire team for their commitment, to these issues. She also thanked the survivors for sharing their stories that in turn continue to drive the action that the Administration needs. She stated that their trauma does not fall on deaf ears. "I see you and I hear you. We all see you; we all hear you, and we are all inspired by you, and we stand with you".

### **Vanita Gupta, Associate Attorney General, Department of Justice**

Associate Attorney General Gupta started off by thanking Allison Randall for her leadership. Associate Attorney General Gupta also acknowledged the leadership of Secretary Haaland and the survivors who inspire everyone to do more to address violence against American Indian and Alaska Native (AI/AN) women. She acknowledged the importance of government-to-government consultation as a crucial element of stopping the violence against Native women. She reiterated Attorney General Merrick Garland's comments that consultation is a priority of DOJ.

On behalf of DOJ, Associate Attorney General Gupta announced the launch of [www.tribalcampus.org](http://www.tribalcampus.org), the OVW grant-funded website dedicated to supporting tribal colleges and universities in developing culturally-relevant, holistic responses for survivors of sexual assault. Through the "Honoring Our Spirit Tribal College Campus Technical Assistance" website, campuses can access vital resources and request customized consultation, training, and support. The launch of this website exemplifies the commitment and work of the Justice Department to support survivors and ensure that tribal colleges and universities are safe and have access to important resources.

Associate Attorney General Gupta focused on four DOJ grant programs that help reduce violence against AI/AN women:

- **OVW's Indian Tribal Governments Program:** This program provides funding to help improve tribal responses to violent crimes, including domestic violence, dating violence, sexual assault, stalking, and sex trafficking, and to develop education and prevention strategies for tribal communities. In fiscal year 2021, the Department awarded more than \$39 million in grants as part of the Tribal Governments Program. In a recent six-month period, grantees served nearly 7,000 victims and more than 2,700 children of victims by providing services including advocacy, counseling, and crisis intervention. In addition, hundreds of victims and families received emergency shelter. During the same six-month period, Tribal Governments Program grantees responded to almost 17,000 hotline calls, convened hundreds of trainings, and provided more than 2,000 outreach activities. These programs also provide services that promote community and family safety, including supervised visitation, safe exchange programs, and transitional housing assistance.
- **OVW's Tribal Sexual Assault Services Program:** This program is dedicated solely to developing culturally-relevant services for sexual assault survivors in tribal communities. It helps tribal organizations create sustainable and culturally-specific programs and projects that provide necessary services to survivors, including advocacy, counseling, support groups, crisis intervention, transportation, and material assistance. Providing these critical services empowers survivors, helping them heal and pursue justice and, as a result, strengthen their community.
- **OVW's Grants to Tribal Government to Exercise Special Domestic Violence Criminal Jurisdiction (Tribal Jurisdiction Program):** This program provides tribes with funding to cover the costs associated with exercising Special Domestic Violence Criminal Jurisdiction, which helps tribes ensure the safety of survivors and accountability for offenders. It also provides technical assistance to tribes making necessary changes to their criminal judicial systems.
- **Office for Victims of Crime (OVC) Tribal Victim Services Set-Aside Formula Program:** This program supports a broad range of services and activities to address the needs of victims of crime in tribal communities. For fiscal year 2021, the Department implemented changes that allow tribes to use funds that serve victims as tribes deem appropriate. That might include, for example, providing supplies for traditional healing practices and food for cultural activities that are incorporated into victim services. Between October 2018 and March 2021, the OVC Tribal Set Aside Program served 22,448 victims. OVC has received feedback from tribal leaders and stakeholders that administrative barriers to applying for, and implementing, set-aside grants should be examined and eliminated where possible. In direct response to requests from tribal leaders, the awards are now extendible for up to five years, which permits tribal communities to intentionally and comprehensively apply those funds to meet challenges in their communities without the pressure of a 36-month clock. Also, in response to the request to reduce the barriers in applying for set-aside funds, OVC created a new approach for this program under which tribes have the option to interview with OVC staff, who then document the information required about the planned project, rather than the applicant having to draft and submit the traditional 20-30 page project design narrative that is typical in OJP grant programs. The interview option decreases burdensome administrative requirements tribal applicants face when applying for the OVC Tribal Set Aside Program.

This new approach is a reflection of how OVC continues to listen to the Native community and react accordingly. The Department was honored that 79 tribal participants joined OVC's consultation with tribal leaders to seek feedback on how to use unclaimed Tribal Set Aside Formula Funds on July 29.

Associate Attorney General Gupta concluded on behalf of the Justice Department that she is looking forward to hearing testimony and working together to achieve the critical goal of ending violence.

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

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

- **Tracy Toulou**, Director, Office of Tribal Justice
- **Gina Allery**, Deputy Director, Office of Tribal Justice
- **Dawn Doran**, Acting Director, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)
- **Kristen Mahoney**, Acting Director, Office of Justice Programs, Bureau of Justice Assistance
- **Jennifer Scherer**, Acting Director, Office of Justice Programs, National Institute of Justice
- **Kristina Rose**, Director, Office of Justice Programs, Office for Victims of Crime
- **Brian McGrath**, Chief Information Officer, Office of Justice Programs, Office of the Chief Information Officer
- **Christine Crossland**, Social Science Analyst, Office of Justice Programs, National Institute of Justice
- **Robert Chapman**, Acting Director, Office of Community Oriented Policing Services
- **Marcia Good**, Executive Director, Presidential Task Force on Missing and Murdered American Indians and Alaska Natives
- **Benjamin Whittemore**, Native American Issues Coordinator, Executive Office for United States Attorneys
- **Clinton J. Johnson**, Acting U.S. Attorney, Northern District of Oklahoma
- **Kristi Naternicola**, Tribal Engagement Program Head, Federal Bureau of Investigation

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

HHS representatives included:

- **Dr. Loretta Christensen**, Navajo Area Chief Medical Officer, Indian Health Service
- **P. Benjamin Smith**, Deputy Director, Intergovernmental Affairs, Indian Health Service
- **Michelle Sauve**, Acting Commissioner, Administration for Children and Families, Administration for Native Americans
- **Hope MacDonald Lone Tree**, Deputy Commissioner, Administration for Children and Families, Administration for Native Americans
- **Shawndell Dawson**, Director, Family and Youth Services Bureau, Division of Family Violence Prevention and Services
- **Nancy Mautone-Smith**, Director, Office of Women's Health, Health Resources and Services Administration

The representatives from DOI were:

- **Darryl LaCounte**, Director, Bureau of Indian Affairs
- **Jason O'Neal**, Deputy Bureau Director, Office of Justice Services, Bureau of Indian Affairs
- **Tony L. Dearman**, Director, Bureau of Indian Education, Bureau of Indian Affairs

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

Sherriann Moore thanked Allison Randall and the principals and leaders from the DOJ, DOI, and HHS for participating in the tribal consultation and highlighting the work that is currently being done to address VAWA crimes. Sherriann reminded participants that tribal consultation is a free and safe space for people, tribal leaders, and authorized designees to testify and have important government-to-government consultation to solicit recommendations from tribal government leaders on 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 crimes; and, improving access to local, regional, state, and federal crime information databases and criminal justice information systems. The testimony can oftentimes be very personal. The survivor testimony is important and helps describe what tribal members are experiencing, but it is not for attribution. If there is something that warrants further investigation, she recommended to contact the individuals directly and get permission.

Sherriann 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. She also reminded participants that the next day there will be a special session to hear tribal leaders and authorized designees' testimony and comments on DOJ's grants management system, known as JustGrants. She further stated that Brian McGrath, Chief Information Officer, DOJ will attend the session to hear testimony.

### **Lisa Monaco, Deputy Attorney General, Department of Justice**

On the fourth day of the Consultation, Deputy Attorney General Lisa Monaco addressed Tribal leaders. Allison introduced Deputy Attorney General Monaco, who is the Department's second-ranking official and is responsible for the overall supervision of the Department, including overseeing the Department's litigating and policy components, law enforcement agencies, and 93 U.S. Attorneys. She also advises and assists the Attorney General in formulating and implementing the Department's policies and programs. She has a decades' long history of fighting violence against women, including serving as a staff member on the Senate Judiciary Committee in the early 1990s, where she was worked on the passage of the original Violence Against Women Act.

Deputy Attorney General Monaco opened her remarks by noting how honored she was to participate in the Consultation, as the issues under discussion are particularly important to her. She recalled that her work on the Senate Judiciary Committee with then-Chairman Joseph Biden gave her the "bug" to go to law school. In particular, she explained that working on the Committee with lawyers committed to addressing violence against women, including against tribal women, was a formative experience. Likewise, her first job in the Justice Department was as counsel to the then Attorney General Janet Reno, who believed very deeply in tribal justice issues and created the Department's Office of Tribal Justice.

Deputy Attorney General Monaco then stressed the Department's ongoing commitment to addressing violence against Native women issues. The original VAWA set aside funds for tribes, recognizing the role of tribal self-government and culturally responsive services in addressing violence against Native women. Since then, each reauthorization of VAWA has strengthened its tribal provisions, and she called on Congress to swiftly pass the Violence Against Women Act Reauthorization Act of 2021, which would provide additional tools and resources for tribes needed to protect survivors in their communities.

The Deputy Attorney General further emphasized the Department's commitment to responding to concerns raised in past Consultations. She highlighted two areas where she believes that collaboration between the Department and its tribal partners have made a difference in tribal communities. First, the Department has worked to improve

responses to the disappearance or murder of American Indian and Alaska Native people. In past Consultations, participants have requested that DOJ do more to address the underlying causes of missing person incidents or homicides in tribal communities, including sexual assault and domestic violence. In her speech, the Deputy Attorney General outlined the Department's ongoing efforts to respond to these concerns, including its commitment to fully implementing Savanna's Act and the Not Invisible Act.

Second, the Deputy Attorney General explained recent steps taken to enhance tribal access to crime information databases. In particular, the DOJ has continued to raise awareness of the Tribal Access Program (TAP) for National Crime Information. This program provides a way for federally recognized tribes to access very important criminal justice information, which is going to improve public safety and protect tribal communities. TAP may be a key component of improving public safety in tribal communities. It has also helped improve police officer safety to apprehend fugitives, to help register convicted sex offenders, and to enforce domestic violence protection orders, which is in the service of protecting children as well. The Department has been communicating with tribes participating in TAP to identify and address any barriers to entering tribal orders in the system.

In closing, the Deputy Attorney General thanked participants for past recommendations and engagement and for the continued dialogue. Meaningful consultation means recognizing the sovereignty of Tribal Nations, fulfilling the Department's trust and treaty responsibilities, and listening and responding to the leaders of Tribal governments.

## Tribal Testimony

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In total, 36 tribal leaders and authorized 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)*

Sherriann 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, Traditional Councilwoman Juana Majel-Dixon, Pauma Band of Luiseño Indians, and President Shannon Holsey, Stockbridge-Munsee Band of Mohican Indians.

On behalf of NCAI, 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, thank you for the opportunity to provide written and oral testimony. This consultation is about providing advocacy and opportunity to continue to develop interagency partnerships and solidify grass-roots organizations to end violence against American Indian, Alaska Native and Native Hawaiian, and of course our missing and murdered indigenous people.

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. These issues are monitored on an ongoing basis and are compiled by the NCAI Task Force.

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 229 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. Tribal nations are confronted with costly health care expenses for non-Indian inmates sentenced by tribal courts, often straining their limited budgets.

***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 2021, (H.R.1620) and other legislation listed in the recommendations below.
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. Create 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 229 Alaska Native villages to become eligible to fully exercise SDVCJ after the Alaska pilot program ends.
5. Restore the tribal authority of Alaska Native Villages to prosecute non-Indians as provided in the Alaska Tribal Public Safety Empowerment Act (S.2616);
6. 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).
7. 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).
8. Request increased funding for tribal nation implementation of SDVCJ.
9. Support the tribal reimbursement program established in HR 1620.
10. On June 28, 2019, DOJ declared a law enforcement emergency in rural Alaska. DOJ should provide an update to Tribal Nations as to how the agency plans to continue to address the emergency in rural Alaska going forward.

**Topic 2: The U.S. Attorney General Must Continue to Submit the Statutorily Mandated Annual Tribal Consultation Reports to Congress**

Tribal Nations' concerns and recommendations regarding violence against AI/AN women are extensive as documented in past VAWA Annual Tribal Consultation Reports. The legislative and executive branches must coordinate and collaborate on violence against AI/AN women issues to enact change that will address the disproportionate violence against AI/AN women.

***Recommendations for DOJ:***

1. The U.S. Attorney General and DOJ must consistently submit the VAWA Annual Tribal Consultation Report to Congress on time.
2. The U.S. Attorney General and DOJ must publish the transmittal letters for each VAWA Annual Consultation Report to Congress on the DOJ website.

### **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 Departments' 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. This must be addressed and the necessary funds and resources must be provided. The funds are there, this is 2021, and we started this in 2006; that is genocide over several administrations.

#### ***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 victims 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).
  - Develop protocols, in consultation with Tribal Nations, which recognize the inherent right of AI/AN to exercise their traditional practices in response to MMIW. These protocols must address the current violations of tribal beliefs, religious, and cultural practices of the murdered woman and the disrespectful handling of her remains. The protocols must address the following:
    - a. The cremation of the AI/AN woman's remains without notice or consent of a family member.
    - b. The denial of request by mothers and other immediate family members to see the bodies of their loved ones.
    - c. Mailing and shipping remains without notice to the family and sometimes without proper clothing and modesty covers.

- d. In adjudicated cases, return of the victim's personal effects and belongings to the family, if desired, for proper disposal and/or burial consistent with cultural practices.
- 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.
- Implement the recommendations in the section below titled "Accountability of Extractive Industries for Violence Against AI/AN Women."

#### **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:***

1. 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 communities, which are often different from the needs of victims living in more urban locations.
2. 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 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. Automatically 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: 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 fewer 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.

***Recommendation for BIA:***

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

## **Topic 7: 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 or near tribal lands must be addressed by DOJ, DOI, DoD, and HHS. Extractive industries as well as subcontractors must be held accountable for the resulting violence of itinerant workforces that are used within tribal communities by these industries. AI/AN women and their children should not be exposed to violence by felons or serial predators employed by these industries.

### ***Recommendations for DOJ, DOI, HHS, 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. DHHS 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 8: Accounting of Tribal Funding**

DOJ must provide an accounting of how tribal funds have been allocated to grants to Tribal Nations, technical assistance, training, special projects/initiatives, and interagency transfers to other federal agencies.

### ***Recommendations:***

1. OVW should provide funding sources (in whole or combination) used to pay for the \$350,000 technical assistance project identified as an FY 2021 Targeted Technical Assistance Purpose Area #33 for Improving Responses for American Indian and Alaska Native populations residing within urban locations.
2. DOJ should report and provide an accounting of any carryover at the annual consultation and request targeted input from Tribal Nations as to how any unexpended funds should be spent.

## **Topic 9: Federal Accountability and Compliance with Section 212 of the Tribal Law Order Act of 2010 (TLOA).**

TLOA section 212 requires the U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute a crime on the reservation. Sharing this type of information is critical to keeping AI/AN women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and/or domestic violence cases. When the perpetrator is an Indian defendant, a tribal prosecutor may then proceed with the tribal prosecution of the crime. In cases with non-Indian defendants, it is still important that the U.S. Attorneys notify tribal officials. Tribal Nations can then notify the victim about the status of the case, which allows the victim to take the necessary steps for their protection.

***Recommendations:***

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

**Topic 10: 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:***

1. DOJ should work with Congress to reauthorize and permanently establish the Bureau of Prisons Pilot Project and streamline the process for the transfer of prisoners.

**Topic 11: TLOA, Section 261, Prisoner Release and Re-entry.**

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

***Recommendation:***

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

**Topic 12: DHHS, Administration of Children and Families, Family Violence Prevention and Services Program.**

During the 2020 consultation, tribal leaders raised concerns about the lack of shelter and supportive services for Tribal Nations. The Family Violence Prevention and Services Act (FVPSA) is the only dedicated federal funding source for domestic violence shelters across the country. However, FVPSA authorization expired in 2015. FVPSA must be reauthorized with key enhancements to increase funding for Tribal Nations and allow tribal coalitions to access FVPSA funding as well.

***Recommendation:***

1. DHHS should support FVPSA reauthorization with amendments to increase the tribal set-aside for Tribal Nations and funding for tribal coalitions.

**Topic 13: OVW Must Immediately Address JustGrants Issues That Have Prevented Lifesaving Resources From Reaching Indian Country.**

Tribal Nations and tribal grantees have shared countless issues with OVW regarding the JustGrants system. There is no doubt that the system has prevented many grantees from providing lifesaving services to AI/AN women and tribal communities. The JustGrants issues range everywhere from inconsistent grant requirements, to confusing two step application processes, to the lack of support personnel to help grantees,

to the staggering times that it takes grantees to enter even simple information into the system. The goal of the JustGrants system was to streamline funding to Indian country. Yet it has done everything but achieve that goal. We are asking with urgency for OVW to resolve these issues.

***Recommendation:***

1. If the internal problems with JustGrants cannot be resolved prior to the end of the FY 2021 grant year, OVW should return grantees to the old grant management system (GMS) until such time that the JustGrants system is fully tested and fully operational. GMS is a familiar tool to OVW grantees, and support issues raised with GMS were expeditiously addressed. A staggered transition of grantees from GMS to JustGrants should be utilized so that grantees are not waiting hours, days and weeks to address raised JustGrants problems. A staggered transition would have allowed bugs to be identified and fixed in a timely manner without overloading JustGrants support staff, and OVW program staff who are often the liaisons between the grantee and the JustGrants support staff/system.

In conclusion they asked that the Written deadline be extended to 60 days after the Consultation, which is October 20, 2021.



## Akiak Native Community

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

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

The long- term solutions to violence against women and other crimes lie in our local cultures, which is affirmed by the 2nd purpose in Section 902 of VAWA 2005 Title IX, which purpose is to strengthen the capacity of Indian tribes to exercise our sovereign authority to respond to violent crimes committed against Indian women.

We face many challenges strengthening our capacity as tribes and need OVW and the federal government to seriously consider how you carry out your federal trust responsibility to assist tribes in safeguarding our women's lives. DOJ and all federal agencies' administration of tribal resources must assist, help, promote, support, ease, and encourage tribal nation-building.

***Recommendations:***

1. To best assist ALL tribal governments and enhance the safety of ALL Native women, federal solicitations and awards to tribes need to:
  - a. Be Non-competitive, which better fulfills the federal trust responsibility, which is not a discretionary relationship between federal and tribal governments;
  - b. Have special conditions and grant requirements that are respectful of the unique legal nation-to-nation relationship; and,
  - c. Be respectful of the time tribes need to fully expend funds they receive, which is affected by many factors, including challenges with staff hiring and turnover, which we have experienced.

## **Topic 1: Government-to-Government Consultations Coordination**

### ***Recommendation:***

1. The DOJ, HHS, and DOI coordinates the planning and organizing of government-to-government consultations from this point forward so as not to double book tribes, as occurred with the recent consultations this past August and September. I recommend potentially identifying a two-week block of time in 2022 when you schedule consultations - whether virtual, in person or hybrid - addressing domestic violence and violence against women. Generally, you have the same tribes and federal officials who actively participate, so coordination is in everyone's best interest.

## **Topic 2: Financial Assistance for Victims, Including Families of Missing and Murdered Native Women**

We believe this would fall within the Tribal Government's 4th statutory purpose to: "enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, stalking and sex trafficking." Thus, funding could occur consistent with this current statutory purpose, so there is no need for a Congressional appropriation request or reprogramming notice.

While so much more work must happen to reform our state, federal and tribal justice systems' responses to violence against women, it is equally important to increase the support that Native women have available to help them heal from victimization they've experienced, as well as decrease their vulnerability and prevent further victimization. There are fewer than 60 shelters and fewer than 300 tribal programs addressing violence against women, which cannot provide women with the comprehensive assistance they need. Some of the barriers include:

- Economic security or financial dependence on their abusers;
- Lack of access to their full share of public benefit programs;
- Lack of access to affordable, quality housing, including lack of running water in most of our homes, especially true for all tribes, but disproportionately for tribes in Alaska, Arizona, and New Mexico. These housing challenges increase our vulnerabilities for COVID-19 infections, which have been high in our villages;
- Lack of access to shelters in times of crisis when women need to hide or run away; and
- Lack of affordable, quality child care and assistance with navigating the child welfare system, in which Native children are over-represented.

### ***Recommendations:***

1. Cash assistance is also needed for Native victims and families of MMIW, especially since 1 in 4 Native women live in poverty, which is the highest rate of poverty among women or men of any racial group or ethnic group. Native women victimized by domestic violence and families of MMIW could use flexible financial assistance to cover costs, including but not limited to:
  - Housing-related expenses, food, clothing, and personal care items,
  - Supplies for subsistence and winter supplies,
  - Technology,
  - Child and other household members' needs,
  - Transportation and shipping costs, both of which are expensive in Alaska and in other rural, isolated tribal areas across the country,
  - Physical and mental health expenses, including treatment for alcohol and substance abuse,
  - Education for themselves and their children,

- Debt assistance,
- Legal assistance; and other expenses related to a survivor's safety, independence, and financial stability.

These are unmet needs for Native victims that the Akiak Native Community has been unable to address. We support OVW using existing Tribal Government Program funds, including de-obligated tribal and non-tribal OVW program funds for flexible financial assistance for Native survivors and families of MMIW. Indian tribes and their authorized designees must be the eligible recipients. Funds could be provided as victims need them, ranging from small to larger amounts and paid to the vendors.



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

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

ANJC was originally founded to address the lack of attention native women victims (often missing) experienced in the Alaska justice system and the disproportionate imprisonment of Alaska Native men.

Eighty percent of Alaska Native women will experience violence in their lifetimes. Additionally, we know that an overwhelming number of sex offense cases reported in Alaska are not prosecuted. Furthermore, we also know that Alaska Native youth are disproportionately affected by human trafficking at a rate higher than most major U.S. cities. These stark numbers do not fully capture the real situation as they represent only those cases actually reported and do not reflect unreported offenses as well as do not consider the impact these offenses have on families.

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

***Recommendations:***

1. ANJC can reliably point to 40 years of reports and data collection regarding Public Safety in Alaska that offer recommendations on how to address this crisis. However, the maze of injustice remains for native women who are victims of violence. We recommend this subject be prioritized as a research focus area.
2. We have previously urged OVW and the Department to include AI/AN women who live off reservation and in urban areas in any research and services funding in order to ensure that the full scope of the problem is considered and addressed.
3. Statistics shed light on the perception that the Alaska Criminal Justice System allows cases involving Alaska Native victims to go uninvestigated, under-investigated, and unprosecuted. We renew our recommendation for an in-depth review of prosecutorial charging, bail, and plea or sentencing decisions.

## **Topic 2: Improving the Tribal Jurisdiction Program**

The SDVCJ language in VAWA categorically excluded 228 of Alaska's 229 federally recognized tribes, leaving only one tribe eligible to exercise SDVCJ. This lack of tribal jurisdiction over non-Indian offenders in Alaska continues to allow the perpetuation of disproportionate violence against Alaska Native women.

### ***Recommendation:***

1. We encourage support of congressional efforts designed to remove barriers, including efforts that:
  - Affirm the inherent criminal jurisdiction of Alaska tribes;
  - Support the development, enhancement, and sustainability of Alaska tribal courts, including full faith and credit for Alaska tribal court orders; and
  - Enable recognition of Alaska native communities for Public Safety purposes.

## **Topic 3: Compacting and Non-Competitive base funding**

ANJC supports requests for the Department to explore compacting authority and provide dedicated, annual, non-competitive base funding for Alaska Tribes. Through compacting, tribes have been successful. Indian Health Services compacting in Alaska has resulted in coordinated, innovative health care models duplicated around the world.

### ***Recommendations:***

1. The Department and OVW keep solicitations, funding, and allowable costs as flexible as possible, while keeping requirements such as training or reporting at a minimum to meet the needs of tribes.
2. Allow tribes to consolidate public safety and justice services, as long as the tribal court funding is not lower than the minimum amounts identified in the 2015 BIA Report to Congress that specifically detailed the budgetary needs in P.L. 280 states.

## **Topic 4: Special Conditions for Grant Funding**

Many grants require numerous special conditions and approvals not only prior to starting work, but throughout the lifetime of the grant, which are burdensome obstacles to performing our work and represent a gross overreach by the department.

### ***Recommendation:***

1. OVW examines the necessity of special conditions for all grants and recommends that they be removed or relaxed based on the expertise of the grantee.

## **Topic 5: Mandatory Training Options**

Traveling to the lower 48 several times a year for mandatory training creates extended staff absences, which negatively affect our participants and our ability to provide consistent and efficient service.

### ***Recommendation:***

1. OVW examines and relaxes the number of staff and frequency of mandatory annual training requirements, and moving forward, continues to make such training available through distance options.

## **Topic 6 : JustGrants**

The launch of JustGrants has failed to make reporting systems less onerous. When submitting reports and documents ANJC staff regularly face a maze of user permissions and authentications, inefficient processes, untimely logouts, and incompatible report formats that require additional data entry.

### ***Recommendation:***

1. We request remediation of JustGrants user issues.

## **Topic 7: Response to OVW’s Tribal Consultation Framing Paper on Financial Assistance for Victims**

It is well recognized that a lack of financial independence and resources often keeps a victim from leaving her abuser. Therefore, we were glad to see OVW’s proposed pilot program that will provide financial assistance directly to survivors. In support of this pilot program, we offer the following recommendations.

### ***Recommendations:***

1. ANJC believes that resources should be provided with as much flexibility as possible. Tribes and tribal organizations know best how to serve our people and OVW should not place restrictions on how survivors may use the funds. Such a program would be more effective if it permitted both multiple smaller amounts and larger lump sums.
2. Allowing funding recipients to determine the types of expenses survivors may use the financial assistance fund for, based on community need.
3. OVW allows funding recipients discretion for when and how funds will be disbursed. Tribes know what victims in their community need most. The financial need and expenses in an extremely rural Alaskan village accessible only by plane, boat, or snow machine will be vastly different from those of a victim living on a reservation in the lower 48.
4. OVW utilizes de-obligated funds from OVW’s tribal-specific grant programs and other programs with de-obligated funds to fund this pilot program. To fail to obligate any de-obligated funds not only frustrates the very purpose of congressional funding but also leaves tribes without critical financial resources to implement and carry-out essential services.

## **Topic 8: Eligible Entities**

ANJC supports ensuring that the unique landscape of tribes and tribal organizations in Alaska are eligible for these new victim support funds. We suggest the eligibility criteria that has been used consistently in the Tribal Set-Aside.



## Asa'carsarmiut Tribe

*The Honorable Gloria George - Tribal Leader (Oral)*

*Nita Stevens - Authorized Designee, Office of Victims of Crime, Tribal Council (Oral)*

*Gloria George - Authorized Designee, Second Chief (Oral)*

*Denise Peterson - Authorized Designee, Special Programs Director, Tribal Council (Oral)*

*Michelle Andrews - Authorized Designee (Oral)*

*Madilyn Long - Authorized Designee, Director of Social Services & Education (Oral)*

The Asa'carsarmiut tribe is a Native village located in the remote parts of Alaska. We only have one road that connects our village to two other villages. To access our village we travel by plane, boat, and snow machines. Our programs supporting violence against women are fairly new to the tribe and though we have had a slow start, it has been overall successful, even with COVID setbacks. We have worked hard to disseminate the information regarding the services and support our programs offer. The current pandemic has made it harder for us to maintain our staff and we have had a lot of turnover. Even with these staffing challenges, we have been determined to help everyone who has needed our help.

We have hosted outreach/cultural events to help support our community and clients. We also have provided educational information to help create a healthier community. Information is power.

To me the hardest part of working with and supporting our clients is the sad fact that it triggers flashbacks for me. How do we address these secondary traumas? I know that I am not the only person who works with survivors that experiences this.

### **Topic 1: OVW Pilot Program**

A lot of our victims are homeless or on the verge of being homeless. The OVW pilot project proposed in the framing paper would be very helpful if it provides funding for temporary housing and more vouchers. The biggest challenge for us is securing safe housing for our clients/survivors. We also find that many need support for essential needs, such as clothing or food. Since we live in a rural community, we often have to get creative in finding ways to help our clients. We need the flexibility to provide what is available within our community. We need to provide financial assistance and support services for people who are willing to open their home to victims who need shelter. We need to have the ability to reinforce doors, put in security cameras, and other measures to help with protection.

It is our hope that these programs will continue to grow so our younger generation knows that there is always help, and to never give up.

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

1. The Asa'carsarmiut Tribe supports the OVW proposed pilot program for program recipients to give flexible financial assistance to survivors as long as the program includes funding for temporary housing and more vouchers.
2. The OVC and the DOJ should not make tribal program grants competitive. We need to have the ability to ensure the continued funding of these programs.

3. Grant funding to tribes needs to be as flexible as possible in order to successfully support their survivors' needs.

## **Topic 2: Alaska as a National Issue**

In May 2015, the Indian Law and Order Commission 2015 report “A Roadmap for Making Native America Safer,” devoted chapter 2 to “Reforming Justice for Alaska Natives: The Time is Now.” This report documents issues Natives experience in Alaska, which include domestic violence, sexual assault, dating violence, stalking and trafficking. It has been six years since this report and we are still facing the same challenges and statistics. In June 2019, the Attorney General declared a law enforcement emergency in rural Alaska under the Emergency Federal Law Enforcement Assistance Program. Recognizing that Alaska has the highest per capita crime rate in the country, the Attorney General authorized additional funding and long-term measures to support village public safety and victim services. It’s now August 2021 and a permanent solution has not been created. The public safety issues in Alaska and the law and policy at the root of those problems need immediate attention and resources directed towards a solution. “These are no longer Alaska issues. They are national issues. We need Alaska Pacific.”

### ***Recommendation:***

1. Alaska is still in a state of emergency and needs flexible funding to take long-term measures to support village public safety and victim services.

## **Topic 3: Office of Children Services (OCS) Lack of Communication**

A challenge we are experiencing is the lack of communication between the Indian Child Welfare Act (ICWA) department and the social workers at the Office of Children Services (OCS). We would like to thank the ICWA for all their support and help. In the few cases we have been involved, OCS’s lack of communication with ICWA makes it a lot harder for our tribal members to get reunited in a timely manner. Darlene Peterson read a letter from a parent who documented their experiences. The letter said they had an unresponsive case worker with OCS, it took months for the ICWA, Alaska Youth and Family, and an attorney to get OCS to respond. It took seven months for the mother to get her children home.

*Below is a summary of Madilyn Long’s experiences with OCS.*

I started working with the ICWA department ten years ago and worked mostly with OCS. Ten years ago they were very hard to get in touch with and there was a definite lack of communication from their staff. This historical lack of communication by OCS burdens ICWA workers with the stress of wanting to help these families and speed the process, but not being able to assist. This stress causes turnover. In the year I have been back with ICWA I have seen a lot of turnover. We work with domestic violence victims, and when they come to us frustrated, we listen, we let them talk, we support them; it gets emotional.

## **Topic 4: Office of Women Victims**

Domestic violence is a continuous issue in our community. In order to be more effective in supporting our community, our staff has taken advantage of the various training opportunities offered through OVW and the National Criminal Justice Training Center. When we encounter victims, our team offers mental support, transportation to safe shelters, financial support, traditional healing services, and wellness activities.

I have witnessed the ongoing cycle of domestic violence amongst our women victims and the inability to leave abusive partners. Being available to our victims has been reassuring for them. The tribe is in the process of renovating a shelter to offer a safe place for our victims to shelter and care for. The funding has greatly helped the community. We have been able to offer Office of Women Victims services as well as helping out tribal courts and tribal cops to service the community to combat crimes.

We face burnout and turnover with our staff and tribal police because of the stressful situations and often lack of training. With these challenges we have been forced to be creative with solutions. We are also doing whatever we can to get our staff trained and rested, so they can be mentally ready to support others.

## **Topic 5: Public Safety**

*Below is a summary of Gloria George's experiences.*

All five of my children lost their dad at young ages due to alcohol and we are also survivors of domestic violence. For many years we have needed more law enforcement in the community and safe housing for victims. We have always needed a resource center where people could find support in building a safer environment for their families. Alaska, like the federal government, has failed in providing for public safety in Alaska Native Villages, as according to the Tribal Law and Order Commission report:

- 40% of our communities lack law enforcement. Because of this, we have experienced alarming rates in forms of tragedy, domestic violence, sexual assault, suicide, homicide, children being moved from families, torn apart and their parental rights severed.
- Historical trauma has and still is impacting us in many ways. For example, Alaska Native children constitute only 17.8% of the Alaska State child population, but they constitute 50.1% of substantiated reports of child maltreatment in the state. Alaska Native children are represented in foster care at a rate three times greater than the general population. The suicide rate among Alaska Natives is nearly four times the national average and in some parts it is at least six times the national average. The list of stats goes on and on.

### **Housing**

Our past leaders and elders have worked tirelessly together for many years to come up with ways to help our village. The city of Mountain Village recently donated a building for us. The building will be renovated into office space, with a resource center, as well as a shelter for victims and those in need. We are very excited about this new space and are looking to expand our services and community outreach.

### **First Responder Burnout**

Since we started the tribal cops and victim services, we have employees either quit or get removed from poor decision making and burnout. Being a first responder is very hard. They have to deal with secondary trauma and it is hard. We are looking at this closely at what would help our staff retention, would more time off or a flexible schedule help? We are brainstorming on ways to encourage our staff to be positive, feel supported.

### **Cultural Activities**

We also are making a focus on community outreach. We have been hosting cultural workshops, traditional dancing festivals, healing circles, and more so we can connect to our community and inform them of our services. Giving our tribal members the opportunity to engage in activities gives them a sense of belonging and self respect. It also makes them more aware of their actions and accountability. It took a lot of trial and error

to make these activities a success, now we all look forward to them. Now that we have these resources, how are we going to keep them?

**Recommendation:**

1. We need more funding to hold cultural activities and strengthen our existing programs, which includes providing meals, foods, and snacks.

**Culture**

Last Month, my brother was convicted of second degree murder. Since youth he has been in and out of the court system, the behavioral health system, and been a victim to substance abuse. As a family, we tried everything to get him help and to make better choices with his life. About four years ago he came to visit and stayed with me for a few months. During that stay he told me that in one of his prison stays he has learned how to work with his hands. He made yarn hats for everyone in his family. This is a strong cultural activity that he learned while he was in prison. He even was able to make some income, which lifted up his self-esteem. He was able to reach out to family members and attend cultural activities, it really gave him a sense of wanting to change. But unfortunately, after being three months sober, he blacked out. He woke up in the morning, and his girlfriend lay dead on the floor below his bed. He can't remember that night, but he will never, ever forget that morning. He was sentenced to 99 years in prison and he is not the only one that has that story. There are many young men at home that are living that same thing. I am afraid for the younger ones that are in this cycle, that they will do something similar. We need to put a stop to the cycle. We need to help our abusers as well as the abused.

**Topic 6: Broadband and Infrastructure Grants**

COVID has brought to the forefront the need for high speed internet. We know there are broadband infrastructure grants, but we don't know where to start. We are not the only village in Alaska or nationwide that does not have the capacity to apply for some of these grants because of a lack of expertise.

**Recommendation:**

1. The DOJ should partner with the departments that provide infrastructure and broadband grants to provide standardized programs of equipment, other Native resources, and vetted contractors who are subject to necessary audits.



**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 about the size of the state of Washington with no roads connecting our 48 villages to each other or the rest of the state. We are accessible by boat or plane only. In 2019, DOJ declared a law enforcement emergency in rural Alaska. The rates of domestic violence and assault in our tribal communities are ten times higher than the rest of the United States.

## **Topic 1: Bringing Self-Governance to Public Safety Funding**

The number one public safety need for tribes in rural Alaska is a public safety presence in each community. The only way this will happen is if tribes are able to recruit, hire, train, equip, and retain officers by paying them a competitive wage. Right now, the only federal source of funding available to Alaska tribes is Community Oriented Policing Services (COPS) funding through DOJ. While an important avenue for funding, tribes cannot build public safety infrastructure on competitive, cyclical grant funding. Not all tribes have grant writers. Some tribes rely on donations or bingo proceeds to fund their public safety.

### ***Recommendation:***

1. We need direct, noncompetitive base funding for public safety. This funding must come to tribes and tribal consortia directly – not be funneled through the State of Alaska. Bringing self-governance to public safety funding will allow Alaska tribes to truly transform public safety for our women, girls, and communities.

## **Topic 2: Recognizing Tribal Government Authority**

In our tribal communities, the tribal government is often the only government responsible for keeping community members safe. However, Alaska's unique legal history has clouded the authority of tribal governments to take action to protect our communities. Tribal law enforcement typically happens in "Indian country;" however most Indian country, as defined by statute, was abolished in Alaska.

Alaska is also a PL-280 state, meaning the federal government pulled out of law enforcement across rural Alaska, and transferred that authority to the State. However, State law enforcement is largely absent in our villages. In addition, BIA provides very little law enforcement support to PL-280 tribes. These factors leave tribes with almost nowhere to turn.

### ***Recommendations:***

1. The passage of the Alaska Tribal Public Safety Empowerment Act is uniformly supported by tribes in our region and across the State of Alaska. It will give Alaska Tribes the authority they need to protect their tribal citizens and communities, without expanding the definition of Indian country.
2. Reauthorization of the Violence Against Women Act, including incorporation of the Alaska Tribal Public Safety Empowerment Act provisions for Alaska Tribes.
3. For DOJ to define and identify federal and state policies, regulations, and laws that must be changed in order to advance Public Safety access in Rural Alaska.
4. Formation of the Not Invisible Act's mandatory commission to address Missing and Murdered Indigenous Peoples (MMIP).
5. Action to address the lack of housing and safe homes, restricted transportation, and decreased internet access in tribal communities. This lack of infrastructure has increased the risk for women and girls who cannot access services.
6. Increased resources to educate tribal communities about risk factors, developing safety plans, and implementing comprehensive solutions to address domestic violence in our communities.
7. A coordinated response from the United Nations Indigenous-specific mandates to address MMIP.
8. Development of protocols for the respectful handling and return of deceased individuals' remains and belongings.
9. Increased access to healthcare, including mental healthcare, to address the extreme and long-term effects of domestic violence for individuals and families.

10. Continued and increased collaboration between State agencies, such as the Office of Children’s Services, and tribes and tribal organizations to best meet the needs of victims of domestic violence.
11. We also support the recommendations of NCAI’s Task Force on Violence Against Women.

### **Topic 3: A Holistic Approach**

We cannot protect our women and girls without appropriate public safety resources. However, we know that this is not the only part of supporting healthy and thriving communities. AVCP’s MMIP taskforce has developed a holistic approach that is based on providing prevention services, advocating for public safety resources, and increasing collaboration between tribal, local, state, and federal agencies.

I will close with the reminder that tribal communities in rural Alaska are not asking for anything more or anything less than any other community in Alaska or the United States.



## **Cahuilla Band of Indians / Cahuilla Consortium**

*Samantha Thornsberry, Program Director/Advocate, Cahuilla Consortium - Authorized Designee (Oral)*

The Cahuilla Band homeland is located in the mountains of Southern California and is very rural. The Cahuilla Consortium serves the Cahuilla Band, the Santa Rosa Band of Cahuilla, and the Los Coyotes Band of Cahuilla and Cupeño Indians. The consortium has 1,100 tribal members who all reside on three vast territories. A trip to the emergency room, to get groceries, go to work or school is likely a 45 minute to one hour drive, each way.

Because we live in a rural community, tribal members have multiple roles and responsibilities. “I am the grant writer. I am an advocate on some days. I am the janitor on the one day of the month that I am supposed to clean the office. Sometimes I am security, and sometimes I am a dog catcher.” While this sounds funny, this is normal operating procedure for many small rural tribes who do not have a lot of infrastructure. The Cahuilla Consortium, now in its twelfth year, has been able to expand services for community members. The COVID pandemic has challenged them to work smarter, and harder. Their caseload of those victimized has increased and the need for flexibility has increased as well. They have conducted zoom meetings with clients, providers, and team members who have had to telework. They have attended court hearings via computers and smartphones. They have utilized Uber, DoorDash, ecards, Venmo, etc., as well as found ways to provide groceries and other essential supplies to their clients.

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

#### **Just Grants**

The JustGrants application process is tedious, repetitive, and difficult. The help desk has been helpful and answers in a timely manner, but it is not enough. We are concerned that there are de-obligated funds because of the JustGrants tool being too hard to manage. For example, two months ago, I had to write a grant adjustment modification and submit it to JustGrants. Since I am new to the JustGrants portal I watched the video tutorial but was unsuccessful following the video because it didn't match up to the actual steps that I was supposed to take. There was one step that was missing. These small hurdles can add up and become

larger barriers especially when every time you have to use the portal you have to make a phone call or send an email to the help desk.

### **Program Management Relationship with Grantor and Grantee**

Often the relationship between the grantor and grantee feels like a parent/child relationship. During past consultations, tribal leaders have discussed the number of special conditions that a grantee has to manage. For example, when submitting a grant, the applicant must provide information to show that the person managing the program has the skills set and experience needed to perform the scope of work. This is understandable and makes sense for program management. The oversight goes too far when a grantee has to submit for approval by their federal grants specialist any brochures, PowerPoint presentations, or publications they want to use to support their program. This feels like we have to ask permission to use our professional skills and knowledge to produce a document or presentation. For many programs, we use the same brochures, documents, presentations, and revise the content and graphics as needed. To have to get approval is an unnecessary step in management. The grantee understands that we must only produce publications that support the scope of work for the funding and we must add on the publication a disclaimer on anything produced. The response time is never timely, and it continues to support this unbalanced relationship between grantee and grantor.

### **2020 OVW COVID Funding**

The tribe was very happy to receive 2020 OVW COVID funding through the American Recovery and Reinvestment Act. The funding was fairly flexible and allowed us to service our clients virtually and it even funded self-care for the staff, which in turn helped prevent burn-out and preserved our team. There is still a need for additional funding for emergency sheltering. Since COVID, hotel and housing prices have increased, and many facilities are asking for people to have a negative COVID test.

Even with the flexibility of the funds, there were still limits that made it hard to provide needed services. For example, we were denied the ability to purchase laptops or tablets to give to our clients because they could only be loaned to an individual for a specific time. The logistics of delivering a loaned device to clients in a three county vast area, then collecting, sanitizing, updating and preparing, providing technical support to those devices at various intervals, was way too arduous for the time. In short, the key word in successful management and administering tribal funds and programs is flexibility.

### **Sustainability**

Often tribes that are a hundred percent grant funded lose their funding. Cahuilla Consortium is 100% grant funded and the federal government asks us in our report to describe our sustainability plan. Tribes in my consortia have a lot to think about when it comes to infrastructure: water supply for future years and in droughts, housing, access to resources like education and employment, safety; providing service for all the tribal community's needs and to do so on a limited budget is no small task. This is part of the trust responsibility and it should not have a deadline. When the lives of the Native American people are sustained and valued as equal, then the question of sustainability will become a moot point won't it?

### **Recommendations:**

1. We recommended that OVW remove unnecessary hurdles for grant managers. OVW should remove approval authority on brochures, PowerPoint presentations, or publications a tribe produces to support their program.
2. DOJ should expedite the needed updates to make JustGrants easier to use.

3. Funds for tribal programs should be flexible. The tribal program manager should be able to determine how the funds should be used as long as it supports the purpose of the funding.

## **Topic 2: Enhancing Safety of AI/AN Women**

Increased funding towards education, prevention and intervention for perpetrators / batterers is needed. This is the elephant in the room and not a popular statement. In order to stop the domestic violence cycle, we must address the perpetration side of violence. We must increase our focus on anger management, historical trauma, and how to have healthy relationships. Many of the current solicitations only allow a small amount of funding (a few state 3%) that can go towards these needed services. This is not flexible.

For example, we need to think of how we can help educate and provide services that will prevent a 20 year old father who has abused the mother of his child from doing it again. Statistics have shown that a young couple in this situation will get back together five to seven times. In this span of time their child is impacted by this violence and often grows up to be the perpetrator or the victim.

### **Law Enforcement Response Times**

We have to prosecute crimes that are perpetrated against Native Americans and Alaska Natives. We also need to advertise perpetrators' names and their punishment. Every day on Native social media platforms there is an announcement about a missing Native woman or girl. We never hear about an investigation, a solved case, or a prosecution. It is time for tribes to come together and discuss the retrocession of PL 280. California Native women are being deprived of their right to safety under current law because local law enforcement agencies do not prioritize calls for assistance on the reservation. There are many reasons why reservations are secondary: understaffed and underfunded law enforcement agencies, lack of education on jurisdiction and regulation, and discrimination. There is a serious breakdown in communication with tribes. Tribes must have funding to develop their own law enforcement infrastructure and it needs to be plentiful, accessible, and flexible.

### **Improving the Access to Local and Regional State and Federal Crime Information Databases & Special Jurisdiction Funding**

Currently we have no recommendations on improving the access to local and regional state and federal crime information databases or special jurisdiction funding because we currently do not have our own tribal law enforcement.

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

1. We recommend increased funding for batterers intervention and prevention education programs.
2. California and other PL 280 tribes need to discuss the retrocession of PL 280. Tribes are sovereign and must have funding to develop their own law enforcement infrastructure and it needs to be plentiful, accessible, and flexible.

## **Topic 3: Response to “What are the Needs of Survivors in your Communities that your Tribe and Victim Service Providers Have Been Unable to Address, Either With or Without VAWA Funding? What are the Unmet Needs that Prevent Survivors from Achieving Safety and Healing?”**

### **Needs of Survivors**

Our tribes are dealing with housing shortages. Property managers are very hesitant to rent to domestic violence or sexual assault victims/survivors. The cost of housing is astronomical right now and just qualifying through the application process is difficult because victims often have poor credit or maybe evictions on their record and the waitlist for Section 8 or low-income housing is literally years long. We recommend funding to build new shelters to support sexual assault and domestic abuse victims/survivors.

### **Unmet Needs of Survivors**

How do we prevent someone who has gotten out of an abusive relationship and later returns to the program from another abusive relationship, same victim different abuser? Also, due to the pandemic, it's challenging to interface with people. We have had to be very flexible in helping our victims, some may not have access to the internet or they may not have a phone or a computer. We have really been challenged to think outside the box and be creative about how we provide services. Flexibility is extremely important.

### **Recommendations:**

1. There should be a funding project for tribes to build new shelters for transitional housing for victims.
2. Grant funding needs to give tribes flexibility to use and distribute funds to survivors as they see fit within the parameters of the project.

### **Topic 4: Do Tribes Support the Creation of a Pilot Program that would Allow Recipients to Give Flexible Financial Assistance to Survivors?**

We are beyond the point of needing a pilot program to give flexible financial assistance to survivors, just offer it. We need to listen to the input we have had so far and to make the necessary changes for tribes to be able to adapt their expenditures as needed. The solicitation should be open to all tribes who apply.

### **Recommendations:**

1. We do not recommend a pilot program. The necessary changes should be made to current and future grants to allow tribes to adapt their expenditures as needed.
2. The solicitation should be open to all tribes who apply.

### **Topic 5: Do tribes believe that OVW should place restrictions on how survivors may use the funds, such as establishing a limited universe of approved expenditures? If so, what types of expenditures should OVW allow?**

The program funding should be flexible and not have many restrictions. The guidelines should be left to the tribal program manager who can guide and educate participants on management of the funds.

### **Recommendation:**

1. Funding needs to be as flexible as possible.

### **Topic 6: Would such a program be more effective if it permitted multiple small amounts be given to survivors or larger lump sums?**

The funding to survivors does not need to be given in multiple small amounts; a lump sum can be given to the survivors. Learning how to manage money should be a part of their plan towards self-reliance and independence. We would need to develop tools that manage and track expenditures. We must be all wary of developing an "I am the parent, my client is the child" relationship. We need to treat our survivors as adults,

and in a respectful manner. The Temporary Assistance for Needy Families (TANF) gives lump sums for general assistance, so this would not be something new.

***Recommendation:***

2. Funding needs to be as flexible as possible.

**Topic 7: What kind of support or technical assistance would tribal recipients need to implement such a program?**

To manage a program as described by the framing paper, OVW would need to work with the program recipients to create templates, client agreements, documents that provide structure to the programming while adhering to reporting guidelines and special conditions, and tools to track expenditures. OVW would also need to create a base structure on the reporting expectations.

***Recommendation:***

1. OVW TA leads would need to work with program recipients to create the needed templates to manage the project. This also includes OVW creating a base structure on the reporting expectations for the program.

**Topic 8: What suggestions do tribes have for the financial controls that OVW should place on the program to ensure its effectiveness and fiscal responsibility?**

We are already tracking expenditures. For example, when we use a gift card we have a gift card form that documents what was purchased and it includes the receipt. If someone abuses the process then we have steps we take for corrective actions. OVW does not need to create these controls, it should be left to the program leads to establish and manage.

***Recommendation:***

1. OVW does not need to create financial controls, it should be left to the program leads to establish and manage.

**Topic 9: Do tribes support funding the program using de-obligated funds from OVW's tribal-specific grant programs or other programs with de-obligated funds?**

We support congressional appropriation for funding of this type of program. As for de-obligated funds, we are concerned why people are not using the funds.

***Recommendation:***

1. We support congressional appropriation for funding of this type of program. Last, we fully support NCAI's recommendations shared earlier in this consultation.



## Central Council Tlingit and Haida Indian Tribes of Alaska

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

The Central Council Tlingit Haida Indian Tribes of Alaska has more than 32,500 citizens. We service 22 villages in Southeast Alaska, and 3 urban populations that include Anchorage, Seattle, and San Francisco.

### **Barriers and Challenges**

Southeast Alaska tribes face many barriers that cause public safety issues for our people. Southeast Alaska is made up of islands that are not connected by roads and the only way in is by plane or by boat. They live in a state where marine mammals have more protection than women and children.

We also have legislative and judicial barriers. To highlight a few:

- Alaska is a PL 280 state,
- Alaska Native Claims Settlement Act (ANCSA) completely extinguished all aboriginal claims to Alaska,
- And the Supreme Court's ruling of *Alaska v. Native Village of Venetie Tribal Government* (decided February 25, 1998).

These barriers have made it challenging for tribes to address village safety issues. It's a jurisdictional horror movie; conflicted and extremely complicated which leads to the continued victimization of our citizens and leaving most with no hope. "Right now, as the world's eyes are on the women of Afghanistan, it's tragic. But, make no mistake, our women at home suffer in the homes of their abusers every day with nowhere to go for help and no help available to them. Public safety and the lack of law enforcement is a crisis in Alaska."

We are caught between a system that leaves us with little to no resources, no recourse, and this has to be addressed. Every year I testify and tell the same story. It can take more than 16 hours for law enforcement to show up to a crime, if they show up at all. This is normal. If a woman is brutally beaten in her home, who does she call? Where does she go? Where can she take her children? How does she keep her children from being abused? We know the statistics. If he is beating her, he is also abusing the children. When does OVW and DOJ rectify the lack of justice in our communities? It's not through the extremely difficult and unwieldy grant process that is currently in place.

As stated earlier, Southeast Alaska is made up of islands that are not connected by roads and the only way in is by plane or by boat, which is very expensive. Our victims are usually without the financial resources to pay for these services. Isolation and taking away money are the first thing a perpetrator does. Another transportation issue is the fact the Alaska Marine Highway system, which offers ferry transportation, has cut its route due to financial and infrastructure issues. Sometimes they only stop in a community once a month, especially in the winter months. So, a victim cannot flee an abusive situation just by running out and getting on a boat. Let's add the extreme inclement weather in the winter months where the planes are not able to see or even land. How does she flee? We have a need for housing and funding to keep our people in their own communities and keep them safe since getting out is not always a viable option.

In short, the issues we face with jurisdiction, lack of law enforcement, lack of transportation, lack of adequate housing, lack of childcare, lack of resources, lack of funding essentially traps a woman. This is comparable to the women in Afghanistan who have tyrannical overlords in their own home with little to no assistance. Below are a few answers to the questions in the framing papers.

### **Topic 1: Special Domestic Violence Jurisdiction Capabilities**

The Central Council does not have special domestic violence jurisdiction; we were left out. But in order to end the violence in their communities, we need the ability to exercise jurisdiction.

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

1. Funding should be increased and DOJ should support the tribal reimbursement program established in HR 1620 meant to help the tribes cover these costs under VAWA.

### **Topic 2: The Needs of Survivors & Support for OVW Pilot Program on Flexible Spending**

The needs are vast and include, but are not limited to: financial support, homelessness support, counseling, case management, shelter, transportation, childcare, medical care, utilities, counseling attorneys' fees, rental deposits, moving expenses, and expenses needed for our cultural practices because with our cultural practices comes healing through these practices.

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

1. The Central Council Tlingit and Haida Indian Tribes of Alaska support the creation of a pilot program that allows recipients to give flexible financial assistance to survivors.
2. These funds should be flexible and determined by the Sovereign Nations receiving the funds. We know best the needs of the citizens in our communities. We also know what is available in our communities and Tribal sovereignty should be respected.
3. Funding cannot continue to be contingent on tribal justice systems looking and acting like western courts. They must be defined by the Sovereign Nations from a Tribal world view.
4. DOJ must answer how they plan to address the law enforcement emergency in Alaska that was declared in June 2019. Initial resources were provided to the State of Alaska. That should have been just the beginning. The emergency is not over. Southeast Alaska didn't see any of those funds and there were no changes in law enforcement that were given to the state in Southeast Alaska.
5. The Central Council supports the recommendations made by NCAI's VAWA task force and those of Alaska Native's Women Resource Center.



## Dine' Nation

*Arlene Bowman - Tribal Leader (Written)*

A review of statements made by tribal leaders during consultations over the years clearly demonstrates that many of the issues raised are not new, but instead illustrate the complicated legal and policy barriers embedded in the layers of federal Indian law. The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force on the topics below. Reference statements and recommendations made in their testimony.

### **Topic 1: Tribal Jurisdiction Over Non-Indian Offenders and Special Domestic Violence Criminal Jurisdiction (SDVCJ)**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 2: The U.S. Attorney General Must Continue to Submit the Statutorily Mandated Annual Tribal Consultation Reports to and Indian Country Investigation and Prosecution Reports to Congress.**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

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

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 4: Support Flexible COVID-19 Emergency Funding for Tribal Domestic Violence and Sexual Assault Programs and Assure Proper Notification When Perpetrators are Released.**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

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

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 6: Bureau of Indian Affairs (BIA) Disparities in Funding**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 7: Accountability of Extractive Industries for Violence Against AI/AN Women**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 8: Accounting of Tribal Funding**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 9: Federal Accountability and Compliance with Section 212 of the Tribal Law Order Act of 2010 (TLOA).**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 10: TLOA, Section 234, Enhanced Tribal Sentencing Authority**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 11: TLOA, Section 261, Prisoner Release and Re-entry**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 12: HHS, Administration of Children and Families, Family Violence Prevention and Services Program.**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 13: OVW Must Immediately Address JustGrants Issues That Have Prevented Lifesaving Resources From Reaching Indian Country.**

The Dine' Nation supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.



**Gila River Indian Community: Akimel Othom (Pima) & Pee Posh**

*Stephen Lewis, Governor - Tribal Leader (Written)*

*Monica Antone, Lieutenant Governor - Tribal Leader (Written)*

The Gila River Indian Reservation (the "Reservation") is located in southern Arizona and encompasses nearly 600 square miles in Pinal and Maricopa counties. The Community is both an urban and rural Community and shares a border with the cities of Phoenix, Coolidge, Casa Grande, Gilbert, Maricopa, and Queen Creek. The Community's close proximity to many state and federal court systems allows for our tribal police and other investigating teams, prosecuting attorneys, and crime victim advocates to be actively involved in criminal cases involving our community members.

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

The lack of tribal jurisdiction over non-Indian offenders on tribal lands continues to be a key reason for the perpetuation of disproportionate violence against AI/AN women.

***Recommendations:***

1. 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;
2. Support the inherent authority of all tribal nations to fully exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ);
3. Restore the tribal authority to prosecute non-Indians when offenses extend to harm law enforcement and corrections officers;
4. Extend protections to children and all public safety personnel on tribal lands as also provided in the Native Youth and Tribal Officer Protection Act;
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; and,
6. Increase funding for tribes to properly implement SDVCJ. DOJ and DOI should support the tribal reimbursement program established in HR 1620, which will help tribes cover unexpected costs under VAWA.

**Topic 2: The U.S. Attorney General Must Continue to Submit the Statutorily Mandated Annual Tribal Consultation Reports and Indian Country Investigation and Prosecution Reports to Congress**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 3: Outstanding Injustice of Missing and Murdered Indigenous Women or More Inclusively, Persons (MMIW/MMIP)**

Testimony included a personal account of a mother whose daughter was murdered and the struggle to retrieve the car in which the crime took place four years after the perpetrator was tried, convicted, and served only the minimal sentence.

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony in addition to remarks below.

***Recommendations:***

1. OVW, the Family Violence and Prevention Services Program, and the IHS increase tribally based culturally appropriate victim advocacy services for the families and community members of abducted, missing, or murdered AI/AN women.
2. Increases should include but not be limited to the following services: increased accountability of law enforcement agencies where these crimes occur; counseling for the children and families of the victim; burial and memorial assistance; community education and healing opportunities such as walks or runs 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 MMIP except within the intersections of domestic and sexual violence.
3. DOJ, DOI, and DHHS should address the following concerns and recommendations:
  - a. The cremation of the AI/AN woman's remains without notice or consent of a family member.
  - b. The denial of requests by mothers and other immediate family members to see the bodies of their loved ones. In many cases, the requests of family members to see the remains of the AI/AN woman have been denied without explanation.

- c. Mailing and shipping remains without notice to the family and sometimes without proper clothing and modesty covers. In many cases, mothers and families have received the naked remains of their loved ones in cardboard boxes and plastic bags.
  - d. In adjudicated cases, return of the victim’s personal effects and belongings to the family, if desired, for proper disposal and/or burial consistent with cultural practices.
  - e. Coordinate efforts across all federal departments to increase support for tribal responses to missing or murdered AI/AN women and girls as required by Savanna’s Act.
  - f. 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.
  - g. Implement the recommendations in the section below titled “Accountability of Extractive Industries for Violence Against AI/AN Women.”
4. Funding should not be regulated but allocated to meet the needs of tribes. The Joe Biden compensation funding needs to include the smallest of needs to the largest for Native victims.

**Topic 4: 2021 Consultation Priority Issues**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

***Recommendations:***

- 1. DOJ, DOI, and HHS should support emergency funding to Tribal Nations to support AI/AN victims and survivors of domestic or sexual violence. The emergency funding must be flexible to meet the needs of the AI/AN victims in Indian country, which are often different than the needs of victims living in more urban locations and would vary from tribe to tribe; and
- 2. Assure timely notification to Tribal Nation authorities and victims 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**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

***Recommendation:***

- 1. The victim compensation fund and more inclusive language of the VAWA, giving tribes more authority to protect their communities and people, are also very important and will have true impacts in minimizing SDVCJ-type cases by sending a message that perpetrators will be held accountable. In addition, prevention measures, and trauma response related self-care for first responders, need to be addressed and/or funded.

**Topic 6: Accountability of Extractive Industries for Violence Against AI/AN Women**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 7: Accounting of Tribal Funding**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 8: Federal Accountability and Compliance with Section 212 of the Tribal Law Order Act of 2010 (TLOA)**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 9: TLOA, Section 234, Enhanced Tribal Sentencing Authority.**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 10: HHS, Administration of Children and Families, Family Violence Prevention and Services Program**

The Gila River Indian Community supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 11: OVW Must Immediately Address JustGrants Issues That Have Prevented Lifesaving Resources From Reaching Indian Country**

Tribal Nations and tribal grantees have shared countless issues with the OVW regarding the JustGrants system. There is no doubt that the system has prevented many grantees from providing lifesaving services to AI/AN women and tribal communities. The Community supports both the uncompetitive grant and reimbursement option for tribes, and the information provided on the new Just Grants system to assist those that manage the grant is untimely and burdensome.

***Recommendations:***

1. OVW should offer no cost automatic extensions with the spending flexibility to utilize remaining funds as needed by tribes.
2. Allow for a request process that considers tribes' specific needs without the additional modification and submittal requirements that are time-consuming and duplicative.
3. Ensure that there is consistency in the information that is provided as it relates to the management of the various grants.
4. Take into consideration the inter-tribal processes that grantees must also follow in order to utilize grant funds.
5. It is very difficult to project when cases will actually go to trial or what kind of care an inmate will require; therefore budget modifications should be more flexible to ensure the goals are met.
6. COVID-19 really had significant impacts on all of us, and just the one-time extension was not completely beneficial, especially since we are still dealing with those impacts.

**Topic 12: Domestic Violence in the Tribe**

Statistics on Domestic Violence in the tribe: In 2020, our Police Department took 977 reports and 371 arrests. Relationships to the victims were family members, as well as dating, married, and former partners. The three year comparison of DV reports in 2018 was 654, in 2019 was 708, and in the year 2020 the number increased to 977.



## Havasupai Tribe

*Matthew Putesoy, Tribal Vice Chairman - Tribal Leader (Written)*

The Havasupai have lived on the banks of the Havasu Creek in the Grand Canyon for over 1,000 years. Prior to the early 1800's, the Havasupai roamed the Grand Canyon and a vast area on the upper plateau. All this changed in 1882 when the federal government created the Havasupai Reservation. The Reservation confined the members of the Tribe to 518 acres at the bottom of the Canyon and resulted in the loss of 90% of the Havasupai's aboriginal lands. The loss of land modified the culture and lifestyle of the Havasupai people. The Tribe was forced to rely more heavily on farming, tourism, and jobs outside the Canyon. In 1975, the federal government returned 185,000 acres of aboriginal land to the Havasupai Tribe.

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

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

The Havasupai Tribe is composed of approximately 762 enrolled members with 401 members in Supai Village, the main town on the Reservation and the government seat of the Tribe. Supai Village is at the bottom of the Grand Canyon and there are no roads to reach Supai or most other parts of the Reservation. The only way to reach Supai Village is to hike or travel on horseback through approximately 8 miles of rough terrain or fly into the Village by helicopter. Internet and cell phone service are available in the Canyon although the technology infrastructure is limited and frequently affected by the weather. Housing for tribal members and temporary housing for contractors is also limited in the Canyon.

### **Topic 2: The Tribe's Criminal Justice System**

The Havasupai Tribe has a small but established criminal justice system. Law enforcement services in the Canyon are provided by the BIA's Office of Justice Services. Only one or two BIA officers are on duty in Supai Village and its surrounding area.

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

1. BIA has previously informed the Tribe that at least five BIA officers should be assigned to detail Supai Village.

The geographic isolation of this BIA post results in a failure to fill positions and a high turnover rate for law enforcement. In the past, the lack of law enforcement services in the Canyon has led the Tribe to hire its own security officers to increase public safety and combat crime. Supai Village also has a very small BIA law enforcement/detention facility intended to only hold inmates while they await transport out of the Canyon. Supai Jail does not have the infrastructure necessary to incarcerate offenders long term. For long term incarceration, tribal members are typically transported to facilities many hours away from the Grand Canyon under a contract with BIA.

The Tribe prosecutes criminal offenders in Tribal Court under its Law and Order Code. The Tribe's Law and Order Code has been under revision for a few years and the Tribe has been working on amendments to its existing Domestic Violence Code provisions. The Tribal Court is essentially a one room building that shares a

wall with Supai Jail and is at least 30 years old. The Tribal Court building desperately needs replacement. This makes work particularly hard for the Prosecutor, Public Defender, Judge and others involved. The Tribe is working on a new Tribal Court structure using a combination of grant and tribal funds and hopes to have a new facility within the next year.

Civil and criminal cases are handled by one Tribal Court Judge, who is contracted and comes into the Canyon to preside over cases. The Tribal Court does not have a bailiff and security in the Courtroom is an ongoing concern. The Tribe also has a Probation Officer and a SORNA Officer who is responsible for handling the Tribe's SORNA Program. The Tribe was deemed to have "substantially implemented" the SORNA in November of 2016.

**Topic 3: Should OVW Pilot a New Program that would Allow Recipients to Provide Financial Assistance Directly to Survivors that the Survivors May use to Achieve Safety, Stability, and Healing? If So, How can OVW Structure Such a Pilot in a Way that is Both Flexible and Not Subject to Misuse of Funds?**

Yes, the Havasupai Tribe supports an OVW pilot program that would allow tribal programs greater flexibility in providing financial assistance directly to survivors. The Havasupai Domestic Violence Program provides direct services to survivors of domestic violence in Supai Village. The area of greatest need for survivors is the means to leave a perpetrator and support a family until a survivor can get on their feet. For a victim in Supai, leaving can be very difficult. Housing is very limited in Supai and at times, multiple families will live under one roof. Many victims want to leave the Canyon. This requires coordination of helicopter flights or contracting for a ride out of the canyon on a horse. Once out of the Canyon, a victim needs to borrow a car if they don't own one or get a ride to the larger cities of Flagstaff or Kingman, which are 2-3 hours away. The victim would then need to find a shelter or receive funds for temporary accommodation, as well as food and other necessary items. In addition, once a victim and family have left Supai – it can be difficult to establish a new home, work, and find childcare so far away from family in Supai Village. Helping a victim and family leave Supai requires sophisticated coordination, and it can be difficult to predict some costs when an emergency situation arises. The DV Program Manager/Advocate helps victims with these services, but more flexibility with funding would be helpful.

***Recommendations:***

1. Tribes and tribal organizations that provide services to tribal communities should be eligible for the pilot program. Allowing tribal organizations that serve tribal communities to be eligible for the pilot program would help smaller tribes support the needs of their members.
2. The Havasupai Tribe would like to see as few restrictions as possible placed on how survivors may use funds. As noted above, the Havasupai community has unique needs, and the geographic isolation makes achieving safety difficult in an emergency situation. The Havasupai Tribe would not oppose a limited universe of expenditures, such as "transportation" or "lodging," but would want great flexibility within these categories to meet the needs of tribes who must deal with challenging safety issues. For example, transportation needs to allow for greater flexibility than mileage.
3. The Havasupai Tribe believes that its program would be more effective if it could give larger lump sums to survivors. The Tribe believes that each program could put in safeguards and financial controls to ensure effectiveness and fiscal responsibility. Allowing the Tribe to provide large lump sums to individuals who demonstrate need could help alleviate these concerns.
4. The Havasupai Tribe would like to see OVW provide technical assistance on how to craft financial controls specific to rural programs that include safeguards while allowing flexibility. The Tribe's Domestic Violence

Program is new and believes it would benefit from the expertise and experience of other rural tribal programs.

5. The Tribe does not have a position at this time on using de-obligated funds from OVW's tribal-specific grant programs.

**Topic 4: Do tribes have recommendations to improve the Office on Violence Against Women's (OVW) Tribal Jurisdiction Program's Standard and Targeted Support for Exercising Tribe's solicitations and make awards under the program more responsive to the needs of tribes that are currently exercising jurisdiction or planning to exercise it in the future?**

The Havasupai Tribe does not currently exercise SDVCJ. The Tribe has considered implementing SDVCJ but the geographic isolation of the community and limited transportation resources make prosecuting non-Indians who commit DV in Supai very difficult. However, in order to implement SDVCJ in Supai, the Tribe would need to invest substantial resources in its criminal justice system, and it would be costly. The costs to hire additional staff in order to exercise SDVCJ in the first five years is estimated at \$1,112,500.00.

The Tribe does not have adequate incarceration facilities in Supai and it would be incredibly costly to charter a helicopter every time an individual was arrested under SDVCJ and transport them elsewhere. The headquarters for BIA law enforcement in Supai is a common room at Supai Jail. Supai Jail was Number 5 on the BIA 1995 Facilities Needs Assessment priority list. Since 1995, nothing has changed at Supai Jail. Raw sewage regularly backflows into cells and inmates cannot shower. Overcrowding is reported and at times, violent offenders have been released back into the tiny community to re-victimize. An April 2016 assessment by the HHS revealed 15 health violations, three of them critical and three repeat offenses. Supai Jail needs to be replaced and the Tribe has made numerous requests for a new facility. The new Tribal Court facility is estimated to cost approximately 1.2 million dollars. The cost to put a new detention facility in Supai with adequate safety features and holding cells would likely be much higher, possibly in the 2–5-million-dollar range.

If the Tribe were to implement SDVCJ, it would also need technical assistance or resources to provide training to BIA Law Enforcement, the Tribal Court staff, and the Judges, Prosecutor and Public Defender. This would include bringing parties into the Canyon to train and/or sending out staff for training. The Tribe would also need to do a comprehensive update to its Law-and- Order Code and make its Code publicly available. While these types of costs are hard to predict, the Tribe would estimate it could need \$50,000 a year to provide training and update its Code for a total five year cost of \$250,000.



## Hopi

*Tim Nuvangyaoma, Chairman- Tribal Leader (Oral & Written)*

The Hopi Tribe is located in northeastern Arizona and covers a land base of approximately 2500 square miles and comprises multiple traditional villages and one charter community. The Hopi Tribe strongly asserts that violence against women is in contradiction to the culture and beliefs of the Hopi Tewa values. No woman or girl should be

victimized; instead she should receive services and her perpetrator should be held accountable. The Hopi Tribe, with its partner tribes, encourages Hopi life teachings and cultural beliefs to heal our historical, intergenerational, and individual traumas. It is through coordinated efforts of the Tribal, state, and federal partners that we can enhance the safety of all women.

Violence against women and girls at Hopi is on the rise, particularly during the COVID-19 pandemic. Like many other tribes, our governmental offices and local businesses were closed and staff positions were eliminated during the pandemic. However, the Hopi Domestic Violence Program remained on call 24/7 to respond to victim needs.

Although we are a rural Tribal community, our women and girls are victimized at alarming rates. The Hopi Tribe, along with its partner tribes will continue to support and advocate for safety and healing. With continued funding tribes can provide services and help our community members rebuild their lives through comprehensive services, focus on tradition, and healing and stabilize their lives. The following are our recommendations:

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

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

1. Equitable, noncompetitive funding to tribes and tribal coalitions, as they provide the same programming and technical assistance as the state programs to assist in enhancing our efforts to serve victims.
2. Increased base funding dollars to allow tribes greater support and the ability to self-govern.
3. Increased funding levels to Tribal Programs that are not purely based on population, but a combination of population and land base. For example, it can take up to two hours for a Hopi domestic violence victim advocate and Hopi law enforcement to respond to a call due to distance.
4. Ensuring that there are permanent Tribal Set Aside Funds to address violence against women shelter programs and full services to all victims of crime.

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

There are currently fewer than 40 Tribal domestic violence shelters in all of Indian country. These shelters often struggle to keep their doors open due to a lack of sufficient funding. A collaborative effort between funding agencies should take place to allow tribes and tribal nonprofits to keep their doors open and to create much needed shelters for all tribes.

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

1. Tribes need flexible funding to allow for cultural sensitivity, increased services that go beyond advocacy, such as family counseling, holistic and cultural healing therapy, legal assistance for the whole family, financial assistance, and utilizing a culture and tribal based approach to addressing violence in Tribal communities.

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

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

1. We advocate for a coordinated and effective relationship with our federal partners to address crimes on tribal lands.

2. We seek effective response times to assist in promoting safety and offender accountability from our federal partners.

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

The Hopi Tribe currently implements the Tribal Access Program that allows for input of crimes into a database.

***Recommendation:***

1. The Tribal Access Program needs continued funding for enhancement and project sustainability.

#### **Topic 5: Response to Whether OVW Should Pilot a New Program that Would Allow Recipients to Provide Financial Assistance Directly to Survivors, which the Survivors May Use to Achieve Safety, Stability, and Healing**

***Recommendation:***

1. The Hopi Tribe supports an OVW funded pilot program to allow recipients to provide financial assistance directly to survivors that the survivors may use to achieve safety, stability, and healing. This program would give financial assistance to survivors in order to achieve safety, stability, and healing.



## **Jamestown S'Klallam Tribe**

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

Tribal governments are the only governments in the United States of America whose authority to protect their citizens and communities is effectively limited by Federal law. As a result of these jurisdictional limitations, Tribal communities continue to suffer from the highest crime victimization rates in the country. The proposed Tribal amendments to VAWA 2013 are desperately needed to address the current jurisdictional gaps that are jeopardizing the ability of Tribal governments to protect the health and welfare of all of their citizens and community members. These gaps in the law result in significant consequences for AI/AN who are often left without recourse to justice for crimes of violence that are committed against them.

The House of Representatives has already passed a bi-partisan VAWA Reauthorization Act of 2021, H.R.1620. This bill contains key Tribal provisions that would restore Tribal jurisdiction over non-Indians for certain crimes against children, elders, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and detention and corrections personnel. The Senate, however, has not yet passed a reauthorization bill. This is a matter of life and death that must be addressed.

The S'Klallams entered into the Point-No-Point Treaty with the U.S. in 1855, effectively sanctioning the tribe's unique status as a sovereign nation and solidifying their legal standing in accordance with the U.S. Constitution. The tribe relinquished vast tracks of our tribal homelands and resources in exchange for the U.S. government's solemn promise to uphold and protect the tribe's 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 are 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.

I offer the following comments and recommendations:

### **Topic 1: 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.

1. Eliminate competitive grant funding and allow funding to be allocated to tribes as base dollars via a funding formula that is developed with the input of tribes through consultation. A Tribal Set Aside should be maintained and additional funding should be appropriated given the disproportionate number of AI/AN victims of crime. Tribes should also be able to receive public safety and justice funding, to include VAWA funding, through their Self-Governance compacts and Self-Determination contracts.
2. The need to provide steady, equitable, non-discretionary direct funding to tribes to support core governmental programs and services is well documented. However, there has been a growing trend

among Federal agencies to fund Tribal programs and services with grant dollars rather than providing base and recurring funding. Grant funding undermines Self-Governance and Self-Determination and is inconsistent with the Federal trust obligation.

3. Competitive short-term funding creates uncertainty in planning, imposes extensive regulatory and reporting requirements and restricts the use of indirect costs. The application process is often extensive and complex and there is very limited flexibility regarding how funds may be used. Grant requirements create barriers to effectively and efficiently administering justice in Tribal communities.
4. Grants also create inequalities amongst tribes. Tribes that have the financial and human resources to employ experienced grant writers end up receiving funding while the tribes without these capabilities often are not able to secure grant dollars. Additionally, given the overwhelming number of grants across the Federal system, many opportunities are unrealized despite the well documented overwhelming need across Indian country because it is simply impossible for tribes to access and manage all of these grants. This is especially true for smaller and under-resourced tribes.
5. Provide formula-driven base funding to tribes as opposed to short-term grant funding for public safety and justice programs.
6. 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.
7. 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.
8. 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.
9. We support OVW exploring other funding mechanism options outside of CTAS but urge use of formula-driven base funding.
10. 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.

## **Topic 2: Enhancing the Safety of Indian Women, Children, Elders, Law Enforcement and Detention/Corrections Personnel from Domestic Violence, Dating Violence, Sexual Assault, Homicide, 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.

The complex jurisdictional framework and the inability to fully exercise their sovereign inherent authority to protect their citizens and community members from violence perpetrated by non-Natives has led to a human rights crisis of epic proportions across Indian country. The statistics paint a harrowing picture and justify the need for immediate action:

- 84.3% (or 4 in 5) AI/AN will be a victim of intimate partner violence, sexual violence, or stalking in their lifetimes according to NIJ.
- 56.1% of AI/AN women have been sexually assaulted.
- 96% of AI/AN women have been sexually assaulted by a non-Native perpetrator.
- 48.8% of AI/AN will be victims of stalking.
- 98% of AI/AN are stalked by a non-Native perpetrator.
- U.S. Attorneys declined to prosecute nearly 52% of violent crimes that occur in Indian country and 67% of cases that were declined involved sexual abuse.
- On some reservations Native women are murdered more than ten times the national average.

Although VAWA 2013 reaffirmed the inherent sovereign authority of Tribal governments to exercise criminal jurisdiction over certain non-Natives who commit crimes of violence against women or violate an order of protection on certain tribal lands, VAWA fails to protect children, elders, victims of sexual assault, and law enforcement officers and correction/detention personnel.

***Recommendations:***

1. H.R.1620 would extend VAWA to victims of sexual violence, child abuse, stalking, sex trafficking, and assaults committed against law enforcement officers. It is well within Congressional authority and its duty as Federal trustee to ensure that all victims of crime in Indian country have access to judicial recourse and that the law enforcement officers responding to these crimes are also protected.
2. The 2013 law remains intact in that it continues to protect the rights of defendants to due process in Tribal courts and does not attenuate the jurisdictional authority of Federal or state authorities. The legislation would simply recognize the concurrent criminal jurisdiction of Tribes to address additional categories of crimes.
3. Unless Congress acts to adopt the Tribal Provisions contained in Title IX of H.R.1620 VAWA, AI/AN will continue to be denied their basic human rights to be free from violence perpetrated against them on Tribal lands and non-Natives will continue to exploit the justice system.
4. Take action to fix the jurisdictional processes and limitations that have contributed to the high crime victimization rates in tribal communities.
5. If a state is refusing to exercise their criminal authority it is incumbent upon the federal government to step in and assume that responsibility.

6. 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.
7. 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.
8. Tribes need jurisdictional authority to address crimes such as stalking, sexual assault, sex trafficking, and other ancillary crimes that often accompany domestic violence offenses.
9. In order to implement several of the new comprehensive authorities and provisions in TLOA, Congress needs to provide appropriate funding.

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

Decades of gross underfunding of Tribal criminal justice systems, complex jurisdictional issues, and the failure of the Federal government to fulfill its public safety obligations to Tribal Nations has led to a public safety crisis that has and continues to plague Indian country today. AI/AN suffer disproportionate rates of crime and victimization.

#### **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. The Indian Law and Order Commission concluded that the way DOJ administers its funding is failing to meet the needs of tribes. The best Federal response is to provide tribes greater flexibility and authority to combine funding sources and redesign Federal public safety and justice programs and services to best address their local needs. In other words, expand Self-Governance into the DOJ.
2. In the interim, there should be a Memorandum of Agreement (MOA) between all Federal agencies that administer public safety and justice responsibilities and obligations to Tribal communities. The purpose of the MOA should be to facilitate the ability of Tribal governments to integrate public safety and justice funding and administer programs and services with the greatest level of flexibility to ensure tribes are able to address their most pressing needs at the local level and protect AI/AN from perpetrators of violent crimes.
3. 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.
4. 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.
5. Implement TLOA provision that requires the collection and reporting of crime data in Indian country.
6. OMB and the agencies must work together with tribes to develop measures that track federal spending for Native American people.

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

Tribal government access to local, regional, state and Federal Crime Information databases and criminal justice information systems is a key component to improving public safety in Indian Communities. The Tribal Access Program (TAP) has proven successful and a vital tool for ensuring Tribal police are safe when exercising their duties, enabling the apprehension of fugitives, registering convicted sex offenders, enforcing domestic violence protection orders, and protecting children. However, more needs to be done to ensure Tribes have direct access to the National Crime Information Center (NCIC).

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

1. Timely access to NCIC is vital to assist tribes with locating MMIP, identifying dangerous fugitives on Tribal lands, preventing domestic abusers from accessing firearms, and protecting vulnerable AI/AN children and elders, among other important public safety and justice functions. The expansion of access to these vital public safety and justice tools would also align with the goal of President Biden's Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.
2. Homing in on Data - studying trends and patterns.
3. Increasing the recognition of tribal sovereignty. Tribes' jurisdictional limitations contribute to the crime victimization rates in tribal communities.
4. Expanding VAWA to extend protection outside of intimate partners.
5. Improving communication, coordination, and cooperation across federal agencies with overlapping activities and delegations of power.

#### **Topic 5: 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 6: 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 7: 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 flexibility 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.

**Topic 8: 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 Tribe's 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.

### **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 (Oral)*

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

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

Fighting against the violence against women, is not just to protect women, it's about the children and the whole family, everybody who is involved. In our culture, any type of violence against a woman identifies you as not being a Dena'ina, a human being. A woman is a giver and nurturer of life. When a woman is violated, the healing from this assault can take years or a lifetime. Colonization introduced this type of violence into our community, and in Alaska it has been a human rights violation for over 200 years.

### **Topic 1: Bernadine Atchison - Testimony**

I want to share the cycle I have been a part of for over a hundred years.

In the late 1800s, due to disease, my great grandmother was an orphan at two years old. In the orphanage, my great-grandmother was discouraged from speaking her Native language, Dena'ina. When my grandmother lost her husband in a fire, she had to put her daughters in the Jessie Lee Home orphanage, because she could not provide for them. In the 8th grade my mother was pulled out of school to take care of her grandmother, who was very sick. It was more important for boys to be educated than it was for the girls. My mother was raped at the age of 15 and became pregnant. She was shunned by the family and sent away to have the baby in another state. When she returned, no one spoke of what happened. My mother married at 19 and had four girls. She carried her childhood burden her entire life. To deal with the pain, she drank too much and often as we were getting ready for school, we would have to walk around her as she lay passed out in the bathroom. Other times, she would be so drunk that she would come into our bedroom crying and telling us what had happened to her, and how she was raped. When my mother was consumed with alcohol, she could not protect us, and we became exposed to violence. I was sexually assaulted at 12 and my younger sister became pregnant at 15 by a man from California who worked in the cannery.

My mother treated my younger sister the same way she was treated when she was raped, and tried to send her to another state, but my sister was strong enough to stay home and continue going to school. My parents told everyone that she was raped, but she was not raped. My parents forced her to give up her child right after birth for adoption, which was the beginning of many heartaches for her. At the age of 24, my sister committed suicide. She shot herself through the heart as she could no longer bear the aches her heart carried. My sisters and I followed the same pattern and had various violations against us. We buried those same aches and nightmares with alcohol, drugs, cigarettes, and bad behaviors. Being surrounded with this trauma, I would think I should not exist.

I was 50 years old when I quit drinking. I realized I had been drinking most of my life and that my children were following the same path. I was 57 when I finally spoke the words out loud that when I was 12 years old, I was sexually assaulted by my father. In my lifetime, I was almost raped twice before I was 16. I married twice

to two men who violated me. I turned 62 this August, and I am still peeling back the layers of trauma. Sometimes I feel like I want to go back to drinking, but then I think of what I am trying to numb. My current husband and I are raising our four grandkids, as my son and the mother of his children have challenges in their life that I do not understand. I pray that the path my son is on is not because of how I lived as a parent when I was drinking.

### **Administering Tribal funds and Programs**

When thinking about funding programs to help women who are violated, you have to think about how long it will take for her to feel whole again. This is not a three year project, it is a lifetime. You also need to factor in the children, the partner, the grandparents, the whole family unit that is around the woman or girl who is exposed to violence. Breaking the cycle of violence must address several generations at one time. This can only be done in a long term plan. I look at myself and how many years I struggled with facing the truth. No two humans are alike, so you need to have the flexibility to give them space to heal one layer at a time.

### **Enhancing the Safety of Indian Women Needs to Start with Youth**

Respecting all cultures needs to be the message. We need to start with ensuring that teachers at elementary schools are teaching respect for all people and how to be honorable towards each other. Bullying is unacceptable. Schools need to work with tribes to address what should be taught regarding Native heritage and culture. Schools are not doing enough to address bullying. My great niece Noel was 11 years- old when she committed suicide in 2018 because a boy threatened to rape and murder her. She lived in fear and the school did nothing to prevent it, and they knew what was happening. When we speak on violence against women, we need to include children as this is where the violence is beginning. I was 12 when I was raped, my mother was 15, and my great niece was 11 when she was threatened. What happens to us as youth is the stage for our adult path.

### **Recommendations:**

1. Program funding needs to be set up in long term increments, such as five and ten years, with an easy process to renew.
2. Steps need to be made to have this funding in the budget as a permanent line item.
3. Everyone is different and the long-term funding must be flexible to allow the program administrators to support their clients.
4. We need to ensure that when we speak on violence against women, we need to include children as that is where the violence is beginning.

## **Topic 2: Mary Ann Mills - Testimony**

To understand violence against women in Alaska is to understand the uncomfortable truth regarding the history of Alaska and the United States. Alaska is unique because of its international status and because of its distance from the contiguous United States; Alaska has never been in the spotlight for most U.S. Citizens. The U.S. and state politics, policies, and practices have played a huge part in crimes against the Indigenous Alaskans' and the Native Americans' humanity. We were not afforded democracy or the doctrine of egalitarianism, that all people are equal and deserve equal rights and opportunities. Dr. Martin Luther King Jr. proclaimed:

*“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.”*

To this day, there is an attitude that indigenous people are lesser than white Americans throughout the United States. How can we as a country change this way of thinking? Violence against our women is a result of this western imperialism way of thinking. The following are a few of the many statistics: The NIJ reports that Alaska Native women are more likely, over twice the national average, to be raped. The FBI's 2018 "Uniform Crime Report" stated that when comparing sexual assault in Alaska, it is four times the national average. The rate of sexual violence committed against Alaska Natives under the age of 18 is shockingly almost 6 times that of the national average. Alaska Natives comprise less than 20% of the state population but suffer more than half of all reported sexual assaults committed in the state at 54%. The Alaska Department of Public Safety estimates that an Alaska Native woman is sexually assaulted every 18 hours somewhere in the state.

There are 229 federally recognized tribes and 200 Native villages in Alaska. There is a severe shortage of law enforcement in remote villages. Only 39% of Alaska Native Villages are served by state trained law enforcement and because of the location of the tribe it can take days for law enforcement to arrive. The National Coalition Against Domestic Violence in Alaska reported that Alaska has the third highest intimate partner violence against women in the United States and the highest homicide rate for female victims killed by male perpetrators.

The Indian Law and Order Commission's (ILOC) 2013 report titled "A Roadmap for Making Native America Safer" stated that "Alaska's approach to providing criminal justice services is unfair." Alaska's approach creates and reinforces discriminatory attitudes about Alaska Natives and the governing capacities of Alaska Native Tribes. When instead, the Alaska Natives and Alaska Tribal Government have had relatively little to say in the way crime and justice are addressed in their communities. The Indian Law and Order Commission's report also stated that Alaska steadfastly relies on the Alaska Native Claims Settlement Act (ANCSA) as the basis of its interaction with tribes. ANCSA has created a challenging situation for Alaska Native Villages and tribes to address village safety issues, especially as it relates to accountability of criminal defendants and domestic violence survivors and related civil protection order issues.

The situation in Alaska is urgent and of national importance. Only the combined effort of federal, state, and tribal leaders will be sufficient to change course and put all Alaskans on the better path.

***Recommendations:***

1. In order for the Federal Government to strengthen its response to violence against women it must hold its agents and the State of Alaska accountable, as well as strengthen federal responses to such crimes.
2. 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, how to correct and implement them, and the funding needed to accomplish these tasks.
3. An audit of the legal system to review each case and include in the audit an interview with the victim.
4. Training of staff, police, and judiciary in cultural competence, as well as best practices.
5. Federal funding is needed to assist tribes in providing lifelong trauma based support for survivors.
6. Training for dealing with generational and historical trauma is critical when dealing with violence.
7. The federal government must provide funding for tribes and Native communities, to hire Native police officers.
8. In 1946, the United States placed Alaska on the list of non-self-governing territories under the United Nations General Assembly Resolution 66 (1). This treaty gives indigenous Alaskans the right to nationhood. When the United States removed Alaska from the list of non-self governing territories, they

did not follow the international treaty procedures. Therefore, the United States needs to re-enlist Alaska on the list of non-self governing territories.

9. We agree with recommendations from the 2013 Indian Law and Order Commission and ask the federal government to take the actions recommended.
10. The federal government must give Indian marked federal dollars to the tribe, instead of the State of Alaska. The indigenous people of Alaska are recognized as subjects of international law, international legal and political status that has never been seceded or relinquished.

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

The Kenaitze Indian Tribe is not only seeing a continued increase in domestic violence, sexual abuse, stalking, and other acts of violence, they are also seeing a high increase in sex trafficking victims (almost double than the past).

#### **Law Enforcement Needs Training on Tribal Court Order and Tribal Sovereignty**

Recently our Tribal Victim Services Program was faced with a situation that if Alaska law enforcement had been trained to deal with trauma and about tribal court orders, and tribal sovereignty, could have eliminated further trauma on a victim of domestic violence and their children. We were working with one of our victims who was obtaining an order of protection, the perpetrator did the same. The perpetrator called law enforcement with false claims, and they accompanied the perpetrator to remove the child from their mother. Even when our staff showed law enforcement the tribal court order, they refused to recognize it. It took my team to petition the state court judge the next day to rescind the perpetrator's protective order and arrange law enforcement assistance to return the child to the mother. In the State of Alaska, tribal court orders are equal to state court orders. Law enforcement and the judicial branch need ongoing training on the matter.

#### **Survivor Stories**

I'd like to share a few survivor stories that highlight the strengths and system shortfalls when responding to victims of violence.

#### **The First Story**

When I was first told that my daughter had been sexually assaulted by my husband, her stepfather, I could hardly believe it. In split seconds my life was turned upside down. I was pregnant with his child and utterly devastated. When he was arrested, I moved back to Kenai to have the support of my family, as I went through this living hell. From the start, the DVSA program at Na'ini Family and Social Services went above and beyond in supporting my family. The financial help was crucial to having stable housing while I navigated finding childcare and work. Back to school supplies saved me from having to borrow from my in-laws, the perpetrator's family, who I did not want to talk to because it was so triggering. The emotional support was overwhelming. Accompaniment to court proved far more needed than I knew it would be, especially for preparing victim statements and preparing us for the sentencing hearing. I had help with my daughter's transportation to and from counseling. When I had to make the difficult choice for her to attend residential treatment for her trauma, that advocate visited her and maintained the relationship through that year. At one point, Na'ini orchestrated a donation of furniture that was so needed for my family. Now, years later, as my children and I face the impending release of our perpetrator, I am once again leaning on our DVSA advocate for assistance to prepare. The advice and referrals to appropriate lawyers and counselors have been invaluable. The financial assistance enables me to do what I need to do to protect my children without our basic needs taking a hit and catapulting me back into instability.

## **The Second Story**

I have been addicted to drugs and alcohol since I was 14 years old. Now I am in my 50s. I have spent over three decades homeless or incarcerated. I have experienced more trauma than I can remember. I have tried to get clean countless times as well. Years ago, the Na'ini Family and Social Services helped me through this. Over the years their advocates with the DVSA program have been very gracious and kind and have enabled me to trust them with more and more information. Eventually, I was referred to DWC and that is the clinic for behavioral and mental health evaluations and I started services with them. The DVSA program helped me with transportation to continue with that. As I made progress over the years, I also had many more setbacks. There were relapses, new assaults, bouts of trouble with the law, but each time I came back wanting to try again, the DVSA advocates were there, ready to help me. When COVID-19 changed the face of health services for access, they provided me access to the internet, gave me a mobile device so I could join AA meetings online, and provided me emotional support and safety planning as I was trapped living in a situation I did not feel safe in. I wish I could say I was a success story, but the truth is I was a victim of domestic violence assault again last week, and I nearly lost my life this time.

However, this time I knew where to turn. I called Na'ini from the hospital and I knew that the advocates would be there for me. Through the interview with law enforcement, through the forensic interviews, through the following days while I hid from my attacker, I had someone to guide me, someone to cry to, and someone to help me calm down. When my clothes were taken as evidence, they had an extra set ready. They had food for me when I didn't even realize I hadn't eaten in 24 hours. I may not be a success story quite yet, but I have been clean and sober longer now than at any point since I was 14. I may not be safe yet, but I know there is safety out there, and there will always be someone willing to help me find it again when I get lost. I just want to say that when you all get to heaven there will be a big jewel in your crown with my name on it.

### ***Recommendations:***

1. The length of federal grants must be longer than five years in order to assist in staff retention and consistent advocacy.
2. In strengthening federal response to crimes, we are continuing to request a robust audit of systems that are needed in order to truly respond and support victims of crime. Identifying these 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 would help in reducing trauma on victims, increasing safety and likeliness victims will reach out to law enforcement in future crisis situations.
3. Requirement for cultural competence training for state court judges and law enforcement provided by or approved by the tribal communities they serve.
4. 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.
5. With regard to improving access to information, the Kenaitze Indian Tribe has recently received a kiosk that takes people's fingerprints through the Tribal Access Program. This system will reduce the gaps in regards to the state court not recognizing tribal court orders because this information will now be in their system. We recommend that more tribes receive similar access.



## La Jolla Band of Luiseño Indians

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

The La Jolla Band of Luiseño Indians is a member of the National Congress of American Indians and fully supports their testimony.

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. A couple of years ago the La Jolla Band of Luiseño Indians passed a tribal resolution recognizing five milestones 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 led 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 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: Response to Whether OVW Should Pilot a New Program that Would Allow Recipients to Provide Financial Assistance Directly to Survivors, which the Survivors May Use to Achieve Safety, Stability, and Healing. If So, How Can OVW Structure a Pilot in a Way that is Both Flexible and Not Subject to Misuse of Funds.**

The words "Misuse of Funds" is insulting to a Tribal Government. It feels like OVW is concerned that we are going to misuse federal funds. I know that in the past there has been misuse of federal funds from different programs and agencies, but that has been true across the board with states and counties and other municipalities. It doesn't stop the states or the counties or the cities receiving federal dollars to service their communities as well. The sentence could have been better worded by asking: How could OVW create this pilot project and make it successful with tribes.

**Question 1: What are the needs of survivors in the communities that your tribe and victim service providers have been unable to address?**

When COVID hit our community and the local schools shut down we realized that we needed computer classes for our parents to assist their children with distance learning. We also realized we needed funds to help pay for tuition for Microsoft certified classes for some of our women who were not used to using a computer or having to work from home.

There is also a need for life coaching beyond shelter doors. For example, once a woman has left her abuser and is ready to move out of the shelter, it would be extremely helpful for her to have a mentor to help her with life coaching skills, such as balancing a checkbook, opening up a checking account, or getting a driver's license. Advocates often do this but are limited because they don't have the luxury of time. Also, substance abuse services and professional counseling are needed. Another need we found was the need for accessibility and being able to offer support virtually as well because of the COVID challenges. It would be nice to have funds to purchase an iPad to give survivors who need to attend their counseling sessions virtually.

**Question 2: What are the unmet needs that prevent survivors from achieving safety and healing?**

I want to touch on sustainable housing near their support group, like their grandmother, or their mother, or family. Transportation is scarce in rural areas and it is important to be near a stable support structure. Mothers need to have dependable childcare, people that they can trust with their children. Vocational training, assistance with community college tuition is also important. We have a lot of mothers in their late 20s who have wanted to go back to school, but lacked the resources like transportation, childcare, assistance with tuition, affordable housing, and support. There is also a need for life coaching. Many caregivers have never worked outside of the home, paid bills, etc. Through education and guidance they can leave an abusive relationship, and rebuild themselves successfully by having a skillset that would enable them to support themselves by getting a job that pays their bills.

We must also be able to offer resources that address their trauma through mind, body, and spirit because it's all connected. You can't service one without servicing the other. Culturally specific services are very important.

**Question 3: Do Tribes support the creation of a pilot project program that would allow recipients to give flexible financial assistance to survivors?**

Yes. La Jolla would support such an effort.

**Question 4: What types of entities should be eligible for the pilot Financial Assistance Grant Program?**

Tribal Programs and Tribal Coalitions would be the best to pilot the Financial Assistance Grant Program because it takes a while for other nonprofits that don't already support direct services or address domestic violence or sexual assault as their first priority. I have seen survivors go through programs re-victimized because of nonprofits and institutions like IHS not being fully informed on the dynamics of domestic violence and sexual assault.

**Question 5: Do tribes believe that OVW should place restrictions on how survivors may use the funds, such as establishing a limited universe of approved expenditures.**

It is important to keep funding as flexible as possible. Every issue is unique, not one of our women has been a cookie cutter case coming through our doors. Most times advocates will find themselves reaching into their

own pockets or hosting community fundraisers or requesting monies from tribes to help fulfill a need that isn't allowable through the current funding streams.

Access to funds that would be flexible enough to address the unique needs of a woman leaving an abusive relationship and going beyond shelter doors to sustain herself and her family would be most empowering and would live up to the statutory principles in VAWA.

**Question 6: What type of expenditures would OVW allow?**

Have the program write a justification on why the person seeking the resource needs it, and how it will help them towards sustainability. As long as the grantee can justify the need and track progress, that should be all OVW needs to fulfill its obligation that the monies were being used for what was requested.

**Question 7: What type of expenditures would OVW allow? Would such a program be more effective if it permitted multiple small amounts be given to survivors or large lump sums?**

Services and resources that go beyond shelter doors should be monitored for progress and amounts of funding given to an individual at every goal achieved.

**Question 8: What kind of support or technical assistance would tribal recipients need to implement such a program?**

Technical assistance consists of real-time life coaches to guide women through these programs. These programs could include services such as: training on how to navigate the vocational and university systems, grant writing classes, positive workplace leadership training, survivor centered training for advocates, substance abuse programs, etc.

**Question 9: What suggestions do tribes have for the financial controls that OVW should place on the program to ensure its effectiveness and fiscal responsibility?**

OVW already sends out a detailed questionnaire on how the tribe manages its awards and cash systems. It also requires tribes to have specific accounting systems in place for monitoring. If the tribe checks everything of and passes the 10 questions, that should be all the controls that are needed to ensure fiscal responsibility.

**Question 10: Do tribes support funding the program using de-obligated funds from OVW tribal-specific grant programs or other programs with de-obligated funds?**

No. La Jolla does not agree with using de-obligated funds.



Lac Courte Oreilles

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

**Topic 1: Advocate for Domestic Abuse Shelters, and Homeless Shelters to be Fully Funded by the Department of Justice and Victims of Crime Fund**

COVID-19 has not spared the Lac Courte Oreilles tribe. The tribe is very thankful for the COVID grant funding they have received. This money helped open a few homeless shelters and by doing so they found more domestic abuse cases that have gone on and have plagued people for years.

Smaller tribes have a tough time getting the funding they need. They don't have the lobbyists and staff to advocate for their tribe. It's also hard to get resources and service providers that help support their communities. For example, psychologists and psychiatrists, in our area, are very rare to find and a person would need to travel for more than three hours to get the services they desperately need.

The Indian Child Welfare Departments are underfunded and understaffed. The pandemic has played a significant part in how services are offered and the ongoing precautions needed to keep victims and staff safe.

## **Topic 2: Addressing Historical Trauma**

Historical trauma continues to play a huge role in the lives of Native Americans. We see this in our domestic abuse shelters. There is a repeated cycle of violence within our own families and relationships. We must acknowledge and address all of these historic traumas. We have always heard these stories from our elders about what happened in boarding schools, and we are now finding that many of the children didn't come home and we need to start the healing process. We request to have healing and education addressed in this historic trauma and I know that's not what this consultation covers because we are supposed to be discussing violence against women, but it's all systemic and therefore connected. We have to address how we got here and heal as a community. We have had homeless children at our shelters, and often this is because of the violence they have faced at home.

We have a need for behavioral health services and a continuum of care beyond the immediate crisis. We need these services for both the victim and the perpetrator. We need ongoing professional counseling services that are required to address this trauma. There are so many reasons why abuse is not reported such as fear of being homeless, not having money, losing their children, being alienated from their family members, etc.

We have so many people showing up at our shelters that are drug addicted because they are self-medicating from the trauma that they have experienced in their lives. We have seen a rise in drug addiction in the rural areas on our reservation. We have homeless shelters as well as treatment centers for those wanting help to recover and become part of the community. Our tribe also has a huge housing disparity that we are currently addressing. There are so many issues that we are tackling and many are interconnected. We must be able to hire or train the professionals needed to address the violence and trauma the Native American Community is facing. This is what we need to stop the violence in our communities.

### ***Recommendations:***

1. Domestic abuse and homeless shelters should be fully funded by the DOJ and OVC.
2. BIA needs to provide funding to the Tribal Nations who have disparities in their funding, which includes a lot of the smaller and rural tribes in PL 280 states and those that aren't in those states.
3. HHS should support FVPSA reauthorization with amendments to increase the tribal set-aside for tribe's use and funding for tribal coalitions.
4. The Federal government must fund mental health, behavioral health, and healing services for Native American Communities, including schools to deal with the historical trauma they have experienced.
5. Return the remains of those lost from boarding schools back to their families so they can have the necessary ceremonies and get closure.

6. The Federal government must acknowledge that they played a role in the assimilation and extermination of our Native American people.



## Lummi Nation Indians

*Nick Lewis, Council Member - Tribal Leader (Oral)*

*Penny Carol Tulare, Director, Lummi Victims Crime Office - Invited by Tribal Leader (Oral)*

### **Topic 1: Consultation**

I have provided testimony for VAWA previously and one of the things that I have noticed in consultations is that they don't feel like consultations. They feel like Listening Sessions. We are hearing heart wrenching testimony of people's reality. And oftentimes we hear in response, "Thank you for that testimony." If we are going to have meaningful consultation, which we always advocate for, each Tribal Leader that provides testimony of what's going on in their community should get more dedicated time to a response. The communication goes both ways.

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

1. The DOJ takes a really hard look at some of the repeated things that have been said and closes those gaps. When Tribal leaders are speaking, it's because somebody's been harmed and people who are impacted by this, their voices are going unheard when we don't make those changes at this level. For the next in person consultation, maybe it needs to be even longer, or weeklong. Because I would hope that the DOJ can invest more time into the responses for our Tribal Leaders from across the country.

### **Topic 2: Impact of Domestic Violence on Children**

*Penny Carole:* I work with Indian Child Welfare, who I believe are the true victims of domestic violence and our drug epidemic. And so, I am very passionate about how we make sure that we eliminate or decrease the re-traumatization of our children. And part of that is not removing them off our homeland.

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

1. We need something that is more permanent, gated, secure, so that the women can stay in their place with a gated community and that the kids can go back to a somewhat normal, nurturing, loving home.

The number one priority, I believe, is mental health services. In some of the grants, staff have to have licensed mental health, which we have been seeking for a couple of years now. Not that many counselors specialize in domestic violence and sexual assault.

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

1. It would be really beneficial if the DOJ and their grant funders were able to allow the tribes to utilize their elder mentors, their spiritual guides, to service our women.

2. There is a lot of unmet needs for our women due to the pandemic, due to sex trafficking, and due to their economic status now. We need to have a strategic plan as we come out of COVID.

### **Topic 3: JustGrants**

Funding has been a constant effort for the Lummi Nation since 1991. We have been the first responders with law enforcement to our community. We have grown so much that our community is faced with community members that come from every economic status and are seeing the rise in domestic violence, financial exploitation, burglary against elders, and other crimes of violence and diverse incidents. The DOJ's technical support has been very helpful, but I was just getting used to GMS, and then we moved over to JustGrants. It's very difficult to watch a webinar, you need to do it one or two times to capture the information.

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

1. It will be beneficial when we can begin to meet in person and really work on the JustGrants system, which has given a lot of us tribes stress and anxiety as we do our reports. We've got to make JustGrants work more smoothly.

One of the things that, when we talk about grants, we offer our victims of crime shelter under 15 grants. Fifteen different strings that they have to follow. Fifteen different timecards. Can you imagine filling out 15 timecards, half hour here, half hour there, an hour here for your entire staff? That's tedious and it's a challenge.

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

1. DOJ needs to look at simplifying their grants or finding a way to combine them to allow the reporting to be accepted across the board.

### **Topic 4: COVID**

The impact of COVID, I don't think it's unique to Lummi, but for the past almost two years we told people to shelter in place. We told them to stay home and stop going out in public. What we are telling people for some is making it worse. We are telling people that are faced with domestic violence to stay with their abuser. We are telling children to stay in the home where they continue to be traumatized by seeing that. Domestic violence is not our way, but when we're telling people to do that, we are telling those children that it is acceptable behavior. Often the abused becomes the abuser at some point, unfortunately. And we need to do all we can to break that cycle of trauma.

Due to the pandemic, if we arrest somebody, the jails aren't taking people because of COVID restrictions. Often, there are booking restrictions. There are COVID outbreaks in the jails constantly and they stop taking people. What we are seeing is that the justice system does not work under a pandemic. We struggled with getting GPS units for pretrial release, for example, of people that have committed domestic violence. What we are showing our victims is that their perpetrator is walking around free, without being monitored. The other thing, when they are out of jail or incarceration, they are able to utilize things like social media. The narcissistic behavior of an abuser, it seems like they have more rights than the victim. They can continue to harm their victim emotionally through social media, and the justice system is not built to protect the victim.

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

1. We need the DOJ to really look at supporting alternatives to incarceration.

2. We need the DOJ to work on the social media platforms to get them to honor, or do the full faith in credit, like Tribal Leaders are always asking for, of our court orders, so we can do more to protect those that are affected by domestic violence.



## Mesa Grande Band of Mission Indians

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

*Devon Lee Lomayesva, Chief Judge, Intertribal Court of Southern California*

### **Topic 1: Financial Assistance for Victims - Victim Needs**

OVW should continue to support cultural services and methods of healing determined by the tribe and tribal programs. Needs of survivors vary greatly across tribal nations and regions and include:

#### **Legal Assistance**

Legal assistance is needed even if it means comprehensive legal advice and not direct representation. Of course, direct representation is the greater need. Divorce cases can be lengthy and cumbersome and require some legal analysis, and there is not enough Pro Bono assistance to cover the time and cost for a victim. Legal fees accumulate quickly if there are tenant issues or small claims matters. Many victims are in a dating relationship and share property with their abuser. Having an attorney understand victim dynamics beyond family and criminal court is important.

Tribal Courts, specifically the Intertribal Court of Southern California, has invested in a family resource center that will serve victims and their families, including pro-bono assistance. But these programs still take funds to administer and there are still costs in addition to the attorney. Filing fees, copies, transportation, smart phones/tablets, reliable internet, are all costs/resources needed for victims to successfully navigate the court system.

#### **Housing**

Securing affordable housing is one of the biggest needs. Securing an apartment or renting a house is expensive. Ongoing support for emergency and transitional housing remains a need. However, oftentimes the cost for maintaining a client's home is less expensive. This is especially true for tribal communities. Many of our clients want to remain on the reservation in their family land or family home. Maintaining victims and children in their homes also promotes stability, which prevents additional trauma to the family. Victims and their children, who are also victims, should not be unnecessarily uprooted from school, work, family, and friendships. When this happens, the family is in more need of services, which creates additional stress and costs to the family and service providers, including Tribal Courts, which are increasingly hearing these issues in Southern California. Tribal Court resources are limited and therefore making an investment in current resources is preferred.

***Recommendation:***

1. If funding would allow for utilities, furniture, household supplies, etc. many clients might be able to remain in their own home and not have to relocate. Past rental payments or past mortgage payments can be a low cost to keep a client in their home and prevent homelessness rather than relocation.

**Transportation**

Public transportation in our area is limited. Buses reach only a couple of our tribes and that tends to be the tribes closest to urban areas. If taxi or ride-sharing services are available in the rural areas, it is very expensive and can be up to \$90+ for a one-way trip. The Court also experiences issues with in-person court appearances due to transportation issues. Missing a court appearance can just add on to mounting costs for victims and families, and more importantly can jeopardize their filings (i.e.: protective orders) if they don't appear at court on time.

***Recommendation:***

1. Having funds to pay for vehicle repairs or car payments is helpful and oftentimes less expensive for the program.

**Financial Stability**

Debt assistance, educational workshops, job training, and life skills are needed to ensure job placement and financial stability.

***Recommendation:***

1. Additional funds will be needed to compensate trainers, pay for online training, and transportation for participants.

**Childcare**

Ongoing, long-term childcare is needed for clients to secure and keep a career beyond just for court or doctors' appointments. This is a big financial burden for clients.

**Topic 2: Financial Controls and Pilot Project**

We have a pilot project called the Family Violence Prevention and Services Domestic Violence Shelter and Supportive Services to Native American Tribes and Tribal Organizations under the Dept. of Health and Human Services Administration for Children and Families (FVPSA). FVPSA provides a great model of flexibility of services and financial assistance for victims starting with the connection between victimization and establishing the financial need is allowable. Many tribes are doing the very things listed in your framing paper; paying vendors directly, requiring receipts for reimbursement, purchasing survivors' supplies and other necessities directly or utilizing gift cards with receipts being turned into the program. Tribes and tribal programs are already doing the financial controls.

***Recommendations:***

1. Yes, we support a pilot program, however we do not feel it needs to be a pilot program, it just needs to be a program.
2. This program appears in line with the ICSC family resource center and there could be positive cross-referral among any such program. We do not see a need for a pilot with long and drawn-out evaluation. It

is a clear need in our San Diego tribal community and should be funded outright among service programs, including Tribal Courts.

### **Topic 3: Congressional appropriation or de-obligated funds**

We support additional congressional appropriation for the “pilot program” and do not support the use of de-obligated funds.

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

1. De-obligated funds should always go back to the same grant program and be used the following year. The Tribal Governments program and Victims of Crime funding assists with some of these items; however, most programs are unable to support all of the needs and services under one grant request. More appropriations and expanded flexibility will allow tribal services to expand and assist victims where they are needed most.
2. The ICSC has received federal grants for programs. But those programs often do not fund the entire project. There are always additional costs that could not fit into the budget that are essential for program success. For example, the internet and I.T. expenses. These may be considered an indirect cost, but in the more rural areas, faster connections are more expensive because they are not as readily available. Also, many grants do not fund administrative positions; these are essential to properly managing and complying with grants and should be a consideration in grant funding.

### **Topic 4: OVW Question #3 - What types of entities should be eligible for the pilot financial assistance grant program? Tribes, Tribal Organizations, and tribal designated programs.**

Concern with this question and the language: Urban based programs need to be designated by a tribe. When we are talking about a tribal organization it means that organization has a clear tie back to a sovereign nation. We have seen many organizations claiming to be tribal or have one tribal staff person and they attempt to seek tribal funding with no ties to Tribal Nations or tribal service programs.

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

1. There needs to be an ask for a tribal support letter or resolution or a clear vetting process to ensure programs seeking tribal funds are connected with sovereign nations. Our experience with this relates to state or local funding; however, it is a good reminder for OVW.
2. If “Tribes” is not already defined as federally-recognized tribes, then we support adding that language. The application of federal Indian law and tribal law in the Tribal Court context is applied to federally-recognized tribes. The ICSC supports requiring tribal organizations to have a support letter from a federally-recognized tribe and that they are required to be 501(C)(3) organizations. Oftentimes “tribal organizations” are no more than a group and without this federal tax designation there is no real accountability for the funds and the program overall.

### **Topic 5: Tribal Jurisdiction Program - Implementation of SDVCJ**

Mesa Grande has not considered implementation of SDVCJ. We would need to start with a planning grant and technical support with a full strategic plan to consider the need, capacity, and cost. The consideration for this grant is the cost of personnel for the court, personnel for the police department, and personnel for the jail. Sustainability is a huge factor as well. Mesa Grande’s court is the Intertribal Court of Southern California, a collaboration with eleven other Tribes. Our court consolidates funds to support the current court personnel

for civil matters. Part of the difficulty to apply for SDVCJ is not having the funding or capacity for grant writing and program development. Both the court and the tribe have a small number of employees.

**Recommendation:**

1. Perhaps a better strategy and use of funds would be to help tribes or courts first build capacity and strategize different funding for implementation to ensure stability. SDVCJ's \$450,000 award is not enough to build and sustain a Justice System. Mesa Grande would need to develop a law enforcement department, develop codes, and expand on the current court system for all aspects of criminal matters (probations, services, defense, etc.); the potential for a program is daunting with no funding to ensure sustainability.

The ICSC is a civil court. Most tribes that are members of the Court are still in the development of civil regulatory codes. Now that a small amount of funding has begun to come to California from the Tribal Justice Support Tribal Court Assessment one-time emergency funding, tribes are just now able to start planning their long-term and short-term tribal court development. Considerations of tribal police, social workers, jails/holding cells, jury pools, and the Court and its planning for criminal jurisdiction are just a few of the major considerations tribe's must take into account when even considering SDVCJ.

**Recommendation:**

1. Funding needs to be provided to Tribal Courts to promote development of ordinances/codes, regulations and policies and procedures for the Court, tribal law enforcement, social services, etc. before consideration of SDVCJ. California, particularly, has been left out of Tribal Court funding due to the misconception that PL-280 is somehow an appropriate replacement for tribal law. This is not the case.



## Native Village of Anvik

*Robert Walker, First Chief- Tribal Leader (Written & Oral)*

### **Topic 1: Law Enforcement Impacts**

At this point in time we have no law enforcement, we have a vacant position for a VPSO (Village Public Safety Officer) which is funded through the State and the position continues to be vacant. State Troopers posted in Aniak, a "hub community" located one and half hours away by airplane, are responsible for responding to calls in Anvik. The State has three Troopers on call for 46 villages. Weather makes travel in and out of Anvik often impossible for days. This means law enforcement is not able to get to the village for much of the year due to the weather. This is not a new situation. We continue to share with you in hopes that you will understand the unique conditions that exist for our communities in Alaska that demand we be creative in providing a local response.

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

The COVID-19 Pandemic has added another layer of conditions that impact our community. Since March 2020 there has been no regular flight service to the village of Anvik due to the daily provider airline going bankrupt

from pandemic imposed restrictions. Anvik does not have a health aid and the nearest provider is 1.5 to 4 hours away, by airplane. COVID-19, with the increased potential for wide-spread community infection, with no means of health care, or ability to test or to even quarantine, creates extreme danger for every person in our community. We have imposed local mandates to help stop the spread, but these efforts are hampered by lack of housing which has families living together. Quarantining has been very challenging. This bad situation only becomes worse when someone is being victimized in their home. With no local safe housing, no transportation to get to a shelter, if space can be found in a regional shelter, no health care provider and no law enforcement, safety is not available in our community.

Overall, it is also worth stating upfront that the Supreme Court case in the Native Village of Venetie, along with the Alaska Native Claims Settlement Act (ANCSA), has created a challenging situation for Alaska Native Villages and tribes to address village safety issues, especially as it relates to accountability of criminal defendants and domestic violence survivors and related civil protection order issues. The Tribal Law and Order Commission (TLOC) issued the 2013 Report and devoted a chapter to the unique issues in Alaska. The report found that the absence of an effective justice system has disproportionately harmed Alaska Native women who are continually targeted for all forms of violence. Tribal governments that have concurrent criminal jurisdiction are hampered by the confusing territorial jurisdictional issues.

### **Topic 3: Consultation Issues**

Meaningful consultation by the federal agencies is paramount to strengthening, developing, and sustaining much needed social services and economic services for Native American and Alaskan Native (NA/AN) people and governments. For consultation to work and be meaningful, the federal agencies must comply with the regulations and executive orders issued through the White House. If there are no regulations for a particular federal agency, these should be established. This is a fundamental policy that must be followed in order to demonstrate not only respect for all of the tribes, but also to develop the best services and communication. Each tribe is a sovereign government, with authority over its citizens and lands.

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

We strongly urge OVW and the FVPSA annual tribal consultations run consecutively each year. For 2022, we ask for a location in a tribal community that has easily accessible transportation and numerous options for flights. This year was such a challenge with consultations from OVC, OVW, FVPSA and BJA running in July, August and September, making it challenging for tribal leaders to do the job they are elected to do. Meaningful government-to-government consultation requires, at the minimum, adequate notice and the best schedule opportunity for the tribes to fully participate in the consultation process:

1. Proper notice should be provided at least 120 days from the date of the consultation.
2. Written testimony should be allowed up to 60 days following the consultation.
3. Each federal agency should be mandated to adopt or revise their individual consultation policy to follow the same consultation policy among all federal agencies to avoid different practices and ensure top level officials who need to hear the information are present.
4. Each federal agency should ensure that those speaking are doing so as a tribal leader or as a designated tribal leader.
5. A Framing Paper(s) to address important issues should be provided at a minimum of 60 days prior.
6. Each federal agency needing to consult with tribes, which should be all the federal agencies, should collaborate on the scheduling of consultations to avoid scheduling conflicts. For instance, this summer, during the time of hunting, fishing, and gathering, there are consultations scheduled by OVC, OVW, and

FVPSA within two months and DOI has scheduled consultation on the Not Invisible Act Sept. 8, which is the first day of the HHS FYSB consultation.

#### **Topic 4: Tribal Jurisdiction Over Non-Indian Offenders and Tribal Criminal Jurisdiction (SDVCJ)**

The lack of tribal jurisdiction over non-Indian offenders in our Native communities in Alaska continues to present a challenge and a high rate of disproportionate violence against Alaska Native women. VAWA 2013 began the process to remedy the barriers for Native communities to adequately address the situation for certain crimes of domestic violence, dating violence, and protection order violations for some tribes within certain parameters. However, VAWA 2013 failed to make the changes needed for Indian tribes to fully protect their citizens from child 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. Most particularly, VAWA 2013 failed to include 228 of the 229 federally recognized tribes in Alaska and Indian tribes in Maine. For our communities in Alaska, funding and resources aimed at protecting our communities and holding accountable those using violence against our women and children continues to be a significant problem.

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

Extend protections to all Alaska Tribes as provided in the “Alaska Tribal Public Safety Empowerment Act,” which will:

1. Create 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 eligible Alaska Native Village.
2. Provide for two or more qualifying Indian tribes, or a tribal organization that is acting on behalf of two or more qualifying Indian tribes, to apply as a pilot project.
3. Similar to VAWA 2013, all 228 Alaska Native Villages will then be eligible to fully exercise SDVCJ after the Alaska pilot program ends.
4. Funding cannot be contingent on tribal justice systems looking and acting like the western courts (this only continues the colonization approach). Tribal justice systems as defined by the Tribes themselves must be allowed to develop and their decisions recognized.
5. Allow for recognition of the many positive outcomes and successes possible with operating an Indigenous justice system -- more timely and increased accountability, and healing, preservation, and strengthening of family and communities. Oftentimes perpetrators within our communities are part of our community and we want to see services to hold them accountable, address their needs, and stop the abuse and violence.
6. Increase services for victims of violence and accountability for those who use violence; use outreach and education to break the cycle of violence within our communities -- we need the resources to offer prevention services.
7. Formation and funding of an Alaska intertribal workgroup, similar to the ITWG to help advise and direct the SDVCJ Alaska Pilot Project (see H.R. 1620 pilot project section for language).

#### **Topic 5: Department of Justice State of Emergency in Rural Alaska Declaration Update**

DOJ should provide an update on how it plans to continue to address the state of emergency in rural Alaska that was declared June 28, 2019, as that declaration and the initial resources provided were just the beginning. We need on-going support and assistance to build the necessary infrastructure to address the dire jurisdictional issues that are truly health, safety, and welfare issues, and such assistance is required by the federal trust responsibility.

## **Topic 6: Implement the Not Invisible Act provisions**

Specifically, form and convene the mandatory Commission in order to fully address the devastating and increasing numbers of missing and murdered Indigenous women, girls and LGBTQ relatives across the country.

This commission should be made up of strong Indigenous leaders and allies who are already familiar with the issue and have experience working with Native communities and tribal governments. DOJ should seek recommendations from tribal stakeholder groups for participation and include significant representation from Alaska tribes.

## **Topic 7: Lack of housing and safe homes, restricted transportation, and decreased Internet capacity have increased risk for women and restricted access to services.**

Housing, safe homes, and transportation were already severely limited or non-existent before COVID-19 emerged. Things have only gotten worse in the last 15 months with travel restrictions, communities closing or shutting down, and safety measures forcing women and children to become more isolated inside homes with their abusers.

Tribal communities have reported severe housing shortages that have created a variety of crises such as outmigration from villages to urban hub communities, which compounds an already overburdened system and can place women at risk to traffickers and going missing and/or being murdered.

The lack of internet access and broadband capability severely limits access to services and the ability to communicate with friends, family, and support systems. This lack of connectivity, especially in rural communities increases the safety risks for women and children. The weak or limited broadband access is a reality even for those living in the urban and hub centers. The FirstNet and broadband expansion and funds for ARPA are virtually meaningless for our communities.

Tribal governments throughout the State are beginning to discuss and look for ways to increase this fundamental method of communication, but it will take a while and will require funding to develop infrastructure and then technical support. Alaska is vast and infrastructure costs much greater.

### ***Recommendations:***

1. Support the development of a toolkit, technical assistance, and other resources for Tribal Public Housing Agencies in regard to operation and management of permanent supportive housing for tribes; increase collaboration with HUD to increase housing resources for the tribal communities, especially for rural Alaska. There needs to be better collaboration or at least communication among all of the federal agencies to increase victim access to housing, transportation, and internet/communication, and identify barriers and resource gaps.
2. Increase Tribal FVPSA and statutorily include funding for the AKNWRC, the StrongHearts Native Helpline, and for tribal coalitions who provide lifesaving technical assistance and training services to gender-based violence survivors in Tribal communities.
3. Increase DOJ funding for the AKNWRC to provide technical assistance and training to Alaska's tribes.
4. Fully fund efforts to develop the infrastructure, capacity, and technical support to increase broadband and internet access throughout all the Alaska Native tribal communities, both rural and urban.
5. Increase access to emergency funding for transportation, especially in rural Alaska where the high cost of airfare, charters, and fuels hinders the ability to travel to safety.

## Topic 8: Missing and Murdered Indigenous Women

While there has been a significant national push from the federal government to make visible the issue of MMIW and effort has been made to increase awareness, study, and resources concerning this issue, there is still more that needs to be done. The gains and resources offered by the White House initiative -- Operation Lady Justice -- are mostly addressing just one aspect of the response needed -- law enforcement. There continues to be a great need for resources to educate about risks and develop safety plans and comprehensive solutions to stop or at least decrease the highest rates of violence aimed at Indigenous women, girls, and LGBTQ relatives. The current focus by the federal government on law enforcement should continue, but truly ending this crisis and restoring safety to our nations will require a more comprehensive solution that recognizes the full scope of Native women's human and Indigenous rights.

### ***Recommendations:***

1. Implement NCAI recommendations regarding the tribal set-aside from the crime victims fund to assure that the resources reach victims, survivors, and their families.
2. Fully implement the 2005 reauthorization of VAWA NIJ research program and specifically provide Tribal Nations information regarding missing and murdered AI/AN women.
3. 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.
4. Support efforts of the Government Accountability Office to prepare and submit a report on the response of law enforcement agencies to reports of missing or murdered Indians, including recommendations for legislative solutions as provided by the Studying the Missing and Murdered Indian Crisis Act of 2019.
5. Develop protocols, in consultation with Tribal Nations, which recognize the inherent right of American Indians and Alaska Natives to exercise their traditional practices in response to MMIW. These protocols must address the current violations of tribal beliefs, religious, and cultural practices of the murdered woman and the disrespectful handling of her remains. The protocols must address the following:
  - a. The denial of requests by mothers and other immediate family members to see the bodies of their loved ones. In many cases, the requests of family members to see the remains of the AI/AN woman have been denied without explanation.
  - b. Develop law enforcement toolkits that provide for a thorough investigation and answer the necessary questions so coroners can correctly identify the "manner of death."
  - c. Mailing and shipping remains without notice to the family and sometimes without proper clothing and modesty covers. In many cases, mothers and families have received the naked remains of their loved ones in cardboard boxes and plastic bags.
  - d. In adjudicated cases, return of the victim's personal effects and belongings to the family, if desired, for proper disposal and/or burial consistent with cultural practices.
  - e. Coordinate efforts across all federal departments to increase support for tribal responses to missing or murdered AI/AN women and girls as required by Savanna's Act.
  - f. 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.
6. We recommend the federal departments under the VAWA mandated consultation support this investigation and allow Indian tribes to use VAWA grant funds to participate in relevant meetings at the United Nations and with United Nations' bodies.

## **Topic 9: Healthcare**

Need increased services to address the extreme and long term effects of DV and SA. The federal grant funding must be flexible enough for the victim service agencies to access funds to cover the myriad healthcare expenses needed to adequately care for the victims and survivors and their families. The Indian Health Service needs to be accessible or make meaningful healthcare available outside of Native lands.

Challenges to providing adequate healthcare services include retaining healthcare aides and specialty physicians, especially in rural villages. There is an extremely low number of behavioral health and addiction services available throughout Alaska and there are entire regions with none. The rape kit processing and the prosecution rates for sexual assault is very low across the state. Partly because the access to SART exams in villages is limited and often non-existent.

## **Topic 10: System and community responses to Child abuse and neglect**

The State child welfare agencies must stop removing children simply due to substandard housing or multiple generations living in a single household. This is a Western standard that is not fully addressing or ensuring the safety and wellbeing of children. The Office of Children Services and the courts need to be informed about the extreme housing challenges and lack of housing remedies. Removing children from their home is sometimes necessary, but it should not always be the first step.

### ***Recommendation:***

1. Tribal communities and child welfare agencies should be able to access the same services that children in state dependencies have. The federal government provides funding to the state for all citizens within their state. However, in Alaska, only children in the state court system have access to these services. Until there is true equity and accountability of the state for how they use these federal funds that are designed to go to tribal children, our families will continue to be torn apart and needed problems will go unaddressed leading to continuation of the vicious cycle. We understand our communities and their needs and can much better address the needs especially if there is parity of available resources.

### **Further Recommendations:**

1. There must be better collaboration and coordination of social services and victim services for those families experiencing violence in their homes.
2. The tribes in Alaska need additional funding and resources to collaborate with the State agencies to strengthen the tribal child welfare agencies and capacity.
3. The federal government should require as a condition for ACF funding that the State of Alaska have a plan to provide a payment system for services needed for the tribal court cases.



## Navajo Nation

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

*Myron Lizer, Vice President - Tribal Leader (Written)*

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

### **Topic 1: Background**

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.

The United States entered into a treaty with the Navajo Nation in 1868, which promised health care, education, agricultural assistance, and mechanisms to improve the health and wellbeing of the Navajo people. As such, the United States government is legally and morally bound with a treaty responsibility and a trust obligation to support the Navajo Nation in securing and developing our land and resources to improve the quality of life for our citizens, and to protect the lives and liberties of Navajo people in the same way it does in communities across the United States.

The COVID-19 pandemic has only worsened the domestic abuse crisis in Indian country, as the months-long lockdowns have forced many abuse victims to remain at home with their abusers. During this period, law enforcement has seen increases in law enforcement calls and arrests for domestic violence. Now more than ever it is critically important to maximize the potential of existing resources and programs to make domestic spaces and relationships safer.

Set forth below we address strengthening the Tribal-Federal relationship through complementary efforts, as well as through improved data collection and sharing. We also address the importance of existing and expanded grant programs. Finally, we address Congressional legislation in the hopes that the Administration and the DOJ would support Congressional action that incorporates Navajo Nation recommendations.

### **Topic 2: Strengthening the Tribal-Federal Relationship: Complementary Efforts Increase Federal Prosecution of Indian Country Domestic Violence**

The Navajo Nation is currently unable to address every domestic violence incident that is reported to Navajo law enforcement. Throughout Indian country there is pervasive underfunding of tribal law enforcement, coupled with systemic non-investigation and non-prosecution of crimes for which the federal government has concurrent criminal jurisdiction.

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

The Navajo Nation calls upon the FBI and the DOJ to increase its investigation and prosecution of domestic violence in Indian country and to better share that data with tribal communities.

#### **Ensure Timely Law Enforcement Responses**

The Navajo Nation is hindered in our efforts to improve the safety of our members and our broader community because of chronic delays in the response time of state and federal law enforcement. The delayed

response time, combined with the jurisdictional complexities arising out of the unique interplay of criminal jurisdiction on tribal lands regarding tribal and non-tribal victims and defendants, puts lives at real risk.

***Recommendation:***

The Navajo Nation calls upon OVW to investigate ways to improve law enforcement response times and to implement training and education initiatives to help clarify jurisdictional issues.

**Support Enforcement of Tribal Court Orders & Judgments**

VAWA provides that domestic violence protection orders issued by a tribal court will be afforded full faith and credit by state and federal courts. Enforcement of tribal orders outside of the exterior boundaries of a reservation is essential to ensuring the public safety of tribal members and the underlying efficacy of all domestic violence prevention and prosecution efforts. Reciprocal enforcement of Navajo Nation court orders is also critical to honoring our status as a sovereign Nation and respecting our law enforcement decisions.

***Recommendation:***

We would like to see the federal government continue to work with tribes and within various federal agencies to ensure that Tribal court orders that are issued to protect our members are properly accorded full faith and credit by other jurisdictions.

**Ensure that Agencies with Jurisdiction Over Indian Country are Involved in Inter-agency Efforts to Address Domestic Violence**

The Navajo Nation hopes to see increased participation by federal agencies working in or with Indian country in cross-government efforts to address domestic and sexual violence in all of its forms. In particular, the Nation hopes to see the BIA, the DOJ Office of Tribal Justice, the DOI Bureau of Indian Education, the Department of Education's Office for Civil Rights, the Substance Abuse and Mental Health Services Administration, and all related Tribal Advisory Committees as participants and collaborators in these ongoing studies, initiatives, and discussions. Additionally, Inter-agency efforts must include representatives with experiences in early child development and should include representatives and non-governmental organizations representing Urban Indian, LGBTQIA+, and youth organizations.

**Topic 3: Strengthening the Tribal-Federal Relationship: Improved Data Collection & Sharing Support for More Robust and Collaborative Data Collection & Sharing**

The Nation appreciates the ongoing efforts to improve communication across branches of law enforcement and to curtail the crisis of violence against Native women exemplified by the Operation Lady Justice initiative, and the passage of Savanna's Act and the Not Invisible Act.

Cutting across all issues of domestic violence perpetrated against Indians and on Indian lands is a failure of data keeping and communication. The Navajo Nation is aware of an unacceptable lack of records being kept on missing Native women, in particular, but understands that a failure to record data about violence against Indigenous people and communities is a problem that afflicts all levels of law enforcement.

***Recommendations:***

1. Supports the calls for more standardized demographic data collection to enable tribes and interest groups to better aggregate data about domestic violence against and within the Native community.

2. Supports better collection, reporting, and data sharing about these crimes, and the deployment of any resources needed to strengthen these lines of dialogue. The prevalence of racially misclassified data in existing databases has hindered law enforcement investigation and clouds the severity of the MMIW/MMIP crisis.
3. Requests a reduction or elimination in the amount of fees needed for tribal communities to access some of this domestic violence and missing persons data, as these fees impose an additional and unnecessary obstacle to holding law enforcement accountable for failure to investigate and prosecute.
4. Critically, the federal government must make efforts to improve the relationship between law enforcement and our Native communities so that missing persons are no longer underreported by the Native community because of poor historic and ongoing relationships with the law enforcement community. Community outreach is critical to repairing relationships and building trust and is an essential part of moving forward together toward a productive, collaborative, and responsive data sharing system.
5. Recommends the implementation of information and data-sharing agreements between local, tribal, state, and federal partners. This should include increased funding for an inter-coordinated tribal information management system with judicial data tracking systems and training.

#### **Support for Missing and Murdered Indigenous Women Initiatives**

The Nation supports justice for all victims of domestic violence and supports increased resources for Indian country to help investigate and prosecute these crimes on our lands, and to address pervasive and systemic racial bias in news coverage and deployment of law enforcement resources. The media coverage of the Gabby Petito case highlights the racial disparity in media coverage about missing and murdered women. Additionally, resources are needed to address cases in rural and urban areas, and should include protections and services for transgender women and the LGBTQIA+ community, who have similarly experienced high rates of targeted violence on Navajo Nation lands and throughout Indian country in recent years, but are likewise overlooked by the media.

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

1. The Navajo Nation established the Diné Nihik'ée Nihíí' Násdlǫ́' (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. Currently, however, 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, all of which would benefit from the support and shared resources of federal and state governments. The Navajo Nation calls for funding assistance for the nation's proposed Missing & Murdered Diné Relatives Data Institute.

#### **Facilitate Greater Communication between U.S. Attorney Offices and Tribes**

U.S. Attorneys' Offices (USAOs) play pivotal roles in the investigation and enforcement of federal laws throughout the country. Because the federal government has jurisdiction exclusive of the states over certain types of offenses under the Major Crimes Act, 18 U.S.C. § 1153, it is critical that federal law enforcement be actively involved in efforts to address violence in tribal communities. In the years 2019-through the third quarter of 2021, the federal government declined to prosecute 46 Navajo Nation cases in Utah, Arizona, and New Mexico. The Nation has struggled at times to secure accurate case information from the federal government, finding that records lack the identity of the offender, and are consistently missing or record inaccurate case and file numbers.

**Recommendation:**

1. The Navajo Nation calls on federal law enforcement to improve communication with tribes about violent crime, information about offenders, critical case and investigation identification information, and the reasons that the federal government may decline to prosecute or defer prosecution of certain crimes.

**Create a Dedicated Crisis Hotline**

Tribal communities, particularly rural tribal communities may be vast distances away from emergency services. It is critically important that the federal government create a crisis hotline for individuals in dire need during life-threatening or traumatic situations. The advice of trained professionals in these circumstances can be the difference between life and death and is needed to supplement law enforcement responses.

**Topic 4: Strengthening Tribal Programs: Grants**

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

**Support for Legislative Efforts to Improve Tribal Access to Grants and Long-term Stability of Grant Programs**

The Navajo Nation fully supports the efforts behind Public Law 117-27. Specifically, the Navajo Nation supports the inclusion of money collected from deferred prosecution and non-prosecution agreements as part of the Fund as a critical source of revenue that should not dry up as a result of changing federal prosecutorial policies.

The Navajo Nation also fully supports the efforts to secure a permanent 5% set-aside for tribal victims of crime under VOCA and supports bills like last session's S. 211 which sought to secure more permanent funding for tribal victims. Funding derived from VOCA should be allocated based on the use of a permanent formula rather than a discretionary set-aside. Changing to a permanent formula would end funding disparities among tribes by ensuring that all tribes receive a fair allocation of those funds. Moreover, a permanent set-aside would provide program stability and enable long-term planning for tribal programs.

**OVW Grant Administration**

We recommend OVW streamline the application process so that it is more responsive to the internal capabilities of each tribe. Reduced and/or more flexible application requirements would help lighten the administrative burden on all tribes during this difficult time while also making the program more accessible in general going forward. We also recommend that OVW do more to help tribes navigate the complicated grant eligibility, application, award, and administration processes.

**Support for Increased Federal Grant Initiatives: Non-Competitive Grants**

The Navajo Nation supports increased non-competitive grant funding that will help tribes develop culturally appropriate initiatives to address current violence, build better prevention and protection services, and carry out ongoing trauma counseling.

**Recommendations:**

We urge the federal government to work to reform the funding allocation process so that programs serving Indian country receive funds based on demonstrated need rather than through competitive grants. The competitive grant system contributes to program instability and difficulty in long-term planning since funds are not guaranteed each year. This is problematic for domestic violence intervention and prevention programming, as continuity of services is essential to ensuring the safety of at-risk adults and children

1. The allocation process should also not strictly adhere to rigid population-based formulas, as this can disproportionately disadvantage rural communities. We urge all agencies of the federal government to increase their use of needs-based funding allocations to the greatest extent practical in administering grants in Indian country.

**Support for Modifying Current Federal Grant Money Pathways: Direct Funding**

The Navajo Nation recommends that the federal government provide funds directly to tribes rather than allocating funds for distribution by the states. Often, grant dollars awarded to a state are not passed down to the tribes, even though tribal lands and members are counted toward states' overall populations and land bases. Providing funds directly to tribes respects their sovereignty and self-governance. Furthermore, sending grants directly to tribes will help expedite the provision of essential and direct health, social service, and protective services directly to victims and their families.

**Implementing Multi-factor Federal Grant Allocation Formulas**

OVW and other federal grants should be awarded in a manner that considers, but does not solely depend on, population metrics or any other single factor. A population-based grant allocation formula systematically deprives tribal communities of critical funding needed to operate basic services. Any tribal grant formula should consider the needs of the community, not just the number of people in it. All federal grants should be reviewed on a case-by-case basis, as expeditiously as possible. However, the Navajo Nation advocates for a more liberal federal grant program that puts the power back in the hands of tribes to do what they know is best for their communities.

**Toward Increased Native Representation in the Peer Review Process**

OVW should guarantee that a greater percentage of peer reviewers for tribal grants and grants for which tribes are among the eligible recipients are themselves from tribal communities. A tribal-based peer review system will better consider the fact that different tribes have different needs at different times and will be more sensitive to and agile in responding to the most pressing issues facing Indian country.

**Dedicated Funding to help grow Tribal police forces**

The Navajo Nation currently does not have the capacity to handle all of the domestic violence issues on the Nation's lands. Specifically, the Nation does not have enough police officers to provide sufficient domestic dispute resolution. The Navajo Nation Department of Public Safety (NDPS) has about 200 police officers and 30 criminal investigators that cover approximately 18 million acres of Navajo land. Violent crime in the Navajo Nation is increasing and murder within the Navajo Nation is four times the national average on a population per capita basis, with Navajo law enforcement responding to an average 40 homicides per year.

**Recommendations:**

1. The Navajo Nation would like to see increased funding to help strengthen the tribal police pipeline to help us grow the pool of qualified, well-trained, and culturally competent officers working in our jurisdiction. It

is critically important that we be able to develop personnel from within our own community and provide them salaries and benefits that are competitive within the broader law enforcement community.

2. Recommend funding to help build more closely situated substations to help reduce the response time and necessary distance to travel for emergency services.

#### **Increased Funding for Internet Connectivity**

The Navajo Nation has limited internet connectivity, which poses challenges to accessing federal databases through the Tribal Access Program. Additionally, computer equipment is often outdated, not all officers and detectives have access to a computer, and funding is not available to purchase upgraded equipment. There is no 911 dispatch in communities on the Navajo Nation and no street addresses, which makes reporting crimes challenging for victims

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

1. More funding initiatives focused on ensuring that tribal communities have access to the internet for public safety reasons. All members of the Navajo Nation should be able to access 911 services directly, and law enforcement must have the resources needed to investigate and track down dangerous criminals.

#### **Increased Funding for Victim Services**

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

1. The Navajo Nation recommends the adoption of more funding initiatives to increase funding for victims' services programs and for the deployment of victim advocates within tribal law enforcement and the tribal judiciary.
2. Increased funding for transitional housing for victims of violent crimes and their families. Specifically, there are fewer than 65 domestic violence shelters in Indian country – for 574 Tribes. Moreover, shelters should be able to accommodate children, elders, and companion animals.
3. Increased funding for necessary mental health support services to help victims and families deal with trauma born out of these types of events. Additionally, this funding should allocate resources to help federal law enforcement effectively communicate with tribal members, which may include translation to and from the Navajo language.

#### **Increased Funding for Early Childhood Development and Trauma Detection Initiatives**

We know how critically important family and community life is to raising a culturally balanced, well-adjusted, and happy child. For this reason, the Nation supports initiatives that provide culturally-appropriate childcare services, help children manage stressors in their environments, and consult with professionals in childhood development and trauma detection.

### **Topic 6: Strengthening the Federal Framework: Legislative Action**

The Navajo Nation urges the Administration and the DOJ to support Congressional legislation, as described below.

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

1. Support for H.R. 1620 - The bill will provide necessary amendments to rectify jurisdictional limitations that have impeded our Nation's ability to prosecute domestic violence on our reservation and against our members. Navajo Nation would like to highlight the particular importance of the following provisions of H.R. 1620:

- a. The provision of grant funding to programs that develop and implement restorative practices and alternative methods of reducing crime in communities (§ 102). These provisions are consistent with traditional Navajo practices. Moreover, 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.
  - b. The dedication of 5% of yearly appropriations to be available for grants to culturally specific victim services (§ 102).
  - c. The increase to 10% of yearly appropriations for programs that provide culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking (§ 108).
  - d. The creation of grant programs dedicated to supporting organizations that offer sexual assault medical forensic exams and victim services in Tribal communities, with special priority for remote communities (§ 107).
  - e. The dedication of at least 10 % of funds for Tribal sexual assault coalitions to be allocated for rape prevention and education grants dedicated to young victims' efforts (§ 301).
  - f. The inclusion of community-defined medical practices developed with input from the appropriate communities as training and educational components for grants geared toward professional development of health care professionals (§ 501).
  - g. Requiring health care professional development programs be designed to be inclusive and include training on equity, anti-racism, and to address current and historic systemic racism in health care services and disparities in access (§ 501).
  - h. Prohibiting stalkers and individuals subject to court orders from possessing a firearm (§ 802).
  - i. The extension of special Tribal criminal jurisdiction over dating violence, obstruction of justice, sexual violence, sex trafficking, stalking, and assault of a law enforcement or corrections officer (§ 903). The expansion of tribal jurisdiction over these offenses is critical to tribes' ability to prosecute crimes and keep tribal communities safe.
  - j. The authorization of the Attorney General to reimburse expenses incurred by Tribes in exercising special Tribal criminal jurisdiction (§ 903).
  - k. The appointment of a Deputy Assistant Attorney General on Culturally Specific Communities within the DOJ (§ 1410).
2. Support for Permanent Reauthorization of the Violence Against Women Act (VAWA) with Expanded Tribal Jurisdiction. VAWA has made Indian country safer and was a strong first step toward honoring tribal sovereign authority to prosecute crimes against Indians and on Indian lands. The Navajo Nation supports the permanent re-authorization of the Violence Against Women Act, with expanded special tribal criminal jurisdiction and mandatory appropriations for tribes.



## Nottawaseppi Huron Band of the Potawatomi (NHBP)

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

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

### **Topic 1: OVW's Tribal Jurisdiction Grant Program**

**What are the costs associated with exercising SDVCJ that your tribe has experienced? Of those costs, which, if any, currently are not covered as an allowable cost under the Tribal Jurisdiction Program?**

Although NHBP exercises SDVCJ, NHBP does not currently receive SDVCJ funding from any grant program.

**Are the current award lengths and suggested award caps in the targeted solicitation sufficient to support the discrete costs of exercising SDVCJ you have experienced to date? If not, what is the recommended award length? What is the total suggested amount per 12 months?**

NHBP supports extending the grant period to four years to ease the administrative burden on our Domestic Violence Victim Advocates. The time it takes to meet the grant application, grant reporting, and grant training requirements cuts into the amount of time Victim Advocates can devote to Victims of domestic violence, even though caring for these Victims is the very purpose of these grants. The needs of Victims have grown to unfathomable levels as a result of the COVID-19 pandemic. This is a major problem because the availability of uninterrupted services is essential to preventing emergencies before they occur.

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

1. Extending the grant period would allow our Victim Advocates to fully focus on providing services to victims and decrease the costs associated with grant reporting, especially the cost to victims for not having access to Victim Advocates in an emergency.

**Do you have recommendations to enhance the comprehensive training and technical assistance currently available to tribes exercising SDVCJ, which includes the ITWG?**

ITWG does an exceptional job of bringing together tribes at different stages of implementation where participants receive training, learn about barriers and solutions to challenges, share resources, and much, much more. ITWG has been successful beyond anything we anticipated as one of the first tribes to participate in ITWG. In evaluating the challenges participating tribes encounter, the issue is not ITWG, how it operates, or how the participating tribes engage in ITWG. There is also not a substantive issue with technical assistance partners understanding the issues facing Native nations in trying to address the ongoing epidemic of violence against Indigenous women, children, and men. The primary issue encountered is the ongoing ignorance of the effectiveness of tribal courts and tribal justice systems. The need for ITWG members to educate outside of ITWG – with impact directly through appropriations and such legislative actions designed to address the epidemic of violence against Indigenous women – is significant.

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

1. ITWG should be established as a permanent body with additional Native nations welcomed at any time. ITWG should also be funded to the extent that all Native nations may send a full team to each meeting. ITWG participants and technical assistance partners do an excellent job of continually exploring avenues for improvement, encouraging greater engagement, providing training, and more.
2. These government entities and service providers need to possess a complete understanding of the jurisdictional maze that prevents accountability and creates predators as a result, the importance of

culturally-honoring approaches to services for Native people, the desperate need for increased resources for Native survivors, and the professional administration of justice in tribal courts.

3. Funding is also needed to educate mainstream society about all of these same topics to highlight the contributions of Native nations and tribal courts to all U.S. residents, increase trust in tribal justice systems, and build support for the full return of criminal jurisdiction to Native nations to protect all U.S. citizens.

**Would you recommend that exercising tribes be able to apply to the Targeted solicitation noncompetitively and on a rolling basis throughout a fiscal year?**

There is no question that there is an epidemic of violence against Indigenous women. Every Native nation is facing this epidemic of violence on a daily basis. Further, the jurisdictional maze that prohibits Native nations from criminally prosecuting every person who commits violence against Native women, children, and men, combined with the frequent failure of other jurisdictions to prosecute when able, particularly when Native nations do not have jurisdiction, has created predators who target Native women on tribal lands.

***Recommendation:***

1. With the need impacting every American Indian tribe, grant funding should be available to every Native nation without competition and as needed both to provide care for Victims and to implement and maintain the criminal jurisdiction returned in VAWA 2013 to hold perpetrators accountable. Accountability may only be fully accomplished by the return of full criminal jurisdiction to Native nations.

**Do you have any additional recommendations for ensuring that the Tribal Jurisdiction Program’s Targeted solicitation and awards made under it are accessible and responsive to the needs you are experiencing as a result of exercising SDVCJ?**

We respectfully request that mandatory virtual grant training requirements that have been implemented during the COVID-19 pandemic be revised. The NHBP Victim Services Department is committed to ongoing training, both for individual grants and to strengthen victim advocacy skills. The mandatory virtual grant training that has been implemented during the pandemic is extensive, often occurring over several days, and requires immediate responses to ensure that the Victim Advocate is participating in the training. The failure to immediately respond results in “non-compliance” with grant requirements. Thus, to complete mandatory virtual grant training, Victim Advocates cannot respond to the needs of Victims – even in emergencies – without risking loss of the grant. The mandatory virtual grant training differs from the mandatory grant training held in person prior to the COVID-19 pandemic because, although off-site, there was never an issue if a Victim Advocate needed to step out to respond to a Victim in an emergency.

***Recommendation:***

1. There is no question that grant training is critical for grant recipients. However, the process for virtual grant training should be revised to prioritize the care of Victims. This is especially true because the virtual training was created as a response to the pandemic. Now more than ever, grant training needs to offer Victim Advocates flexibility to prioritize Victims and respond to emergencies.

**Topic 2: Financial Assistance for Victims**

**What are the needs of survivors in your communities that your tribe and victim service providers have been unable to address, either with or without VAWA funding? What are the unmet needs that prevent survivors from achieving safety and healing?**

The NHBP community desperately needs a Native-specific domestic violence shelter in the area to serve our Survivors. Although NHBP has a small reservation, the community the NHBP Victim Services Department serves is extensive. We also serve the community-at-large, both tribal and non-tribal. In the Victim-centered approach that guides our work, we never turn away any Victim or Survivor.

Currently, there is only one domestic violence shelter, S.A.F.E. Place, serving all of Southwest Michigan. The NHBP Victim Services Department has a strong partnership with S.A.F.E. Place, but space is always limited due in part to the very large service area and the increase in domestic violence since the COVID-19 pandemic began. We are grateful for grant funding that enables Victim Advocates to provide alternative emergency housing, as well as to begin a new life in a new home that is free from violence. Through our partnership and S.A.F.E. Place's commitment, S.A.F.E. Place strives to provide an environment and services that honor Indigenous cultures. Unfortunately, it is not enough. A new shelter is essential to ensure that no Survivor of domestic violence – or their children – is without a safe place to stay when they leave their abusers. Just as importantly, our Survivors need a shelter that provides culturally-honoring care that integrates the unique needs of Native American women stemming from intergenerational trauma and the historical trauma resulting from decades of U.S. assimilationist policies that attempted to destroy Indigenous cultures. This trauma has intensified for many Indigenous people with the mainstream media recently bringing to light one of the most traumatic of these policies, which involved taking Native children from their families and tribes to place them in residential boarding schools where their traditional clothing was destroyed, their hair cut in violation of religious beliefs, their languages prohibited, their spiritual practices prohibited and, in far too many cases, their bodies beaten or sexually assaulted. Deaths resulting from these abuses were concealed.

***Recommendation:***

1. Native Survivors of domestic violence throughout Michigan, and even outside of Michigan, need a shelter that embraces their traditional beliefs and cultural values, including access to sacred medicines, sacred ceremonies, and traditional healers in order to begin their path toward healing. We can expect that, if obtained, we will see Survivors from other Native nations coming to this tribal shelter, as has been the case for other tribes.

The lack of funding for reliable internet access also presents a barrier to our Survivors' ability to achieve safety and healing. Especially now during the COVID-19 pandemic, internet access is essential to a Survivor's ability to connect with a multitude of resources that would assist them with leaving a violent relationship.

***Survivor Story:*** Recently, one NHBP tribal member needed a new driver's license to leave her abuser, with her abuser having purposefully kept her identification. Without a driver's license, the Survivor could not work, fulfill legal requirements to drive, or even apply to rent a new home, among many other basic daily tasks, to begin a life free from abuse. During the COVID-19 pandemic, the Michigan Secretary of State began requiring people to make appointments online before receiving in-person services. Unable to access the internet, this Survivor went to the Secretary of State in person and explained the situation. This conversation was held in front of others who were attending their appointments. The Secretary of State did not help her right away and instead made an appointment to help her three weeks later, advising she could check for canceled appointments, despite the Survivor having communicated that she did not have access to the internet in any capacity. Even after our Victim Advocates stepped in to help, it took about two weeks before a new license was sent to the Survivor.

***Recommendations:***

1. While situations like this can easily be avoided and services more accessible if victims of domestic violence can be provided with reliable internet access, alternative processes that do not rely on technology must also be created for Victims living in disadvantaged socioeconomic areas and rural areas – with numerous tribal reservations being in rural areas, where internet is not reliable on its face.
2. It is also critical to note that we must advocate for alternative, non-technology based avenues for services since many agencies, both government offices and service providers, are discussing the establishment of at least some virtual technology on a permanent basis after the pandemic ends.

**Do tribes support the creation of a pilot program that would allow recipients to give flexible financial assistance to survivors?**

While NHBP supports a pilot program to address some of the unique barriers to Native Survivors through flexible financial assistance, we respectfully request that the grant application, grant reporting, and mandatory virtual grant training requirements are developed with the concerns articulated in this written Testimony incorporated throughout the processes developed so that Victim Advocates may prioritize supporting Survivors who are in crisis.

**What types of entities should be eligible for the pilot financial assistance grant program?**

Members of federally recognized American Indian tribes live both on and off of tribal lands, often having originally moved off tribal lands in response to U.S. policies and programs designed to assimilate Native people into mainstream society.

***Recommendation:***

1. To fully serve all Native people, funding should be available to federally recognized tribes, all tribes in the U.S. without regard to the U.S. Supreme Court’s finding that only Native nations located within the contiguous 48 States have certain rights as “American Indian tribes”, and American Indian community centers, such as American Indian Health and Family Services in Detroit, with affirmation of these urban centers approved by federally recognized American Indian tribes.

**Do tribes believe that OVW should place restrictions on how survivors may use the funds, such as establishing a limited universe of approved expenditures? If so, what types of expenditures should OVW allow?**

NHBP believes in a Victim-centered approach that empowers Survivors as they reclaim control over their bodies, minds, spirits, and lives. Abusers often intentionally exercise significant power and control over finances to make it extremely difficult for Victims to leave out of concern that they will not have the resources to care for themselves or their children. The power and control over finances crosses multiple areas and can include a multitude of strategies on the part of the abuser. Financial abuse causes constant stress and fear, and often results in Victims lacking confidence in themselves to manage their finances and care for their children. To begin to heal from the trauma of financial abuse, the Victim Services Department seeks avenues to empower Survivors and build confidence. For these reasons, we try to empower Survivors to make decisions about the support provided as much as possible while disclosing in writing all purchases prohibited pursuant to grant agreements and NHBP law, policies, and NHBP Tribal Court Rules. Survivors are informed of and agree to these restrictions in writing.

***Recommendation:***

1. Any new restrictions be developed in collaboration with Victim Advocates so that policies incorporate culturally-honoring approaches that support the needs of Survivors on a case-by-case basis. One specific recommendation is to establish sufficiently broad categories of allowable expenditures to empower and meet the individual needs of Survivors. The following are examples that the NHBP Victim Services Department believe acknowledge both general needs of Survivors and some of the unique needs of Indigenous Victims:
  - a. Transportation expenses – including but not limited to driver’s licenses, car repairs, gas, car insurance, taxi and alternate transportation company fares, and bus passes;
  - b. Child care – including but not limited to costs such as day care, car seats, co-pays for medication, replacement of important documents;
  - c. Employment expenses – including but not limited to expenses such as education, training programs, transportation, professional clothing, resume paper, resources on writing resumes and other supplies, furniture and equipment for a home office with so many companies working remotely;
  - d. Housing – expenses including but not limited to changing locks, installation of alarms, monthly fees for alarm monitoring, moving costs, rental applications, rental assistance, deposits, and utilities (including internet access);
  - e. Self-care – while there are many services to support Survivors as they begin the healing process, there are also many services that require a fee, even if on a sliding scale, such as counseling, seminars, and even full-term classes. There are also aspects of self-care that many Survivors set aside because of the abuse, such as doctor’s appointments, eye appointments, and other non-emergency care that should be available if a Survivor is empowered to seek it; and,
  - f. Other – the purchase of phones with fees for internet access; laptops or computers, including if additional devices are needed for educating the Survivor’s child(ren).

**Would such a program be more effective if it permitted multiple small amounts be given to survivors or larger lump sums?**

The program will be most effective if it permits both multiple small amounts and lump sums to be given to Survivors, as determined by the Victim Advocate in partnership with the Survivor. The needs of domestic violence Survivors vary from person to person because the barriers to achieving safety and healing depend on the facts surrounding each Survivor’s situation.

***Recommendations:***

1. Allowing our advocates to distribute the funds as reasonable and necessary to meet the unique needs of our Survivors is the best way to reach a broader group of Survivors and ensure they receive the assistance they need.
2. Flexibility should be permitted based on the considerations of the individual Survivor, such as fulfilling the living and educational needs of children and the care of pets, including boarding until the Survivor finds pet-friendly housing, food, veterinary care, medications, and other needs for an individual Survivor’s pet.

**What kind of support or technical assistance would tribal recipients need to implement such a program?**

As noted, revising virtual processes to reduce the burden on Victim Advocates so that responding to Survivors in need – especially in emergency situations – is always the priority.

**What suggestions do tribes have for the financial controls that OVW should place on the program to ensure its effectiveness and fiscal responsibility?**

While it is clearly important to have controls in place to ensure the program's effectiveness and fiscal responsibility, it is equally important to provide low-barrier access to the funding so that money can be quickly distributed to Survivors with immediate need. Victim Advocates need to have the ability to immediately distribute cash directly to Survivors when necessary to avert a crisis. Tribes can provide receipts and accountings of how the money is distributed, but barriers to the immediate access of the funding should be limited.

**Do tribes support funding the program using de-obligated funds from OVW's tribal-specific grant programs or other programs with de-obligated funds?**

NHBP supports using de-obligated funds from OVW's tribal-specific grant programs to fund the pilot program.



## 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". The area encompasses 8.2 square miles of land and 6.0 square miles of water. Kake has created a unified vision through the community's local Plan. The Plan document presents goals and objectives with associated projects that will provide essential infrastructure to utilize the community's resources from the land and water, and most importantly, the residents of this picturesque community. The goal is to enhance the socio-economic welfare of the community and re-grow the population, which has declined in recent years. With all that the community has to offer, Kake can effectively serve the region while providing a healthy environment for its residents who live within the rich culture of Kake. As of the 2010 census there were nearly 600 residents. We state up front that we support the NCAI 2021 Priority Issues on Consultation.

### **Topic 1: Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking: Addressing Current Barriers Impacting the Safety of Alaska Native Women by improving Victim Services, Law Enforcement and Justice Response**

The Keex'Kwaan Tribal Court/Circle Peacemaking Court moves away from an adversarial approach of offender punishment and offers an alternative - a justice that seeks to restore offenders back to their community and seeks to heal the hurt the offense has caused the victim and the community. This "Restorative Justice" system is more than just a process or a program. The core is "community". It is about each person involving themselves in the justice system to strengthen the well-being of the community.

Rather than separating the offender from the support structure of family and peers, Circle Peacemaking attempts to fortify that structure while demanding culpability and change. For those who make mistakes in their lives, the circle is an opportunity to constructively show respect for the law, damaged relationships through judgment by peers, and eventually restitution to the victim for the wrongs committed. It replaces confusion or conflict with solutions and allows a person to begin to turn his or her life around with a network of support. Though the process is likely to be emotional and painful, it is just as likely to bring healing to those involved.

Circles are also a powerful and empowering tool for giving encouragement or rewarding a member of the community. The objectives for bringing the circle together may vary, but the larger purpose is constant: the gathering of community for action, healing, and support. We invite the federal agencies here to visit the Organized Village of Kake so we can show you who we are.

#### **Law Enforcement continues to be lacking in our village**

*Survivor Account:* Several years ago, a 13-year-old girl was raped and murdered, and it took 16 hours for the state troopers to arrive from Juneau, AK, which is 80 air miles away. Others in Alaska say the police sometimes take days or weeks to arrive. However, if you shoot a moose outside of moose season, a state trooper will knock on your door within 2 hours and break it down if you do not answer. A few years ago, a 19-year-old girl was murdered next door to my brother and sister-in-law's house. The case took over two years to arrest the person responsible. Meanwhile, my community was devastated by the knowledge that someone responsible for her death walked among them and we felt unsafe. The Wall Street Journal covered these two cases to illustrate the selective justice that takes place in Alaska. The lives of these two girls were taken when no law enforcement was available.

#### **Recommendation:**

1. I implore you to take back a message about the crisis that our villages face of having no law enforcement. Our Village Public Safety Officers, when we have them, have limited authority. When Alaska became a state, it swore that everyone would have equal access to all state resources, but that is not happening. Even though the federal government transfers plenty of funding to the state, those funds are not passed down to the villages.

### **Topic 2: Strengthening the federal response to domestic violence, dating violence, sexual assault, stalking and sex trafficking**

Two comprehensive reports provide a foundation and document the needs and issues in Alaska. A Roadmap for Making Native America Safer: Report to the President and Congress of the United States Chapter 2 (November 2013), available at <http://www.aisc.ucla.edu/iloc/report/>. Attorney General's Advisory Committee on American Indian/Alaska Native Exposed to Violence: Ending Violence so Children Can Thrive Chapter 5 (November 2014), available at [https://www.supremecourt.gov/opinions/URLs\\_Cited/OT2015/15-420/15-420-2.pdf](https://www.supremecourt.gov/opinions/URLs_Cited/OT2015/15-420/15-420-2.pdf). We ask that those two chapters from those documents become part of the record and reviewed in the context of the needs of Alaska as it pertains domestic violence, sexual assault, dating violence, stalking, and trafficking. We will highlight a few key points below.

- Alaska Native villages experience a consistent pattern of inadequate law enforcement response, including the lack of a comprehensive, systemic infrastructure to address safety and accountability for the extreme levels of domestic and sexual violence in Alaska's villages. Overall, the state of Alaska has failed in its responsibility to provide adequate and timely law enforcement and judicial services to Alaska Natives in rural Alaska, including the villages in our region of the state.
- Without a strong law enforcement presence, crime regularly occurs with impunity. Community members are so numb to these crimes and have little faith in the state legal system that when these crimes occur they may not share important details to the investigation. This effect impacts how the investigations are conducted and the effort made to collect evidence. We need local solutions and responses, as well as consistent approaches, to gain faith in the justice system and trust that working with law enforcement can in fact make a difference and someone will be held accountable.

- We believe that the lack of an adequate and timely response to the epidemic levels of violence against Alaska Native women and children is an additional rights violation and falls short of the United States' commitments under the United Nations Declaration on the Rights of Indigenous Peoples. Where is the DOJ in conducting an investigation? The state response to these crimes is inadequate and their efforts at investigations do not seem genuine.
- We ask DOJ and the BIA to work closely with the Alaska delegation and the Alaska Native Women's Resource Center to build the necessary capacity to assist our communities in developing our law enforcement and tribal courts, similar to the resources provided for transportation, health care and other programs. We need to address the needs of Alaska Native victims; the state has been given this responsibility since statehood and has an ineffective track record and should result in a DOJ investigation and oversight.

***Recommendations:***

1. Providing yearly, sustainable funding will help build the necessary capacity to address these issues in meaningful ways.
2. We call on the DOJ and the U.S. Attorney's office for the District in Alaska to conduct a meaningful investigation and study of unsolved village murders, rapes, and other unsolved crimes, and account for how they protect all Alaskans, not just urban non-native citizens. The state needs the creation of new policies and training, and we need independent review and assessments.
3. Alaska tribes should be able to request federal law enforcement assistance when someone from the community dies suddenly from unnatural causes or goes missing from suspicious circumstances.

**Topic 3: Administering Tribal Funds and Programs: Continued Call for Support for Changing the Tribal Governments Program from a Competitive Program to an Annual Formula-Based Program in Alaska**

Alaska Native Women are overrepresented in the state's domestic violence victim population by 250%. It is long overdue that federal and state governments set aside an equitable amount of formula, not discretionary, funding and resources for Alaska Native tribes to develop, implement, and sustain local, culturally relevant solutions to immediately and comprehensively address the health, safety, and welfare of victims and village residents. Competitive grant programs do not favor Alaska Native tribes as most do not have the capacity to apply and manage competitive grants.

Why is the Alaska tribe's infrastructure so behind other tribes? The Alaska Native Claims Settlement Act (ANCSA) 43 USC 1603-1628 (1971), caused considerable confusion about the status of tribes in Alaska and the extent of its territorial jurisdiction. ANCSA did not terminate tribes in Alaska but did result in numerous questions about the extent of Indian country. In addition, PL 280 has created governance problems in Alaska as available funds for tribal courts and law enforcement have been unavailable for our compacts and just recently are on a one-time funding basis, which results in difficulty in establishing a system and maintaining personnel while building a program when there is so much uncertainty as to whether funding will be available in future years.

***Recommendations:***

1. The departments support legislative amendments to permanently address the jurisdictional challenges and ending the uncertainty of exercising tribal VAWA jurisdiction in Alaska. Examples of such amendments under the reauthorization of VAWA 2021 passed by the House include:
  - a. Amendments to ANCSA to recognize a tribe's jurisdiction equivalent to the corresponding Village Corporation's land base and traditional territory.

- b. Creating a Pilot Project for Alaska so that more than just 1 of the 229 federally recognized tribes can exercise Special Domestic Violence Jurisdiction and to create a path forward. The pilot phase could be similar to the SDVCJ in VAWA 2013, could require application, participation in a similar Intertribal Working Group to the SDVCJ, involve a planning phase for the development of written tribal laws and ordinances, development of enforcement mechanisms, and tribal court structuring. Upon the conclusion of the planning phase the tribe would seek plan certification from the Department of Justice similar to the SDVCJ Pilot Phase.
- c. Removing the requirement of “Indian country” to enforce a tribally issued protection order would assist Alaska Tribal villages and provide stronger footing for enforcing protection order violations.
- d. We urge the DOJ, DOI and HHS to seriously consider its history of not allocating sufficient, if any, resources for 40% of the nation’s federally recognized tribes in Alaska. We request a report detailing how much Alaska’s tribal governments have received from the three federal Departments and more importantly how the Departments will make changes from here on forward in the spirit of true consultation.

**Disparities in Funding for PL 280 Tribes**

The federal government must address funding disparities for tribes in Public Law 280 and similarly situated jurisdictions. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support or none at all in the BIA compacting process for tribal law enforcement and tribal courts than Indian nations with concurrent federal jurisdiction. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems.

***Recommendation:***

- 1. BIA should request federal funding and authority to add this funding to tribal compacts to end this disparity in funding between tribes regardless if concurrent jurisdiction lies with the federal or respective state government. These concerns should be responded to and addressed.

**Topic 4: Framing Paper Questions: Improvement of administering of OVW’s grants program to exercise SDVCJ**

The Grant program is restrictive and requires tribes to conform to what OVW has in the solicitation, rather than what is needed or helpful as a tribe might decide. OVW requires tribal grant recipients to submit a questionnaire providing detailed information about their justice systems and certify that their laws, policies, and practices are compliant with the Indian Civil Rights Act. This is not something that OVW requires in any of its other state or tribal grant programs that provide funding to prosecutors or courts, all of whom are similarly bound to uphold the due process rights of defendants. The federal law is clear that tribes can exercise their jurisdiction so long as the tribe complies with federal law. The federal judiciary is the appropriate body to ensure this compliance, not the DOJ. In fact, the statute makes clear that the Attorney General’s power to approve or disapprove of the tribe’s exercise of jurisdiction over non-Indians was limited to the pilot project period that ended in March 2015.

***Recommendations:***

- 1. Extend protections to all Alaska Tribes as provided in the “Alaska Tribal Public Safety Empowerment Act,” which will:
  - a. Create 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 eligible Alaska Native Village.

- b. Provide for two or more qualifying Indian tribes, or a tribal organization that is acting on behalf of two or more qualifying Indian tribes, to apply as a pilot project.
- c. Similar to VAWA 2013, all 228 Alaska Native Villages will then be eligible to fully exercise SDVCJ after the Alaska pilot program ends.
- d. Funding cannot be contingent on tribal justice systems looking and acting like the western courts (this only continues the colonization approach). Tribal justice systems as defined by the Tribes themselves must be allowed to develop and their decisions recognized.
- e. Allow for recognition of the many positive outcomes and successes possible with operating an Indigenous justice system -- more timely and increased accountability, and healing, preservation, and strengthening of family and communities. Oftentimes perpetrators within our communities are part of our community and we want to see services to hold them accountable, address their needs, and stop the abuse and violence.
- f. Increase services for victims of violence and accountability for those who use violence; use outreach and education to break the cycle of violence within our communities -- we need the resources to offer prevention services.
- g. Formation and funding of an Alaska inter-tribal workgroup, similar to the ITWG, to help advise and direct the SDVCJ Alaska Pilot Project (see H.R. 1620 pilot project section for language).

#### **Topic 5: Department of Justice State of Emergency in Rural Alaska Declaration Update**

DOJ to provide an update on how they plan to continue to address the state of emergency in rural Alaska that was declared June 28, 2019, as that declaration and the initial resources provided were just the beginning. We need on-going support and assistance to build the necessary infrastructure to address the dire jurisdictional issues that are truly health, safety, and welfare issues, and such assistance is required by the federal trust responsibility.

We urge that issues raised in our comments be appropriately recognized and elevated as national issues. Chapter two of the Indian Law and Order Commission 2013 Report appropriately points out that *“nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.”* Yet, the Indian Law and Order Commission's opinion is that problems in Alaska are so severe and the number of Alaska Native communities affected so large, that continuing to exempt the State from national policy change is wrong. It sets Alaska apart from the progress that has become possible in the rest of Indian country. The public safety issues in Alaska, and the law and policy at the root of those problems, need immediate attention and resources directed towards solutions. These are no longer Alaska's issues. They are national issues.



#### **Pauma Band of Luiseño Indians**

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

#### **Topic 1: Timeframe to Submit Written Testimony Following Consultation.**

In regard to consultations, I want to make it clear, when we are requesting it is one thing. But we are telling you, you must change that 30-day window to submit written comments to 60 days. You have to do that. Be

respectful of the honor and the wishes of the Tribal leadership to make sure they have that opportunity to submit that.

## **Topic 2: Reauthorization of VAWA**

When you are looking at 2020 census data and the number of Indian women within the population compared to reported crimes and you combine it with what is considered rape, one in three Indians will be assaulted. When we speak to you about the numbers that are hitting us in terms of what is OVW, what is VAWA, these numbers hold up.

In Pauma, when we created our police force, we had to get our deputies and police officers deputized in Tribal, federal, and state. That's required in the state in order to engage in some of the things that we had to do. In our Intertribal Court, under ITWIG, we finally got the funding. But it took 10 years to collect the data that you all submit inside your reports to OVW. To recently hear that our historic data that we collected all of that time under OVW and GMS is no longer there, I am just shocked at that. The onus is on you DOJ, OVW, NIJ to find that data again. It doesn't disappear. That's still in the law. There is money set aside, that goes for grants, and it's on you, not the Tribes to make sure that happens. So, I am saying to you today: Make it happen.

### ***Recommendations:***

1. We ask you to support us in passing H.R. 1620, reauthorizing VAWA, through the Senate; that's essential.
2. Find the missing historical data.

## **Topic 3: PL 280**

In Pauma, with the work we do, our village covers more than 44 square miles. When citizens of Pauma marry into other Tribes and into other villages, we are responsible for them. So, when something happens, we engage the council in that village to do our work and protection for all of those actions. It's important for you to understand that what is the southern version of Public Law 280 varies from what is the Northern version in California. And then amongst the tribes, they themselves determine how they will implement it. And it varies. When you have 333 Tribes impacted as PL 280, the money that goes to the tribes from the DOI, BIA, and the list of Bureaus does not include those tribes. So, when you go to get assistance or help, there isn't the funding.

## **Topic 4: MMIW**

Pauma is located in a hundred mile marker of Mexico. When you look at that corridor, you will find a lot of missing and murdered including men and boys who are often overlooked in the conversation. Within the tribes, we are working to create a Violence Against Women Federal Tribal Prosecution Task Force to develop the best practices.

### ***Recommendation:***

1. We need to have a better interaction with one another. When I look at the instructing U.S. Attorneys prioritizing the prosecution of crimes against Indian women and children, that's essential to include.

## **Topic 5: Tribal Jurisdiction and Sovereignty**

The bridge between the DOJ, DOI, and HHS is beginning to work. It's been a long time coming, but it is necessary because their rulings undermine the Tribal Courts' ability to protect victims. Under the OVW funding and VAWA we've had to mutate our system into becoming nonprofits to receive funding.

To live amongst us, you have to agree, whether you are a non-Indian or non-member Indian, to be governed by our laws. We have partial, temporary, and permanent banishment for non-Indians or non-members who harm our people. We have set aside lands where we put our perpetrators. So when you have a police department who is not willing, who would rather call the sheriffs, highway patrol, or even border patrol to address crimes and take that person away from the rest, it takes the authority of the tribe over that offender.

The civil jurisdictional piece is supposed to be the mechanism we can use to issue enforcement orders to non-Indians who reside on our land. We have primarily done this under the DOJ. But DOJ and OVW don't have a mechanism or tool that's implemented well enough to allow tribes to do this. So, it's a balancing that we have to do in educating our leadership, that tribes aren't trying to just circumvent a process, but they are not being respected as Sovereigns.

The Sovereign relationship of the DOJ is not the same as we give to one another. I am unhappy that that relationship has diminished. We have a new Attorney General and a new Secretary of Interior that are supposed to collaborate.

***Recommendations:***

1. You have to be there with us, supporting what we are doing as Sovereign-to-Sovereign nations when we are working together in the best interests of our shared people using our coordinated resources because you don't have the boots on the ground that we do.
2. Inside DOI, you have the Tribal Courts and tribes were given an opportunity to be evaluated and assessed to go and be funded, possibly, to improve on their Tribal Court. Let that blossom. Let it grow more. Let it also include Alaska.

**Topic 6: Filling Positions under VAWA**

Under VAWA 2005 and moving into 2013, our office has diminished. They don't fill it to its capacity. That is unacceptable because we need to add more. There is so much going on in Indian country that the disrespect that that office gets for not filling those positions is not acceptable. The women who work in those positions and the fellows that are working in that position have been extraordinary. But they have been given not one but a dozen mountains to climb. It's not acceptable. I am telling you as a Tribal Leader that office, those positions better be filled. There is no reason not to. Sexual assault is so rampant in our word and we are so invisible to the outside world, that we are set up. "Go perpetrate in Indian country. Take an Indian woman, no one can protect her." That is the message. How long do we have to suffer? The shallowness of the response is disrespectful to us.

**Topic 7: Do Tribes Support Creation of Pilot Programs?**

Absolutely. We also need to support the pilot program in terms of the Oliphant fix. This has to be done because that pilot group will make a difference. It will impact the Oliphant fix. The pilot program; let's do it. There is no reason not to. When a Sovereign requests that today, we should already begin to put it in motion to make it happen so we don't come back next year and are still working on it.

**Topic 8: What type of entities should be eligible for pilot financial assistance?**

There are only so many tribes; 571. Indian country and Alaska are still a third world country. We need to have a system of flexible financial assistance to survivors, that is absolutely real and absolutely true. Those who should be eligible for grants are tribes who have done the work under coalitions. The folks who are in the trenches with or without a grant and those who have continued to do the work and never make it all the way to be eligible for the grant.

**Topic 9: What types of types of expenditures should OVW allow?**

We need flexible financial assistance for survivors. Unfortunately, once again, the data wasn't collected to sustain the changes that you might have to make inside the federal system, inside of OVW. That's on you. It's in the law. It just wasn't done. I am doing what needs to be done because you are not.

Addressing the broadband issue, maybe a quarter of Indian country can actually respond to broadband. This should be included.

Additionally, we work with other tribes to cover each other's costs to make sure our victims are safe. There isn't anywhere in your documents and financial grant requests to allow for that. To give assistance to the survivors, through the tribe that coordinates with another tribe and cover that cost should be provided for.

Tribes who are not meeting the standard of what you need them to accomplish in JustGrants will make them ineligible. When we are doing a SART case, at that moment you aren't thinking about the cost and the category of expenditures. You have to understand what we do as Tribal and with spending money instead of what your categories and standards are. We also have traditional ways and ceremonies we use to deal with these traumas and those are not a covered cost. Like how to include religion, it's the best word because it is common, but it's sacred. How do you include that when you are a part of a country outside of us who has the separation of church and state? But in the constitution, there are three Sovereigns: Federal, Tribes, and states. We are before the states. We are with you, as federal. That's this relationship right now. In 2025, we will have been in a relationship with you for 20 years, and you haven't changed. You haven't got that. But we still do it. Please, make this happen.

**Topic 10: Do Tribes believe OVW should place restrictions on how survivors may use the funds?**

What kind of restrictions were you thinking of when you wrote that question? I am more curious about your thinking in that question because it doesn't occur to me. I am not going to go out and get a six pack. I am going to help. So, what are you thinking?

When completing grants, if we put the description or topic in the wrong category or don't do something right it gets kicked out. It becomes essential to have a good grant writing process and not everybody can afford to hire a grant writer. It's the tribes doing this work. You don't have to think of the sovereignty of your tribe. When we speak from a Sovereign position and it gets kicked out that should not happen.

**Topic 11: What suggestions do tribes have for the financial controls that OVW should place**

on the program to ensure its effectiveness and fiscal responsibility?

There is growing responsibility. Effectiveness is separate from fiscal responsibility. Depending on the tribe and how their fiscal system works becomes essential in following protocol. Most of you in OVW don't know what the Tribal fiscal protocol is. That can be a breaker because it may be quarterly, monthly, or semiannual

where fiscal accountability ends up affecting the Tribal fiscal system. There is no clear information given ahead of time because I have seen OVW in the midst of a grant change. What was decided is not conveyed clearly. We understand the fiscal accountability needs to be done but when this is not conveyed clearly, your fiscal accountability of bookkeeping may not be the same as the tribes', and tribes have to start all over again with their paperwork.

**Recommendations:**

1. You should have a template that is a map or a schedule map that comes out that lists all of those dates.
2. I don't know what it's going to take to change the reporting document you have, that 72-pager. You are so wedded to it as statisticians and qualitative and quantitative data that works for you. But it's burdensome for a tribe. And it's a little bit of overkill.
3. There should be a Tribal version of what you are doing that gets closer to the data that we need to effect the change that allows us to get the clarity and the increase in funding that is required for all of us in this OVW program.
4. Effectiveness is written and embodied in many things that I said, but it won't be effective enough if we do not get a full unit, Tribal Unit at OVW. You are asking them to do the work of six, maybe the work of ten, because that's how many tribes are engaged in this. We have to have regional reps.

**Topic 12: Do tribes support funding the program using de-obligated funds from OVW's tribal-specific grant programs or other programs with de-obligated funds?**

Absolutely. I don't want it to go back to OVW without it coming first to the tribes if it can.



**Rincon Band of Luiseño Indians**

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

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

**Topic 1: Do tribes support the creation of a pilot program that would allow recipients to give flexible financial assistance to survivors?**

Rincon would support any funding that would be made available to tribes even for a pilot project. With that being said, there needs to be improvements made to this process. We have heard testimony this week on the issues with the JustGrants platform. These kinks need to be addressed and fixed. Tribes have much on their plates and many times do not have the infrastructure to deal with these issues.

**Recommendations:**

1. Streamline the application-platform:
  - a. Supporting Documents- Some of these documents can be submitted after the tribe has been awarded the grant to be included with the acceptance documents. This would help tribes in the application process.
  - b. Links and templates should be included with the application so that applicants can just fill in their information easily.
  - c. Resolutions, MOU's, support letters or any other additional documents should only be required once they are awarded and to be included with the acceptance documents. For some tribes, the process to acquire these documents takes time to get on the agenda for a meeting for them to be approved and issued.
2. Budget Approvals
  - a. Why does it take so long to approve budgets? What is the process for OVW vs. other grant programs (example: FVPSA and funds to states/territories)? I want answers to these questions.
  - b. Budgets should be awarded as soon as possible. Grantees should not have to wait anywhere up to 9 months to receive approval on their budgets.
  - c. Flexibility in the way funds can be used to better serve victim's needs.
3. Assist Tribes
  - a. Assistance should be given to tribal applicants when there are problems with their application such as missing documents or information (be specific on what is needed, give them the opportunity to get requested documentation/information to complete the application).
4. Regard to TA
  - a. Make sure that TA providers are either from Indian country or have at the minimum of 5 years working in Indian country.
  - b. Provide information on common problems, mistakes, concerns that tribes have when submitting applications (ex. Budgets, do's and don'ts).
  - c. Provide TA on educating grantees/applicants on ways to reduce problems with the complete application process in order to streamline grantees receiving their awards to budget approvals and funds released.
5. Regarding ways to encourage tribes to apply
  - a. RESPECT: Tribal Nations-government to government relationship - tribes need to be treated with respect to the government to government relationship.
  - b. Sovereignty: Make sure that wording in the solicitations does not imply or require tribes to waive their tribal sovereignty in order to be awarded funding.
  - c. Tribes should not have any more Special Conditions than what the states are expected to have.
  - d. Infrastructure: Many tribes do not have the capacity to have grant writers or staff to write and submit for these complicated grant solicitations.

The DOJ has the mindset and is set up as a regulator of criminal actions. The process for applying, submitting applications, documents, reports, new grantee orientation, and any other communication between tribes, tribal programs, tribal coalitions, and the grant funders is based on this regulatory mindset. The system is, for a lack of peaceful wording, actually, a hostile environment. This is ironic since the work we do under VAWA is to prevent abusive behavior. The whole process is set up to regulate tribes, tribal programs, and tribal coalitions as if we are potentially going to commit a crime from some violation of the special conditions to the misuse of funds. This must stop. As sovereign nations, respect should always be the mindset in working with

tribes. The whole grant process, from the solicitation to the end of the grant, should be made easier for the tribes to function through this process.

So many have given breath to what is happening across Indian country, and I am humbled to hear their words. I want to say that we support the comments and testimony of the tribal leaders, tribal delegates, NCAI, tribal coalitions, and tribal programs who have given testimony.



## Sault Ste. Marie Tribe of Chippewa Indians

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

The Sault Ste. Marie Tribe of Chippewa Indians is the largest tribe east of the Mississippi River, with 45,000 members. We are located in both the U.S. and Canada, which creates a few challenges.

The sanctity of our respective tribal communities is in respecting every life. And every individual's inherent sovereignty. "My sister is my motivation. When we were kids my sister used to beat me up. And I never would have recognized that she would find herself in a domestic violence situation because it doesn't make sense to me. But she did. And she attempted suicide. And over that relationship. I am happy to report that today she has her Masters of Social Work (MSW), she developed our substance abuse plan for our tribe, and she is finishing her doctorate degree. But every victim is somebody's mother, auntie, sister, grandmother, niece, or nephew or -- so it's not all gender specific. But it takes all of us as a community to protect our people and we are not full as a people unless every person feels safe and liberated from any kind of domestic violent situation."

The sanctity of our respective tribal communities is in respecting every life. And every individual's inherent sovereignty.

### **Topic 1: Tribal Jurisdiction Grant Programs - Renovation and Construction**

Tribal Jurisdiction Grant Programs do not allow for renovation and construction expenses which are both critically necessary.

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

1. The federal government funding programs need to have greater flexibility. All federal sources of grant funding should allow for renovation and construction costs as allowable by statute. If the statute needs to change then we ask the administration for recommendations.

### **Topic 2: Comprehensive Training and Technical Assistance**

Wherever possible, it is very helpful to have technical assistance for tribal communities. There is a variance in capacity at respective tribes, and funding should not be based on internal capacities.

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

1. We support the intertribal technical assistant working group.

### **Topic 3: Tribal Jurisdiction Grant Programs - Target Solicitation Awards**

Because of bureaucracy criteria for grants is often created that instead of being helpful creates unintentional barriers for tribes. We strongly support the creation of formula grant funding. If formula funding is not tenable by legislature, then we suggest having simple to use template funding for tribes that incorporate check boxes and identifying questions that determine size of the tribe, multi-jurisdictional issues, and variances in resources.

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

1. We recommend that whenever possible use formula funding.
2. If formula funding is not available, we recommend using template funding.

### **Topic 4: Grant Application Process and Formula Allocation Based on Population Certification**

We recommend the implementation of a brief grant application process and formula allocation based on population certification. The CARES Act and the Rescue Act have demonstrated that it's possible. Formula funding gives tribal governments the ability to adaptably meet the needs of their community.

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

1. We recommend the implementation of a brief grant application process and formula allocation based on population certification.

### **Topic 5: Housing**

There is a need to provide a diversity of housing and financial assistance to victims in order to eliminate barriers. Victims often stay in dangerous situations for economic reasons. We must eliminate the barriers for people to be able to make choices that are in their best interest. This would include if needed to get out of a dangerous relationship and helping victims pay their mortgages or back rent or utilities.

Secretary Fudge announced that she wants to review existing HUD policies and regulations that limit access to housing. We recommend eliminating whenever possible restricting housing based on financial background, recommendations from previous landlords, and criminal convictions. It is critical for victims to be able to secure safe and affordable housing.

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

1. The federal government funding programs need to have greater flexibility and allow tribes to help victims with housing by being able to pay their mortgages and back rents. It is important to be able to eliminate any barriers that would prevent a victim from getting out of a dangerous situation.
2. We encourage HUD to eliminate whenever possible restricting housing based on financial background, recommendations from previous landlords, and criminal convictions. It is critical for victims to be able to secure safe and affordable housing.

### **Topic 6: New Funding Sources for MMIP**

Currently there are pilot projects that support MMIP and they have great potential. We encourage the Federal government to aggressively identify and/or write legislation that supports those pilot projects so that tribes can expedite the process.

The Sault Ste. Marie Tribe of Chippewa Indians has created a pilot project. It took about five or six months and their pilot is one of six in the nation. The Sault Ste. Marie Tribe of Chippewa Indians is willing to share the information to tribes so they do not have to start from nothing.

***Recommendations:***

1. We recommend that the Federal government expedite legislation that supports funding the many MMIW pilot projects.
2. We recommend targeted funding to assist tribes to create MMIP pilot projects.

**Topic 7: Childcare and Development Fund**

We encourage the Childcare and Development Fund (CCDF) to expand the definition of relative childcare to be more like kinship care in Indian communities. We have grandparents, uncles, aunts, and cousins that are called upon to assist. Expanding that definition allows for financial support for childcare expenses to support those assisting when it is financially needed.

***Recommendation:***

1. We encourage the Childcare and Development Fund (CCDF) to expand the definition of relative childcare to include a larger support structure (grandparents, uncles, cousins, etc.) to allow for financial support for childcare expenses.

**Topic 8: Do Tribes Support the Creation of a Pilot Program that Would Allow Recipients to Give Flexible Financial Assistance to Survivors?**

We are beyond the point of needing a pilot program to give flexible financial assistance to survivors. We are at the stage where we need to create direct and adaptive flexibility for tribes to be able to meet the needs in their communities. We need to listen to the input we have had so far and to make the necessary changes for tribes to be able to adapt their expenditures as needed. Bryan Newland, Assistant Secretary said tribes are the best to be able to make those determinations for their respective communities. If there is no other way to get flexible funding to tribes, then we are supportive of funding a pilot program.

**Topic 9: What Kind of Support or Technical Assistance Would Tribal Recipients Need to Implement Such a Program?**

We recommend using formula funding. Congress identifies priority areas and while we appreciate the initiative, these priority areas sometimes work against us. It can limit spending to those pilot areas or priority areas and it's a little paternalistic. Instead, the funding should be formula and allow tribes to decide the broad needs of their respective communities. The government could potentially use compact funding. In other words, make the money available through formula funding, invite tribes to identify and develop their strategic plans and then let them compact for those funds. The tribes are then accountable to only spend the funds according to the plan they developed. Allowing tribes to write their plans that are adaptive and allowing for maximum flexibility throughout the implementation would be respectful of our tribal sovereignty.

***Recommendation:***

1. We recommended making the funds available through formula funding that is flexible, and the project would be managed through a compact.

## **Topic 10: Data Collection**

We support greater data collection wherever possible. The tribe has a lot of different data they have to collect to support grants. The Coordinated Tribal Assistance Solicitation (CTAS) was intended to reach out across different funding and to consolidate a lot of this data.

There is a need to facilitate a large data project for tribes across victim services, judicial needs, child welfare needs, etc. to identify and consolidate the different data projects for reporting.

We are also pushing for mandating the collection of MMIP tribal specific data. This is part of the federal trust responsibility. We need to know how many Native Americans are missing across the nation. Also, another need is for legislation or administrative policies to be created to allow law enforcement to use social media as an investigative tool. There is a disparity there.

### ***Recommendations:***

1. We support funding and services to consolidate and simplify data collection wherever possible.
2. We support the facilitation of a large data project for tribes across victim services, judicial needs, child welfare needs, etc. to identify and consolidate the different data projects for reporting.
3. We recommend as part of the federal trust responsibility to mandate the collection of MMIP tribal specific data.

## **Topic 11: Production of Written Material**

It is not necessary for tribes to have to submit to OVW to review all written, web-based, or audio visual materials provided by a tribe supporting a project. It is very “big brother” and paternalistic. Simple and easy to use templates are needed for tribes to use and adapt them as needed.

### ***Recommendation:***

1. We recommended that OVW creates templates for tribes to use for written, web based or audio visual materials. In doing this, tribes would save time by not having to have OVW review and approve these communications.



## **Seneca Nation of Indians**

*Matthew Pagels, President - Tribal Leader (Written)*

### **Topic 1: Issues Regarding Implementation of VAWA: Native Nation Jurisdiction Over Non-Indian Offenders and Special Domestic Violence Criminal Jurisdiction (SDVCJ).**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 2: The U.S. Attorney General Must Continue to Submit the Statutorily Mandated Annual Tribal Consultation Reports and Indian Country Investigation and Prosecution Reports to Congress**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

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

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 4: 2021 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 Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

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

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 6: Bureau of Indian Affairs (BIA) Disparities in Funding**

Seneca Nation is in states with jurisdictional setups that pre-date the passage of P.L. 280 but are similar to P.L. 280 states (e.g., New York). Certain P.L. 280 states (and states with similar jurisdictional setups) fail to investigate and prosecute crimes involving violence against AI/AN women. Yet Native Nations located in these states receive substantially lower support from the BIA for Native Nation law enforcement and Native Nation courts than Native Nations that are not located in such states.

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 7: Accountability of Extractive Industries for Violence Against AI/AN Women**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 8: Accounting of Tribal Funding**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 9: Federal Accountability and Compliance with Section 212 of the Tribal Law Order Act of 2010 (TLOA)**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

**Topic 10: TLOA, Section 234, Enhanced Tribal Sentencing Authority**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 11: TLOA, Section 261, Prisoner Release and Re-entry**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 12: DHHS, Administration of Children and Families, Family Violence Prevention and Services Program**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.

### **Topic 13: OVW Must Immediately Address JustGrants Issues That Have Prevented Lifesaving Resources from Reaching Indian Country.**

The Seneca Nation of Indians supports and reaffirms the recommendations of the Sovereign Tribal Leaders of the NCAI Task Force. Reference statements and recommendations made to this topic in their testimony.



## **Squaxin Island Tribe**

*Charlene Abrahamson, Director of Family Services - Tribal Leader (Oral)*

I have learned from listening to numerous consultations that no Native people are untouched by violence against women, whether ourselves or our families. This September will be a year since my niece, Kamiah Bird, was killed in Las Vegas. Her perpetrator has not been found. Due to historical trauma, as tribal people we are very suspicious of law enforcement and question the efforts that are being made to find her murderer.

Ms. Abrahamson described recent Spokane tribal area Native women who have recently survived domestic and sexual abuse. One case particularly demonstrated the issues with tribal jurisdiction. In July of 2020, Maddesyn George was raped by a white man and she took the gun that he was threatening her with and left. The perpetrator found her the next morning and they had a fight where they struggled for the gun and he was fatally shot. She immediately called 911, the Colville tribal corrections took her in and unfortunately did not provide access to medical attention or to a rape kit. Ultimately, the charges were dismissed in tribal court as self-defense. Because the incident happened on the Colville Reservation the feds took jurisdiction and are holding her without bail in the Spokane County jail and charging her. She doesn't see any option but to make a plea. She is facing 17 years in federal prison and will be incarcerated more than a thousand miles away from her 16 month old daughter, family, and her community. She is being punished for saving her own life. Anyone who can offer support to the DOJ to drop the charges I would greatly appreciate. Thank you for allowing me the time to speak.

### **Topic 1: Operation Lady Justice**

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

1. We recommend changing the name of the DOJ initiative titled Operation Lady Justice.

**Topic 2: Response to “What Are the Needs of Survivors in Your Communities That Your Tribe and Victim Service Providers Have Been Unable to Address, Either with or without VAWA Funding? What Are the Unmet Needs That Prevent Survivors from Achieving Safety and Healing?”**

The pandemic has shed light on the need to have shelters and food services for victims and/or survivors. Even prior to the pandemic, shelters were difficult. The Tribe purchased some tiny homes for COVID that allowed for quarantining. We would like to receive funding to help build and/or re-fit the structures to support the needs of our community. These homes would all be in the same area to make it easier for our law enforcement to monitor and keep our victims as safe as possible.

***Recommendation:***

1. We recommend grant funding that is flexible and allows tribes to use money to build or re-fit housing structures for victims/survivors.

**Topic 3: Response to “Do Tribes Support the Creation of a Pilot Program That Would Allow Recipients to Give Flexible Financial Assistance to Survivors?”**

Flexible financial assistance gives tribes the ability to customize their services to what is best for the individual victim to heal. Every situation is different and we have found there is a need for phones so victims can participate in telehealth and telecounseling.

***Recommendation:***

1. We support OVW allowing flexible financial assistance that gives tribes the ability to customize their services to what is best for the individual victim to heal.

**Topic 4: Response to “What Types of Entities Should Be Eligible for the Pilot Financial Assistance Grant Program?”**

***Recommendation:***

1. Tribes and consortiums should be eligible for the pilot. The Squaxin Island Tribe works with the South Puget Sound Intertribal Agency (SPIPA).

**Topic 5: Response to “Do Tribes Believe that OVW Should Place Restrictions on How Survivors May Use the Funds, Such as Establishing a Limited Universe of Approved Expenditures? If So, What Types of Expenditures Should OVW Allow?”**

***Recommendation:***

1. There should be no restrictions placed on how tribes assist survivors in the proposed pilot program.

**Topic 6: Response to “Would Such a Program Be More Effective If It Permitted Multiple Small Amounts Be Given to Survivors or Larger Lump Sums?”**

This question is hard to answer because financial abuse is a concern. If someone received a lump sum and was financially exploited by their abuser then the tribe would potentially have to cut them off from future help, which would be detrimental. Therefore, we suggest giving smaller amounts to avoid exploitation by the abuser.

**Recommendation:**

1. We recommend giving smaller amounts of funding to survivors to avoid exploitation from the abuser.

**Topic 7: Response to “What Kind of Support or Technical Assistance Would Tribal Recipients Need to Implement Such a Program?”**

JustGrants recent implementation has changed deadlines and made it where tribes are uncertain and anxious around reporting. The templates of the reports and examples are very useful to us. Our OVW TA has been very reliable and responsive.

**Recommendation:**

1. OVW to provide examples and templates for the tribes to use and follow.

**Topic 8: Response to “What Suggestions Do Tribes Have for the Financial Controls That OVW Should Place on the Program to Ensure Its Effectiveness and Fiscal Responsibility?”**

The tribe does not have any suggestions in regard to financial controls.

**Topic 9: Response to “Do Tribes Support Funding the Program Using De-obligated Funds from OVW’s Tribal-Specific Grant Programs or Other Programs with De-obligated Funds?”**

**Recommendation:**

1. The tribe supports OVW’s use of de-obligated funds to support the proposed OVW Pilot Program.



## Tulalip Tribes

*Teri Gobin, Chairwoman - Tribal Leader (Written)*

The Tulalip community is located on a 22,000-acre Reservation and has recently experienced rapid population growth and development. Tulalip has approximately 5,000 enrolled members, but most Reservation residents are non-Indian due to the history of allotments. The large number of non-Indian residents on the Tulalip Indian Reservation, the geographic location of the reservation, and the economic activity on the reservation generated by the Tulalip Tribes has contributed to an increased number of crimes committed against members of the tribe, including missing tribal members and human trafficking.

### **Topic 1: Special Domestic Violence Criminal Jurisdiction**

The Tulalip Tribes and its Tribal Court was one of the first three pilot project courts to exercise SDVCJ over non-Indians who commit domestic violence related crimes against Indians under VAWA 2013. As a pilot project tribe, compliance with 2013 VAWA provisions was critical as we moved forward with SDVCJ implementation. The Tulalip Tribes already had a number of 2013 VAWA key requirements in place but we still took substantial efforts to ensure compliance set forth in the law through the creation of a SDVCJ advisory council, program development, and staff. The Tulalip SDVCJ program has been a huge success.

Unfortunately, the exercise of SDVCJ has exposed numerous jurisdictional gaps in the 2013 law that allow non-Indians to evade prosecution for other crimes committed. The most glaring jurisdictional gap has been the inability to prosecute crimes against children. Indian children are often victims of crime and these crimes are rarely, if ever, prosecuted by the State or U.S. Attorney. The non-Indian is not prosecuted for these crimes because under the 2013 tribal provisions we do not have jurisdiction to prosecute these crimes. The tribes who have been exercising jurisdiction over non-Indians pursuant to VAWA 2013 report that children are involved in their cases nearly 60% of the time as witnesses or victims. Native children experience rates of PTSD that are equivalent to returning Afghanistan veterans - three times the national average. Indeed, well over half of the cases prosecuted under Tulalip's SDVCJ program involved crimes against children, and only one of these cases was prosecuted by the federal government as mentioned above. The remainder of the cases at Tulalip were not prosecuted. This is a grave injustice. Indian children deserve the same protections afforded to non-Indian children and under the current legal system Indian children do not receive those same protections.

Tulalip's SDVCJ Program has come at a huge cost to Tulalip. It's difficult to determine the exact cost of the SDVCJ program but it's upwards of \$3M dollars, perhaps higher. Most of these costs incurred are not an allowable cost, most notably:

- Incarceration costs. At this time, Tulalip contracts with Snohomish County and the City of Marysville for jail services which have become increasingly expensive. So far in 2021, Snohomish County has charged us \$828K in jail fees which, will reach approximately \$1.5 million by the end of the year; this is consistent with prior years.

***Recommendation:***

1. Access to federal prisons could assist us with this issue.
- Since implementation, we've covered expenses related to law enforcement, incarceration (as mentioned above), prosecution, pretrial services, court costs, defense counsel and probation services. This is due to the lack of flexibility of personnel to work additional time outside of SDVCJ cases. Typically, we do not exceed 15 defendants per calendar year, which does not give us justification to hire full time staff for defense, law enforcement, prosecution, etc., for 15 SDVCJ defendants.

***Recommendation:***

1. To address this issue, remove the 80-20% requirement and allow a tribe to fund a position with these funds who are devoting 20% of their time to SDVCJ cases.

***Recommendation to Enhance the Comprehensive Training and Technical Assistance:***

1. Offer more on-going training for law enforcement officers for SDVCJ cases and MMIW/MMIP cases as described in more detail below. Also, Tulalip has experienced a significant turnover in court staff and administrative personnel over the past two years. On-going training opportunities would be helpful in each area of our SDVCJ program. Virtual training would be acceptable and effective.

**Topic 2: H.R. 1620 - Request for DOJ Support and Advocacy for Expansion of Jurisdiction**

In the Congress, there is pending legislation that would address many of the jurisdictional gaps discussed above. Specifically, H.R. 1620 addresses jurisdictional gaps by expanding tribal inherent jurisdiction over non-Indians for crimes against children, elders, and police officers, and for crimes of rape, sexual assault, sex

trafficking, and kidnapping. Victims of these crimes deserve the same protections that Congress afforded to domestic violence victims on tribal lands in VAWA 2013.

The Administration and DOJ have been silent over its support for expansion of inherent tribal criminal jurisdiction over these crimes in pending legislation. The federal trust responsibility includes supporting inherent tribal sovereignty. We are seeking a small increase in inherent tribal jurisdiction we obtained in VAWA 2013. As our trustee, it is the federal government's duty to assist in this effort.

***Recommendation:***

1. If Congress passes H.R. 1620 and the bill becomes law, for the reimbursement program and any other monies that flow from this bill, we urge there to be maximum flexibility to allow for reimbursement for all costs associated with a tribe's SDVCJ program, and to allow Tulalip and other tribes to create and implement culturally based services tailored to our own community needs.

**Topic 3: Current Award Lengths**

We feel the award lengths are not sufficient to support the discrete costs of exercising SDVCJ and recommend a period of four years for the SDVCJ awards. Two-years is not long enough to develop the kinds of programs tribes need to implement SDVCJ effectively.

**Topic 4: Missing and Murdered Indian Persons**

MMIW/MMIP is the result of failure to effectively address domestic violence, dating violence, sexual assault, stalking, and sex trafficking involving Indian persons. It is imperative that the federal government provide the necessary law enforcement resources into addressing this MMIW /MMIP crisis and work together with tribal law enforcement on MMIW/MMIP cases when available.

Law enforcement staffing shortages for the Tulalip Tribes and Indian country have made it difficult to dedicate the personnel required to investigate serious crimes. These shortages are a result of both hiring challenges in an extremely competitive labor market and tribal officer salaries and benefits that are well below market. Due to this, experienced, trained tribal police officers are leaving to go to work for higher compensated city and county law enforcement agencies.

Technical resources are also needed. Tribal police need the resources to assist them in cross jurisdictional investigations, and tribal court arrest warrants need to have full faith and credit and should be honored by all law enforcement agencies - both on and off reservation. Tribal members are extremely vulnerable when this does not occur.

Identifying, reporting, and responding to instances of MMIP is still a concern. Lack of reporting and data collection has been well documented. Also, under reporting means that many cases are not reported, especially when the victim is human trafficked.

***Recommendation:***

1. Possible enhancements to reporting and responding to these cases would include tribal community response planning, community awareness, dedicated staffing to focus on both MMIP and human trafficking. Currently, these cases compete with all the other violent and serious crimes. Increased

staffing for criminal investigators, civilian MMIP coordinators and community focused outreach staff are needed.

State and federal databases are critical to solving MMIP cases, along with information sharing and technical assistance to assist in violent crime investigations. At Tulalip, we have received declination letters for cases because of lack of evidence. If the FBI had collaborated with our tribal law enforcement agency prior to its determination, we may have been able to provide the evidence needed for successful prosecution.

***Recommendation:***

1. The DOI and DOJ should develop protocols, in consultation with Indian tribes, which are sensitive to and recognize the inherent right of tribes to exercise their traditional practices in response to MMIW. These protocols must address the current violations of tribal beliefs, religious, and cultural practices of the murdered woman and the disrespectful handling of her remains.

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

The establishment of a five percent tribal set-aside in the CVF represented a long-overdue recognition of the needs in this area, and after hearing from tribal leaders in a specific tribal set-aside consultation, the OVC released a solicitation that reflected the concerns and recommendations raised by tribal leaders and moved forward with a formula distribution for this funding. We appreciate your willingness to listen to tribal leader concerns and recommendations, and we urge you to continue to engage in government-to-government consultations with Indian tribes to improve the distribution, management, and administration of tribal set-aside funds to determine how regulations should be tailored to address unique tribal needs.

***Recommendations:***

1. We ask you to be cognizant of the fact that Indian tribes have different needs and CVF funding must be flexible to meet those needs. The needs of victims in tribal communities differ significantly from those in non-tribal communities. Accordingly, we recommend the following:
  - a. 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;
  - b. Support a permanent tribal set-aside fix to VOCA tribal funding stream; and,
  - c. Automatically approve no cost extension requests from Indian tribes impacted by COVID-19 since the pandemic has severely impacted Indian tribes' ability to utilize and spend down CVF funds.

**Topic 6: Accounting of Tribal Funding**

DOJ should improve communication of how tribal funds have been allocated to Indian tribes, toward technical assistance, training, and special projects/initiatives, and interagency transfers to other federal agencies. Furthermore, DOI should report and provide an accounting of any carryover at the annual consultation and request targeted input from Indian tribes as to how any unexpended funds should be spent.

**Topic 7: 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

our native women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and/or domestic violence cases. Again, at Tulalip we have received declination letters for cases because of lack of evidence.

***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 pursuant to 25 U.S.C. § 2809(b). The failure to implement the law should be tied to employee performance and merit-based reviews.

**Topic 8: TLOA Section 234. Enhanced Tribal Sentencing Authority**

Section 234 provides tribal councils 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, Indian tribes must have the capacity to house the offender in detention facilities that meet federal standards.

***Recommendation:***

1. DOJ should work with Congress to authorize and permanently established the Bureau of Prisons Pilot Project and streamline the process for the transfer of prisoners.



## Wabanaki Tribes of Maine

*Donna Brown, 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** – Elizabeth (Maggie) 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.

### **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. We ask for the continued support of our Tribal brothers and sisters as well as our non-native allies whose support to date has helped to get the inclusion of the tribes in Maine and Alaska specifically named in H.R. 1620, Section 903. The need to advocate for the inclusion of Maine and Alaska Tribes is not over.

### **Topic 2: Special Domestic Violence Criminal Jurisdiction**

VAWA 2013 affirmed the inherent sovereign authority of Indian tribal governments to exercise criminal jurisdiction over non-Indians who violate qualifying protection orders or commit crimes of domestic violence or dating violence against Indian victims on tribal lands. H.R. 1620 expands the list of crimes to include child abuse, sexual assault, stalking, sex trafficking, assault on law enforcement officers and obstruction of justice.

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

1. We ask that the House version receive continued full support from our allies and tribal sisters and brothers, and that a Senate version, which will include the same provisions and inclusion of Maine and Alaskan Tribes, be supported as well.

***Survivor Story:*** The Center worked with a young mom who had been experiencing domestic and sexual violence by her intimate partner. Her abuser pled down to a class D misdemeanor and time served. He was released before she got home. He groomed, manipulated, and abused her for months finally strangling and sexually assaulting her within inches of her life in her son's room as a threat to his life as well. She shared her humiliating story with the sheriff many times, but the details were never entered into the record. Her abuser ended up only being charged with a misdemeanor. She survived but is battling depression and post-traumatic stress. Her message for survivors is that "You are worth love and real love doesn't leave you broken."

### **Topic 3: 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.

### **Topic 4: Do Tribes Have Recommendations to Improve OVW's (OVW) Tribal Jurisdiction Program's Standard and Targeted Support for Exercising Tribes Solicitations and Make Awards under the Program More Responsive to the Needs of Tribes that are Currently Exercising the Jurisdiction or Planning to Exercise it in the Future?**

Included below are the responses from the two tribes in Maine that have tribal justice systems: The Passamaquoddy Tribal Court which serves its two Passamaquoddy communities at Indian Township and Pleasant Point and is considering implementing SDVCJ in its tribal justice system:

**Regarding the estimated cost of activities leading to implementation there is no known estimate at this time, as the cost of implementation is expected to be very high for a couple of primary reasons:**

1. In Maine, we are not able to merely implement VAWA, as enacted by Congress. Instead, we are implementing a state-law version of VAWA that imposes additional constitutional requirements on implementing tribes, such as a 12-person jury.
2. The cost of incarcerating convicted defendants, estimated between \$20,000-\$40,000 is prohibitively expensive.
3. Expanding indigent defender systems is expected to be costly.
4. Indirect costs will be required for each aspect of implementation, yet those costs are not accounted for from any funding stream.
5. The cost of developing new court rules and procedures to implement SDVCJ is another costly item.

**Regarding training and technical assistance to prepare for, plan, implement, and exercise SDVCJ, there are anticipated trainings and technical assistance such as:**

1. Cross-disciplinary trainings for social services (including DV), law enforcement, and court personnel that will be expected to administer certain aspects of how the tribe implements special domestic violence jurisdiction;
2. Development and implementation of court rules and procedures to adequately protect defendant rights under VAWA and the Tribal Law and Order Act; and,
3. Assistance with implementation of a restorative structure for domestic violence cases that discourages domestic violence (balancing accountability among defendants with relief for those harmed, including victims and families).

The Penobscot Nation Tribal Court at Indian Island, Maine has implemented SDVCJ in its tribal justice system, having received its first case in October 2020. The estimated cost of yearly activities is \$227,000 per year.

***Recommendations:***

1. Regarding funding, the Penobscot Nation Tribal Court recommends making new funding accessible to tribes: Do not make it grant funding but instead increase the base 638 (permanent) funding of Tribal Courts exercising SDVCJ with appropriate Court reviews from OVW/BIA.
2. Policies & Procedures: Utilize the BIA Court evaluations to determine which tribes are exercising SDVCJ. Draft objective evaluative measures for BIA evaluations to use in determining SDVCJ exercise. Base funding on a point system of measures met in evaluation.

**Topic 5: Should OVW pilot a new program that would allow recipients to provide financial assistance directly to survivors that the survivors may use to achieve safety, stability, and healing? If so, how can OVW structure such a pilot in a way that is both flexible and not subject to misuse of funds?**

Below is a summary of responses from the five Tribal Domestic and Sexual Violence Advocacy Center Directors and Tribal Chiefs. Please note, some responses may vary depending on the community and are not community specific.

**Question #1: What are the needs of survivors in your communities that your tribe and victim service providers have been unable to address, either with or without VAWA funding? What are the unmet needs that prevent survivors from achieving safety and healing?**

1. Safe, affordable housing;

2. Transportation;
3. The number one need we have experienced working with survivors that we have been unable to address with or without VAWA funding is assistance purchasing a vehicle. Transportation is a huge barrier for survivors achieving safety and healing. In such a rural area, we do not have access to public transportation. This is especially difficult for survivors trying to get jobs. Survivors often run into the challenge of financing a vehicle because they don't have credit, have poor credit, or haven't been employed long enough. Survivors have requested help with down payment assistance in the past, and we weren't able to meet that need. There are very few resources in this area that help individuals fund the purchase of a vehicle; and,
4. Other unmet needs we have experienced when working with survivors are ones that are not allowable through VAWA funding. Those include helping survivors with overdue bills, home repairs, rent or mortgage payments in the survivor's home, and furniture the survivor is allowed to keep.

**Question #2: Do Tribes support the creation of a pilot program that would allow recipients to give flexible financial assistance to survivors?**

Yes (all are in agreement).

**Question #3: What types of entities should be eligible for the pilot financial assistance grant program?**

Tribal Governments' domestic and sexual violence advocacy programs (all are in agreement).

**Question #4: Do tribes believe that OVW should place restrictions on how survivors may use the funds, such as establishing a limited universe of approved expenditures? If so, what types of expenditures should OVW allow?**

1. Yes, restrictions should be placed on how survivors may use the funds. Some allowable expenditures should be: transportation needs, childcare needs, mental or physical health needs, food, personal care items, car repairs, home repairs, and other items needed for a survivor to achieve safety and independence.
2. Allow survivors to receive assistance in their current home and not have to flee that home in order to receive aid, assistance to pay for medications and also assisting with a vehicle in some cases to overcome transportation barriers.
3. There should be minimal restrictions in place. OVW should allow expenditures that relate to survivors' essential needs which would be self-determined within reasonable parameters and could include back rent payments to requalify for Tribal Housing, and transportation costs such as car repairs, insurance, license fees and vehicle registration. Suggestion: cash assistance given after completion of learning personal finance literacy/family budgeting from an on-line class offered by a non-profit organization.
4. It may be difficult to place limits on each type of assistance (example: \$500 vehicle repairs, \$1000 legal assistance, etc). It seems more reasonable to put a limit per survivor (example: \$2000 max per survivor) that can be used for multiple needs. We think that amount could be best determined by each tribal entity as they are the experts on the needs of the survivors they work with and can reasonably estimate how many survivors would likely utilize the funding. That limit could be included in the entity's budget and narrative.

**Question #5: Would such a program be more effective if it permitted multiple small amounts be given to survivors or larger lump sums?**

1. This should be determined on a needs basis.
2. Having both options of multiple small or larger lump sums would be most helpful.

3. Recommend flexibility.

**Question #6: What kind of support or technical assistance would tribal recipients need to implement such a program?**

1. An easy grant application and reporting process.
2. TA on how to allocate funds appropriately.

**Question #7: What suggestions do tribes have for the financial controls that OVW should place on the program to ensure its effectiveness and fiscal responsibility?**

1. We believe that funds should be given to the vendor directly. This saves the programs from having to worry about getting receipts, it also prevents the possibility of funds being misused.
2. Clear, precise guidelines that are written for real life situations and quick accessibility and answers for questions when a new need arises for a survivor.
3. We support recipients paying survivors' expenses directly to vendors rather than giving the funds to survivors to pay for their own needs.

**Question #8: Do tribes support funding the program using de-obligated funds from OVW's tribal-specific grant programs or other programs with de-obligated funds?**

1. We feel using de-obligated funds from either tribal-specific grant programs or other programs would be fine as long as they are used on a temporary basis, meaning in the beginning of this pilot program with consistent additional appropriations being able to sustain this program in the long-term.
2. Using de-obligated funds is acceptable as long as they can include 12 month grant extensions for programs that are unable to expend funds by grant award end date.



## Walker River Paiute Tribe

*Amber Torres, Chairwoman - Tribal Leader (Oral)*

Consultation is a must and is critical to the prevention of the travesties that we have seen in the past. The U.S. federal government has a trust and treaty responsibility to ensure that tribal leaders are heard. Tribal leaders know their surroundings, their people, and respective nations more than anyone else. It is critically important that no one works to address issues regarding Violence Against Women in silos. There must be a unified effort between HUD, DOI, Tribal Nations, DOJ, HHS, and the FBI to combat the issues that we are seeing today.

### **Topic 1: Federal Funding Needs to be Appropriate and Adequate for Tribal Nations to Combat Violence Against Women**

The Walker River Paiute Tribe is located in Northern Nevada and shares one specialty investigator with 27 tribes. This is not enough and is a good example of what we mean as inadequate funding. This lack of support has led to a lack of trust that the investigator will escalate the case. There is a feeling of no justice for victims and no hope for the future because there are not enough resources for care.

Additionally, VAWA used to be permanently written into stone, into law. As Native American people, we should not have to continue to fight for these funds that need to be set aside for Tribal Nations to be able to protect our people. The competitive grant applications process should not be allowed. Tribes should not be pitted against one another to fight for the funding that takes care of their tribal community.

***Recommendations:***

1. Do not use competitive grants.
2. There needs to be more collaboration between HUD, DOI, Tribal Nations, DOJ, HHS, and the FBI.

In conclusion, it is important that Tribal Nations are included in all discussions and decisions facing Indian country, and their feedback must be heard; our recommendations must be taken into perspective. The conversations on appropriate needs, services, expertise, funding, all go hand in hand and are vital to keeping our Tribal Nations safe and our people getting the justice they need to heal.



## Wampanoag Tribe of Gay Head Aquinnah

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

### **Topic 1: Framing Paper Questions**

When we are looking at how to develop these programs and flesh them out to more than what we currently have, finally having authority and jurisdiction to protect our own community members, we need to figure out a way to do more consolidation because it's coming to us in so many different layers and pieces. Our problem is there are just so many moving parts all of the time that it's making it more of a challenge to administer a program that we know we could do, given the flexibility that is needed.

Grants are not a very effective way for tribes to be able to develop and operate sustainable and reliable programs. We only have funding for one to three years, maybe more, but when that funding dries up, we are letting our clients and our community members down, after we worked so hard and for so long to establish trust and consistency for them.

***Recommendations:***

1. Having consistent funding that is away from discretionary and more towards uniform mandatory funding, would be the best way to start to change the paradigm so that it is fitting more closely with what Tribal Nations needs are. Uniform funding also creates equity in funding, as often what happens is that several of the tribes don't have resources to write up, apply for, and manage these grants.
2. Formula based allocation that is weighted equitably across the spectrum of all eligible entities, including population, land mass, and extenuating circumstances such as the cost of living, would be a way to put everybody on the same footing because the United States owes this obligation to all tribes.
3. Consolidation. With funding lines coming in from different places there are a bunch of strings and individual lines of funding to track. It would be much more appropriate that the funding lines go into one essential pool of protecting victims of domestic violence, offering those services, and staying within the

broad outline of what the appropriations language is but taking away from it the siloed approach because that in itself becomes problematic.

## Closing Comments

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*Allison L. Randall, Acting Director, Department of Justice, Office on Violence Against Women*

Allison thanked all of the tribal leaders and authorized designees, who took their valuable time to offer testimony over the course of the consultation. She also expressed her sincere thanks to those conducting the traditional opening and closing ceremonies, as well as to her federal colleagues who joined to deliver remarks and listen in. Allison stated that the partnerships of federal agencies and Tribal Nations across the United States will continue the progress in ending violence in tribal communities. She acknowledged that there was much work to be done, the impact of intergenerational trauma. Lastly, Allison recognized the incredible strength and resilience of survivors, and the tremendous promise ahead.

## Appendix 1: Federal Presentation

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### Special Session – Tribal Leader Testimony on DOJ’s Justice Grants System (JustGrants)

*Brian McGrath, Chief Information Officer, Office of Justice Programs, Office of the Chief Information Officer (Oral)*

After 20 years, our long standing grants management system, GMS, is being retired. The software really could not keep pace with the business request for increased features and the cyber posture of the solution was increasingly challenging to sustain. After a great deal of analysis we made the decision to embark on the journey to build a new grants management system not just for OJP, but also for OVW and the COPS program. At the same time the department was moving to a new unified financial management system.

The project was very large in magnitude and there were a lot of challenges to overcome. We integrated 57 legacy systems into this new system and migrated over 4 million pieces of data and 800,000 electronic documents. A few of the more broader challenges we faced were: organizational change to user adoption and training, technical development, and cybersecurity. We leveraged many new technologies that will benefit both our internal and external stakeholders. One of the most significant advancements was in our user password management which had been identified as a vulnerability in prior audits. And through the new technology, we were able to introduce capability for the grant administrator at the local jurisdiction to be able to manage who has access to their grants, reset passwords, and add and delete people as needed. This has proven to be a challenge for our user base as staff has had difficulties getting access to the system and assigning the roles. As a result of these issues, we put together a tiger team whose sole function was to reach out to entities having challenges with the enrollment process and provide one on one training. This has proven to be successful, but there is more work to be done.

There are still key stakeholders, grantees, and others who are experiencing issues gaining access to the system and performing some of the needed functions within the system. “I remain highly confident in the solution that we have put together and you have my absolute commitment that we are going to continue to focus our resources, our time, and our expertise to address those issues that you are experiencing, that are causing you pain.” “I remain very excited that the JustGrants solution and therefore platform provides an incredible foundation for continued process improvement and innovation for many years to come.” “I look forward to your feedback that we will use to continue to improve the solution that we are committed to delivering for you.”

## Testimony

### Mesa Grande Band of Mission Indians

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

#### **Centralized System**

JustGrants was originally presented as one centralized system that would make it easier to apply and manage grants. Currently, we are still having to log-in to two different systems: JustGrants and ASAP. The process is really not centralized like we had hoped it was going to be. There is constant repetitiveness for every grant program we apply for and we are still having to reenter the standard data over and over again. If you are applying for four grants then one form should be able to work for all four of the grants you are applying for.

#### **Budget and Funding**

Another concern is the release of funding and the timeframe for the budget. It is very concerning that the transition made it more complicated to get our budgets approved and funding released. Would OVW consider a release of at least partial funding in order to pay staff and not have to worry about closing our doors as we wait for funding to be released? The funding has already been allocated to us, it's just a matter of getting the budget finalized. We should be able to pay for staff especially when we have the majority of the budget complete and are just tweaking. A lot of our programs still haven't received their funding. I got notified yesterday of a program that still hasn't received their 2020 funding. The funding needs to be more streamlined.

#### **Process**

The process for entering the budget is very tedious. It has to be entered line by line in the JustGrants system. This is very time consuming and for many smaller tribes, where people wear multiple hats, they don't have the capacity to manage the budget process. It is very time consuming to get a draft budget together, have it submitted through JustGrants, and to have to send a copy of our PDF budget. Shouldn't the PDF be enough? It feels unnecessary. For example, I personally did a whole grant, got everything submitted, and then was notified that not all my documents went through and they asked me to just email the document. That's hours of my time that I spent and all I had to do was email it.

#### **ASAP**

I would like to quickly comment that ASAP is awesome and once you get the kinks worked out, we get our funding very quickly, sometimes the same day. That is so much easier than what we had before so that is very appreciated.



### K'ima:w Medical Center

*Danielle Vigil Masten, Office of Domestic Violence/Sexual Assault Prevention Program/K'ima:w Medical Center - Authorized Designee (Oral)*

### **Technical Assistance**

The technical assistance has been very helpful.

### **Challenges**

We struggled with gaining access to the JustGrants system and due to the struggles we encountered we are not able to receive the funding for this cycle and will have to wait another year. Our internet is slow and the system times out. We would have issues when we tried to upload and document and it would time out and kick us out of the system, so we would have to re-log-in and oftentimes the password was touchy and we couldn't get back in.

The other issue we faced was JustGrants was often off-line during the evening hours due to maintenance, which unfortunately due to COVID-19 was the only time we had to work on the grants. We were assisting 108 families during COVID-19. We were the only domestic violence program in Northern California operating at the time and our days were filled helping many families, finding housing and acquiring the services they needed. COVID-19 made finding transitional housing even harder because the hotel in Hoppa was only available for people who had COVID. All of the domestic violence clients had to get relocated to a different area which was an hour away, and we had to get creative because all the shelters were closed. The timing of the launch of JustGrants and COVID-19 made it almost impossible to be successful. We had to adjust our work process to be able to successfully support our domestic violence program in a COVID-19 environment and at the same time learn an entire new JustGrants system.

Because we could not access JustGrants we were not able to get the tribal set aside we needed to stay open. Although we were one of the only domestic violence programs operating during COVID-19, we are going to be without services, starting in September 2021. I am currently looking for a COVID assistance grant to try to subsidize this but right now I haven't been successful.



## **Asa'carsarmiut Tribe**

*Michele Andrews, Asa'carsarmiut Tribe in Mount Village - Authorized Designee (Oral)*

*Gloria George, Asa'carsarmiut Tribe in Mount Village - Tribal Leader (Oral)*

### **Grant Funding**

Our OVW grant is scheduled to end September 30, 2021, and we have applied for a new grant. The grant has given our community the ability to operate and provide services to women victims, as well as provide jobs and services and opportunities to heal through traditional healing. The majority of the cases we see are domestic violence. The continued financial support from the grant will help us provide needed services for our community.

We started managing grant programs with suicide prevention as the focus and then we went to our Native Connections and Native Aspirations programs. When we stopped receiving money for those, we received grants from OVW, OVC, and the justice program. We were able to carry a lot of what we used in our suicide

prevention program to the programs we have now. They are very effective and help so many people. Many in our community are simply poor and want to get out of their situations and genuinely want to do better. We find the more people we help, the more funding we need to assist them. These items include updated computers and enhancing our internet access. Our internet speed is so bad that we have to fly people to Anchorage in order to attend virtual events.

I have witnessed a lot of turnover since we were awarded the OVW grant and the justice program. Turnover in the administration, employees, and our tribal cops. We have lost a lot of knowledge and experience and we need to do more to retain everyone working on these programs. We need increased funding for training and services for our staff who support domestic violence victims. The more people are trained the more productive they are, which in turn makes us more efficient.

### **Challenges**

We struggled with gaining access to the JustGrants system and due to the struggles we encountered, we are not able to receive the funding for this cycle and will have to wait another year. Our internet is slow and the system times out. We would have issues when we tried to upload a document and it would time out and kick us out of the system, so we would have to re-log-in and oftentimes the password was touchy and we couldn't get back-in.



## **Seven Dancers Coalition, Inc. - Representing Scotts Valley Band of Pomo**

*Amy Barnes, Consultant- Program Mgr. Tribal Victims Program, Seven Dancers Coalition, Inc.- Authorized Designee (Oral)*

The Seven Dancers Coalition works with Scotts Valley Band of Pomo Indians and this was their first grant. The grant application was for the COVID-19 funding. The application process was very hard because we had so many technical difficulties using the JustGrants system. We could not complete our application for the last round nor were we able to also get into CTAS. We are hoping over time the application system is improved. On behalf of Scotts Valley Band of Pomo Indians, we appreciate the funding opportunity and know that it's enhancing our services for tribal victims, and for women and sexually abused women.



## **Pauma Band of Luiseño Indians**

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

OVW is treated like the stepchild of DOJ because we are included in it. We had to come to the DOJ because unfortunately, DOI was not taking care of us. For example, people don't even know our terminology - tribes of PL 280 states are located in a PL 280 state. There is no such thing as a PL 280 tribe, but I heard this from feds. When you look at that relationship it's unfortunate to have to recant this history so often. We are constantly

having to re-educate our federal partners because of the constant turnover and unless you are a careerist and you include Indian country on your agenda of things to know, you would not know what we go through. But, if you haven't, we have to do our Indian 101 with you, which is okay.

JustGrants intention was good because of the way it was being managed internally. We knew it wouldn't be perfect because of how complicated the system is and the fact they had to integrate so much data. I also understood that because the leadership involved with JustGrants are not very familiar with our issues, that there would be some growing pains. But JustGrants has mutated into a system that I don't even think you prepared yourselves for. At one point when our team was submitting their report for the grant, a survey monkey questionnaire popped up and we were forced to answer it. The questionnaire was essentially collecting a lot of data and the tool itself was very clever, but after you finished the survey you couldn't submit your report. I don't know where it came from, but it had to be completed, and unfortunately we still couldn't submit. "When you are dancing through hoops and leaping through everything and climbing ladders and crossing bridges and they throw another ramp, they say you got to go this way, as a grantee, you are going to go that way." The trust responsibility has fallen on you. Every single federal department has a trust responsibility with the tribes. How does DOJ think it could circumvent that and not have that trust responsibility? It mutated. The grant system does not work for tribes; it requires our tribes to sign a resolution to get permission to create all of these nonprofits who then have to incorporate, who then have to complete all of these things they had to do, which all make sense for state and county grants, but when you are a tribe, and a tribal sovereign, and you are serving a tribal society and/or as a consortium of tribes as sovereigns, it does not make sense for them to have to do that. JustGrants must be improved upon. We are moving forward, but very small steps.

We are in this together and must collaborate and hold each other accountable. We have to be responsible for the fact that perpetration is created in our world from our own people or Res hoppers who think there will be no consequences. The Tribal Law and Order Act's intention was to complement what we are doing with the three departments: Department of Justice, HHS and DOI. The idea was to have balance and carry some of the load with you. Which is why we permanently made the Office of Tribal Justice. Now, when you look at that and think about the intention under TLOA was to also have the Tribal Action Plan. Which allowed the victim along with her perpetrator and/or children to all be serviced.

JustGrants was not prepared for COVID-19. Trying to navigate the many challenges that COVID created such as getting assistance to shelter victims, or PPEs, or getting a vehicle to go over 140 square miles, or having to work MOUs with local sheriffs and border patrol and working the hundred mile marker; when you think about all of those things it becomes a pretty heavy lift. When you also look at the fact that we are submitting to telecourt under this COVID system, through telemed, through teleservices in terms of going to meet with your clients or speak to them. One of the things that we learned in JustGrants was that the timeline of submitting a report and achieving the acceptance of it is long.

And when I consider the fact that JustGrants' intention was good, because of the relationship internally in the DOJ, and under OJP. But, OJP was not meeting what it needed to meet with the Grants Management System (GMS) and it still has yet to do that. The one stop shop for grant funding was the intention under the law in 2005. It carried over in 2013. If you don't carry out the regulatory law of VAWA and create a one stop shop - it's a failed process on your part. Not ours. It is a shared responsibility because most tribes don't have access to money.

Also, the communication, emails, texts, flyers are not sent in a timely manner. There is so much a program manager has to do in the JustGrants system that the notices do not give us time to prepare. For example, we know under COVID there is a grace period, but the notice was not timely. Tribes were finding out two weeks before the original deadline that an extension had been given.

Part of the issue is that many tribes have poor access to the Internet. Tribes are shouldering much of this on their own. Our tribe just received money for broadband services under the CARES Act. It hasn't happened yet. It is still out there on a wing and a prayer.

Also, we must have greater flexibility and fewer roadblocks in JustGrants. The tribes know what their victims need. For example, it's not unrealistic for a program to ask for a vehicle in the JustGrants system, because in our world people may have to travel a hundred miles to the nearest medical facility. The same goes for court hearings. Now, we are pushing TeleHealth and Telecourt, but we have to have faster internet. If we don't have the flexibility to do what is best to service our victims, then we are hurting. The DOJ must revisit what can be approved in terms of what the actual needs are out in Indian country. There are many tribes who face third world conditions, and if you do not pursue grant funding with this fact in mind, those tribal people who do not have the money or access suffer. In these rural areas, the only financial support they get is from you. The collaborative model is in your hands. We are leaning on each other already. And when I sat and watched what went on with JustGrants, to try and make it right, it was a good thing. Keep trying. Don't stop. Don't let this go away. Because you, OVW, are the stepchild, along with OVC now and that's not right.



## Alliance of Tribal Coalitions to End Violence

*Dawn Stover, Executive Director - Authorized Designee (Oral)*

Alliance of Tribal Coalitions is a nonprofit membership organization of the 19 tribal coalitions operating within Indian country. The organization collected feedback on the JustGrants system through our actual integration with the system as well as from the member programs that the tribal coalition serves.

### **Testing and Implementation**

- Testing – Testing of the JustGrants system was insufficient, as most features were not operational or fully functioning at the time of testing.
- Staggered Conversion – In hindsight, moving all programs of OVW in one fell swoop proved overwhelming to the JustGrants system, its support staff, grantees, and OVW programmatic and GFMD support staff.

### **Current Grant Application Concerns/Issues**

- User/Role Assignment – Assignment of roles in JustGrants proved to be a confusing process for many applicants. When current grantees set up their JustGrants account they were not immediately informed of the various roles, and the applicable responsibilities and/or privileges for each role in the grant management and submission process. Because of this lack of information at the time of setting up the JustGrants account, many grantees experienced issues in accessing, completing and submitting financial status reports and grant applications. Another example is that some grantees were told that multiple

organizational representatives could be “application submitters;” however during the application submission process, after experiencing issues in completing the budget and contacting the helpdesk the grantee was informed only one individual could have grant submission credentialing.

- Two-Step Application Process – The two steps process (grants.gov for the SF-424 and SF-LLL, and JustGrants at a later date for application upload and submission) is confusing and did nothing to streamline the application process, which was a stated goal of the JustGrants system. There is concern that longstanding OVW funded programs may have failed to successfully submit their FY2021 grant application due to the 2-step process and/or the convoluted submission process.
- Application Budgets – The JustGrants system requires applicants to manually enter budget figures into a self-calculating form and attach a separate budget document. The JustGrants budget form was confusing and extremely time intensive with some applicants reporting the form taking upwards of 4 hours to complete.
- Application Attachments – JustGrants is not intuitive and the user guide and help videos do not adequately address how to use the system. For example, in order to attach documents requested in a grant solicitation, users click the “begin” button in order to attach a document which is not logical. Furthermore, users can not see grant attachments once uploaded.
- Support – At the time of conversion there was inadequate support personnel to address the myriad issues grantees were experiencing. Often grantees were referred to training videos or printed materials which did not address the problems grantees were experiencing despite grantees carefully following all guidance. While support staffing appears to have been increased, there are still issues that have been reported, staffed, and still not resolved. In the meantime, some grantees have been left unable to submit the required programmatic and financial reports through the JustGrants system. An alternative submission process should be in place for these grantees. Furthermore, no funds should be withheld to any grantee unable to comply with grant reporting deadlines until the internal issues with JustGrants have been fully resolved. Likewise, no non-compliance reports should be generated for any grantee for delinquent financial or programmatic reports until the JustGrants system is fully operational.
- Saved and Shared Documents – the JustGrants system was advertised to have a document cache where grantees could easily attach documents submitted with one grant to another grant submission. Grantees submitting multiple grant applications on JustGrants reported that no shared document cache was available.
- Worklist – the case IDs associated with a grant are not the same as the grant ID.
- Awards – On the awards page of JustGrants the task list does not list performance period dates for tasks, thereby requiring the user to open each task to identify the project date, which is very time consuming and burdensome to grant managers.
- Printing Options – Printing documents submitted in JustGrants proves very problematic whether it be a financial status report or a submitted grant application. The fonts and margins are irregular.
- GMS Documents – The grant documents, reports, grant adjustment notices and approvals were not transferred from GMS to JustGrants. Grantees no longer have access to this very rich and historic funding through OVW.
- System Language – The instructional language utilized in JustGrants has been described as too technical leaving grantees frustrated and struggling to interpret or guess the terminology that the developers might have used for tasks previously identified and well understood from the prior system, GMS.

## Appendix 2: Academic Presentation

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### Prevalence of Missing Native American Women and Children in Nebraska: Barriers to Reporting and Investigating, Opportunities for Partnership (JustGrants)

*Dr. Tara N. Richards, University of Nebraska Omaha, School of Criminology and Criminal Justice*

*Dr. Emily Wright, University of Nebraska Omaha, School of Criminology and Criminal Justice*

*Sheena L. Gilbert, M.S. University of Nebraska Omaha, School of Criminology and Criminal Justice*

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

Ms. Christine (Tina) Crossland, Senior Social Science Analyst, U.S. Department of Justice, National Institute of Justice, Office of Research, Evaluation, and Technology, began with opening remarks. She introduced herself as a federal scientist, specifically a social and behavioral researcher at the National Institute of Justice (NIJ). She mentioned that she had attended every single consultation that OVW has hosted. NIJ is the research development and evaluation arm of the Department of Justice. It has also been described as a knowledge broker, where they facilitate a multi-way exchange of information about the criminal justice system and everything impacting it. She is responsible for a very broad scope of work, but currently, she is directing NIJ's Violence Against Women and Family Violence Research and Evaluation Program as well as NIJ's Tribal Crime and Justice Portfolio.

The consultation report includes an update on NIJ's Violence Against Indian Women Research Program and highlights ongoing efforts. One of the studies funded by NIJ to fulfill their analysis and research mandate under the Violence Against Women Act is the 2018 project titled *Description Analysis of Missing and Murdered Native Women and Children in Nebraska: Barriers to Reporting, Investigating and Recommendations for Improving Access to Justice*. Below is a summary of the presentations.

#### **Study Introduction**

The study was funded by the NIJ under their tribal researcher partner grant opportunities (NIJ Grant Number 2019-75-CX-0014). The opportunity evolved to support the LB 154 mandate which refers to the Nebraska legislative bill 154. It mandated that the Nebraska state patrol would collaborate with the Nebraska Commission on Indian Affairs (NCIA) on a study of the scope of missing and Native persons in Nebraska and try to understand how the state could better work on reporting and investigating these kinds of cases.

The LB 154-mandated study was unfunded so Dr. Richards and Wright reached out to the Nebraska Commission on Indian Affairs and the Nebraska State Patrol and asked if they could lend research capacity to the study. They proposed writing a grant proposal to the National Institute of Justice to see if they would fund or support their research activity. The grant proposal has 3 specific aims:

1. To determine the scope of missing Native American women and children in Nebraska;
2. To identify barriers to reporting and investigating missing Native American women and children in Nebraska, and,

3. To find ways to create partnerships to increase reporting and investigating missing Native American women and children in Nebraska.

To determine the scope of missing Native American women and children in Nebraska they needed to identify the scope of all missing persons in the state as well as the barriers to reporting and investigating these kinds of cases in Nebraska. And then the third aim was to use this information to identify potential partnerships that would be beneficial and helpful to actually improving this situation.

### **Identifying Barriers**

It's important to understand that there may be context and experiences that both impact vulnerability to going missing and these issues also may be more prevalent or more salient among Native American communities. For instance, we know that certain circumstances might create environments that are conducive or contribute to going missing, whether that's intentionally or unintentionally. A good example of this is a woman who is in a domestically violent relationship. She may, for her safety purposes, want to intentionally go missing. And she might not want to be found because of safety issues. She wants to be away from her abuser. But we also know that historical experiences within the Native American community, such as colonization and forced removal from Tribal lands, might contribute to ongoing inequalities that we see today and disparities that might make them more vulnerable to the problem of going missing. So, we want to acknowledge that and understand that in any research that we do moving forward.

Trying to understand the scope of missing Native persons in any one jurisdiction or context, or the scope of all missing persons, is very challenging. The Native American population is pretty much a hidden population and is hard to track. There are a lot of reasons for this.

- First, there is the right to go missing among adults, and some people go missing intentionally. There is also the problem of determining whether a missing person is a result of criminal or noncriminal behavior. An example of this is dementia patients, as dementia patients may go missing unintentionally, but it's not a result of criminal behavior.
- We also understood there may be a lack of policy that mandates the entry of missing persons information into national data systems.
- There is also a lack of standardized definitions of missing person, and, for instance, variation in age of what constitutes adult versus juvenile status. For instance, in Nebraska the age of a minor is actually anyone under 19 and not 18.

Unfortunately, these challenges may actually be exacerbated when you are talking about Native missing person cases in particular and there are at least three reasons for this.

1. First and probably most salient is the "jurisdictional maze" that Native Americans have to navigate through within the criminal justice system. An example of this might be if you are a tribal member who is on a tribal land, and the missing person is also a tribal member, but perhaps they went missing off of tribal land, who are you supposed to report this to? These types of jurisdictional issues come into play quite a bit.
2. A second problem is that there is a lack of coordination and/or existing relationships between tribal and non tribal law enforcement agencies. Sometimes we hear that there are existing relationships and they communicate regularly, but this is usually due to one or two people across agencies who make it a goal to communicate and to collaborate. As soon as one of those people retires or leaves, this relationship is lost.

3. Third, racial misclassification of Native American persons could enter into this problem. People being entered into the missing persons databases, might be misclassified as Caucasian, Hispanic, or they might not have their tribal affiliations entered in.

### **Collecting the data**

Trying to determine the scope of missing Native American persons is obviously very challenging. We reviewed prior research on how to count other hidden populations and one of the populations are persons experiencing homelessness, which is usually done by a point-in-time count. There is no standard methodology for counting missing persons or for doing this type of research, so we took a very specific approach to this study. We were very transparent about our research methods and what our results can and cannot tell us. We wanted to adhere to those research methods. We followed our methods and then we wanted to show our work in the report that came from the LB 154 mandate, that was going to go to our governor and to the legislature, and then also to our own tribal communities. A copy of the report submitted to the legislature for LB 154 as well as our data can be found at <https://www.unomaha.edu/college-of-public-affairs-and-community-service/criminology-and-criminal-justice/research/research-project-missing-native-women.php>

Another point we had to be very transparent about was the knowledge that as soon as you count the number of missing persons and who is missing, it's already outdated because it's a dynamic problem. People are found and new people go missing every day. Therefore, instead of focusing on just a number of missing persons, we focused on actually who those people were that were included in our missing person study, in our point-in-time count. This data is all publicly available, so we just organized and culled data from lots of different sources into one place.

Also, as a reminder, this study is not a study of all missing persons ever in the state of Nebraska or all missing Native persons ever in the state of Nebraska. Instead, it reflects the reported missing persons on four different dates. The first point-in-time count was January 20<sup>th</sup>, 2020, and then we replicated that point-in-time count three additional times, approximately every three months over the course of the year. That allowed us to examine the scope of missing Native persons across time to see if the rate changed or if it was stable at any given time and to look at the demographics of missing Native persons. It also gave us the ability to do a little exploration of case clearance or resolution over time. It gave us a good understanding of the scope and how the prevalence of missing persons among Native Americans sort of fits into the broader context of missing persons in our state. To accomplish this, we compared missing Native persons to missing persons overall in the state.

The missing persons data primarily came from three data sources:

- The Nebraska missing persons list, which is managed by the Nebraska State Patrol;
- The National Missing and Unidentified Person System or NamUs, and,
- The National Center for Missing and Exploited Children.

We also collected a host of qualitative information:

- We hosted listening Sessions in tribal communities throughout Nebraska.
- We sent requests to Nebraska's 212 law enforcement agencies, asking them to send us a copy of their missing person's policy if available. We received feedback from 51 law enforcement agencies.

### **Findings from Point-in-Time Data**

- To highlight some of the point-in-time data findings:

- Over our study period, the missing persons rate for the state was fairly stable. The missing person rate is anywhere from 3.3 to 3.6 persons per 10,000 persons in the state.
- The missing Native person rate over time is not as stable as the overall rate. The missing person rate is anywhere from 7.9 to 13.1 (Native) persons per 10,000 (Native) persons.
- If you look at the Native American missing person's rate compared to other races, Native American persons do go missing at disproportionate rates in Nebraska with the exception of black persons. The missing person's rate for black persons is higher than the rate for Native American persons. But the rate of missing Native American persons is significantly higher than the rate for whites, Asians, or Pacific Islanders, and is anywhere from 3 to 4 times their rate in the population.

The point-in-time count review allowed us to look at the case context. Below are a few of those findings:

- Males made up the majority of missing Native American persons at each time point.
- Overall, Native American missing persons on average were in their early twenties; the majority were minors ages 13 to 18 years old.
- The majority of missing Native persons had been missing for less than 1 year; however, cases spanned from 0-28 years.
- More Native American missing persons cases were resolved than non-Native missing persons cases over the four points-in-time.
- 9.6% of Native American missing person cases (n = 6) were identified as repeatedly missing across at least two time points.

Through the study we found that the Nebraska State Patrol's missing persons list was fairly comprehensive in terms of reported missing person cases. There were very few unique missing persons cases, cases of missing Native American persons that were identified from NamUs or from NCMEC. The study shows that the Nebraska community is reporting to local, tribal, or state law enforcement officers and having these people added to the missing persons list. This data can't tell us about people who try to report and aren't successful.

### **Listening Session Study Findings on Unreported Missing Persons**

As already stated, the study was a tribal-researcher collaboration. The Nebraska Commission on Indian Affairs led the tribal listening sessions along with Nebraska State Patrol and at each of these listening sessions a project coordinator housed at the Nebraska Commission on Indian Affairs asked tribal communities about Native missing persons that were not reported. The Nebraska State Patrol also had a Captain at each of these listening sessions who also made it clear that he would be happy to take reports of any unreported missing persons and that the report would be taken and taken seriously. However, no additional cases of missing persons were identified.

### **Review of Law Enforcement Agencies' Missing Person Policies**

Below highlights a few of the findings:

- Not all agencies have a missing persons policy.
- Among agencies that do have a missing persons policy, there was a lot of variability in terms of the content of the policy.
  - Policy's application to juveniles versus adults;
  - Timeline for law enforcement to take an incident report, and,
  - The collection of demographic information. It wasn't always clear that information on race would be obtained. In some policies specific demographic characteristics to be collected were stated, in other policies that wasn't clear.

In the listening sessions and in our interviews with law enforcement across the state, it was made clear that that folks should not wait to report. There was no waiting period to report a missing person, but in the tribal listening sessions, we did find that many community members believed they had to wait a certain period of time before they reported a loved one as missing.

### **Review of Additional Finding From Tribal Listening Sessions**

The listening sessions were conducted before COVID travel restrictions kept everybody home. We discussed some of the barriers on reporting and investigating Native missing person cases in particular. Here are a few of the findings:

- Systemic issues of poverty, isolation, substance/drug use, domestic violence, and/or human trafficking may be linked to “going missing,” either intentionally or unintentionally.
- Questions regarding how and when to report a missing person, or whether community members could access national missing persons databases (i.e., NamUs, NCEMC) directly without contacting law enforcement. Most had never heard of NamUs. They didn't know they could access national missing person databases.
- A lack of communication and relationships between federal, state, local, and tribal law enforcement as well as between law enforcement and tribal communities.
- Perceptions by community members that nothing will be done if they report and/or that reporting will have negative consequences (e.g., involvement of child protective services). For example, if they report a case, Child Protective Services may get involved.
- Misinformation among community members - they didn't think that they could report a missing person for a minimum of 24 hours to law enforcement. There were a lot of questions about when to report a missing person? Who do I report to?
- A lack of communication was another barrier that kept coming up, and again it flows from that earlier point where they had questions of who to report to. For instance, as a tribal community member, might not know who the next law enforcement officer over in the next jurisdiction is, and there are a lot of questions about who to turn to if you need their help.

### **Study Recommendations**

Below are recommendations for the study.

1. Replicate and Extend Research in Additional States
  - a. This is just a starting point in terms of data collection as it was only done in Nebraska.
  - b. Research over several years is needed to examine seasonal trends. There are usually seasonal trends in terms of criminal activity.
  - c. There is a lot more to be understood about the context of missing person cases among Native Americans and why people go missing.
  - d. There is more to understand specifically on the context of missing Native youth and whether their being missing is related to foster care or juvenile justice system involvement (i.e., are youth missing from out-of-home foster care placements).
2. Tribal and non Tribal law Enforcement Policies – By bridging the gaps between tribal and non tribal law enforcement agencies, there is a more formal relationship and in turn communication and relationships are not dependent upon one or two officers that may leave over time.
  - a. Develop and implement a missing persons policy for both juvenile and adult missing persons. It's important for agencies to have a policy so citizens know what to expect and hold those agencies accountable.

- b. Develop and provide a Standard Operating Procedure (SOP) illustrating a step-by-step process for handling missing persons cases.
  - c. Whenever possible, include full demographic information on the missing person from the reporting party in a missing persons report. This would include race and tribal affiliation.
  - d. Consider policies and training that increase capacity of tribal law enforcement departments.
  - e. Cross-deputization
    - I. Consider policies and training that enhance awareness for non-tribal law enforcement.
    - II. Cultural awareness trainings.
    - III. Recruitment of Native American persons/allow recruits to stay in their home area upon request.
3. Enhance Awareness of Reporting Options and Mechanisms in Native Communities.
- a. Facilitate NamUs training in Tribal communities, and encourage utilization when appropriate given NamUs policies.
  - b. Encourage training in tribal communities regarding reporting missing persons in order to reduce misinformation (i.e., a waiting period to report a missing persons).
  - c. Encourage each tribe to hold regular law enforcement meetings with Tribal, local, county, state, and federal law enforcement partners.
  - d. Engage victim services agencies regarding the needs of loved ones of missing persons. We have advocacy for a lot of different types of victimization experiences, but we heard over and over from both victim service agencies and community members that there was a real opportunity to provide assistance and guidance for the loved ones of the ones of missing persons who really needed support.

### **Study Limitations**

Below is a review of the study limitations:

1. Due to COVID-19, we were unable to complete a listening session in western Nebraska.
2. The “Hidden figure” of unreported missing persons is simply unknown. The study did try to gather information from Tribal community members, but no unreported cases were identified.
3. Race was unavailable for approximately 6% to 10% of cases; this might have impacted the probability of racial misclassification of Native Americans on missing persons lists.
4. While these data included whether or not the case was resolved (i.e., removed from the missing persons list or lists), information on how the case was resolved – whether the missing person returned safely or not – as well as the circumstances of their going missing was not available.

## Appendix 3: 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

**Is OVW's proposed pilot to allow tribal grantees to give financial assistance (cash) directly to victims? Or for tribal grantees to administer flexible financial assistance to victims, but only that which is payable directly to the 'vendor'?**

*Response: Our proposal is to allow the tribal grantees to provide the assistance directly to victims, although we don't have the current authority to do that. If you have an opinion on whether another approach is preferable, we'd love to hear it.*

**Current Tribal Government program statutory purpose #4 states Tribal Government program grants may be used to enhance services to Indian Women victimized by domestic violence, dating violence, sexual assault, stalking and sex trafficking. My interpretation is that financial assistance for victims would fall within the current statutory purpose area. Q - Why does OVW need to request congressional appropriations or a reprogramming notice to use de-obligated funds for this victim service? If there is not a current definition of victim services (which I can't find in VAWA) that specifically prohibits financial assistance, then this seems to be an issue of OVW interpretation of what falls within enhancing services to Indian women victimized by these crimes.**

*Response: VAWA defines "victim services" and "services" to mean "services provided to victims of domestic violence, dating violence, sexual assault, and stalking, including telephonic or web-based hotlines, legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services." 34 USC 12291(a)(44). We think it would be too great a stretch to re-define a "service," as that word is commonly used, to include cash payments to victims. Moreover, the category of "other supportive services" must be understood to include services that are somehow like those that are specifically enumerated in the definition. It is a fundamental principle of statutory construction that agencies interpret all items in such a list to be of similar kind.*

**Is it one testimony per tribe/organization? Is it an allotted time?**

*Response: More than one person per tribe may testify. There is not a time limit, but 15 minutes is the recommended length to be respectful of other tribal leaders and their time.*

**Regarding this question on the Tribal Consultation Framing Paper on Financial Assistance to Victims - Do tribes support the creation of a pilot program that would allow recipients to give flexible financial assistance to survivors? Q. Why not just do this as a program, why a pilot program?**

*Response: Pilot programs allow for testing logistics and working through potential challenges prior to large scale implementation. Because this program is not authorized in VAWA, it is something we would be trying out on a smaller scale until Congress gives us funding and authority to undertake a larger initiative.*

*As a practical matter, Congress is also more likely to authorize a longer-term financial assistance for victims' program if it first has been successfully piloted on a limited basis.*

**Where is there an accounting of OVW's carryforward, and has OVW consulted on how to use these funds?**

*Response: OVW provides an annual accounting of carryforward funds under tribal-specific grant programs in the annual Update Report, which is available on the Tribal Consultation page on OVW's website: <https://www.justice.gov/ovw/tribal-consultation>. In the 2021 Update on the Status of 2020 Tribal Consultation Recommendations, this information appears in Appendix C. In addition, OVW regularly consults with tribes on use of carryforward funds; both framing papers issued for the 2021 consultation address possible uses of carryforward funds (which include deobligated funds).*

**Where is the funding for the Urban Indians TA project coming from?**

*Response: This project has been and continues to be funded with technical assistance funding from OVW's STOP Violence Against Women Formula Grant Program.*

**Why does OVW need to review grant-funded products when the grantee is a Tribal Government?**

*Response: OVW must review products to ensure that they are within the scope of the statutory purpose areas of the grant program and the funded project. OVW also reviews for any activities that may compromise victim safety. The review is narrowly tailored to carry out these responsibilities under VAWA. Review of products also helps to identify grantees' technical assistance needs. We are always reviewing and improving our monitoring processes, however, and welcome feedback from grantees on how to make improvements while still meeting our responsibility to ensure that VAWA funds are being used as intended*

**Deobligated funds have come up as a potential option to fund the pilot project in the framing paper. Why would a grantee not spend all their money? If grantees are not spending down the grant funds and it's enough to fund a program, OVW should look at why that is.**

*Response: We agree that the best option is for grantees to be able to spend their money, and we work with tribal governments and other grantees to be able to do so. But sometimes that just isn't possible. So, recoveries/deobligated funds are funds that are returned after the end of a grant award for any number of reasons. See the Update Report Appendix C for more information. Each individual grantee may return only a small amount, but when all of these small amounts are combined, it adds up. Sometimes there are grantees that do close the award with a significant amount of funds remaining for various reasons. At this point, OVW does not currently have a formal process for tracking these reasons but will consider delving into this further.*

**Why was the written comment period changed from 60-days to 30-days?**

*Response: The response period was changed to 30-days to allow more time to draft the tribal consultation annual report of proceedings for an earlier distribution of the final report. Due to tribal leader requests, the comment period was changed back to 60-days going forward.*

**Given the disproportionate poverty rates Native women experience and serious housing barriers, how can HUD/ONAP and agencies in the Dept. of Labor be included in future consultations addressing violence against Native women?**

*Response: OVW will reach out and invite representatives of HUD and DOL to actively participate in future VAW tribal consultations.*

## **What is the OVW Budget Approval process?**

*Response: Applicants submit budgets based on the resources needed to implement a project in their specific geographic location, and these budgets should display a clear link between the specific project activities and costs included in the proposed budget. The OVW program staff review the application budget to ensure that the budget amount matches the award amount and is in line programmatically with the OVW grant program and the specific project. After this programmatic review has been completed, the grants financial management division reviews the budget from a financial perspective. OVW financial staff review the budget to ensure that sufficient justification and description have been provided to support the costs and that costs are allowable, reasonable, allocable, and necessary for the project. If the financial staff have questions about the budget or need additional information, the financial analyst will work with the applicant/grantee to obtain additional information to approve the budget. Once the budget review is completed and the budget is approved, recipients are granted access to their funds.*

**Any consideration of offering automatic extensions to existing grantees given the impacts of Covid-19 as previously done? Tribes are still dealing with these impacts and extensions and flexibility for modifications are necessary to meet programmatic goals and for the protection the tribal women and children.**

*Response: Grantees can work with their individual grant manager on any needed extensions for their programs.*

## **Questions for OTJ**

**How does the Department of Justice plan to address the continuing Law Enforcement state of emergency in Alaska?**

*Response: The Department continues to be concerned about and engaged on public safety issues in Alaska. The Alaska U.S. Attorney's office's recent work on Tribal Community Response Plans related to Missing and Murder Indigenous Persons is an example of our continuing commitment. We encourage Alaska Tribes and Tribal organization to continue to apply for public safety grant opportunities, such as the Office for Victims of Crimes (OVC) Tribal set aside. We also welcome on-going communications through the U.S. Attorney's Office and their Tribal Liaison, as well as the Office of Tribal Justice.*

**Would repealing PL 280 be beneficial to Tribes?**

*Response: First, we recognize that as a historical matter Public Law 280 was generally not beneficial to Tribes. Whether Public Law 280 is currently a workable public safety model depends on the relationship between a given Tribe and the State exercising jurisdiction. Tribal governments are best able to evaluate their relationship with the State, and thus the merits of Public Law 280 as applied in their unique circumstances. The Department would welcome the opportunity to expand discussion on this issue with our Tribal partners.*

## **Questions for Operation Lady Justice**

**The name "Operation Lady Justice" is offensive to some and suggest it should be changed.**

*Response: The name was coined by then-Assistant Secretary and Native Alaskan Tara Sweeney, based on artwork given to DOI from Native artist DJ Smalling. For additional details, please refer to this link,*

<https://operationladyjustice.usdoj.gov/frequently-asked-questions#faq-how-did-the-task-force-get-the-name-operation>.

**Regarding the study, “A Descriptive Analysis of Missing and Murdered Native Women and Children in Nebraska, Barriers to Reporting and Investigation, and Recommendations for Improving Access to Justice”. Q. How much did this study cost, how long did the project take, and what is the presenters’ contact information?**

*Response: An award was made to the University of Nebraska at Omaha in the amount of \$169,264. An 18-month period of performance was originally requested, but an extension of six months was processed because of delays due to the global pandemic. Therefore, if the project ends as scheduled, it will have been a two-year study.*

**Is there any movement to look at the “manner of death” for suspicious deaths? A lot of our individuals are mis-classified due to poor investigation and the coroner doesn’t have enough information, so it gets categorized as undetermined, or accidental.**

*Response: NIJ is interested in research and inquiries addressing death investigations. As funding becomes available in the next fiscal year and beyond, it is anticipated that NIJ will commission work to address a number of inquiries dealing with death investigations and identifying decedents. The specific areas of interest include:*

- *An overview of the federal, state, and tribal mandates, laws, policies, or practices for reporting death data.*
- *An overview of personnel, their qualifications, accreditation requirements, and jurisdictional placement (federal, state, local, tribal) of those authorized to conduct medical death investigations (e.g., medical examiners and coroners [ME/C]).*
- *An overview of standards and practices of death investigations (i.e., types of death investigations, methods/tests used/applied, death classifications, and the evidence to determine the classification and typical turnaround times).*
- *An overview of the standards and practices of racial and ethnic identification of decedents, known and unknown, by ME/C (e.g., DNA testing, visual verification), including under conditions of uncertainty (i.e., the condition of remains such as skeletonized remains or significantly decomposed remains).*
- *An overview of the research and science on the validity and reliability of race and ethnic-origin reporting on death certificates in the United States.*
- *An overview of the extent to which missing data and miscoding or misclassification of AI and AN people as a race impact death investigations and other factors that may constrain or enhance effective case resolution.*

**Is there a reason why you decided not to include the murdered? (in reference to the UNO study presentation)**

*Response: Drs. Richards and Wright noted that due to time constraints, they could not present all of their findings from the NIJ-funded study titled A Descriptive Analysis of Missing and Murdered Native Women and Children in Nebraska, Barriers to Reporting and Investigation, and Recommendations for Improving*

*Access to Justice. However, they have indicated interest and enthusiasm for disseminating their findings for both missing and murdered at other venues. If anyone is interested in getting in touch with the research team, their contact information is available on the consultation website, under the presenter's tab, and in the University of Nebraska at Omaha resource room. The study website is located at <https://www.unomaha.edu/college-of-public-affairs-and-community-service/criminology-and-criminal-justice/research/research-project-missing-native-women.php>.*

*Before the grant closes, a final report will be submitted to NIJ for archiving and dissemination. The final deliverables will be available on NIJ's website at <https://nij.ojp.gov/funding/awards/2019-75-cx-0014> and via the National Criminal Justice Reference Service located at <https://www.ojp.gov/ncjrs>.*

### **Does violence generally come more from Native or non-Native perpetrators?**

*Response: The short answer to this question is that we do not know the answer. A study specifically designed to answer this question has yet to be conducted.*

*For example, the results from the Centers for Disease Control and Prevention (CDC) sponsored National Intimate Partner and Sexual Violence Survey (NISVS) surveillance program cannot support the notion that most violence against American Indian and Alaska Native victims is interracial. A 2016 NIJ published study – Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey – found that interracial victimization is more prevalent than intra-racial victimization. Almost all victims had experienced violence by an interracial perpetrator at least once in their lifetimes. Fewer victims (about one in three) had experienced violence by an intra-racial perpetrator at least once in their lifetimes. These findings do not say non-Indians commit more crimes.*

*The NIJ NISVS study results describe the experiences of women and men who identified themselves as American Indian or Alaska Native. The majority of these women and men reported being affiliated or enrolled with a tribe or village. More than half said they had lived within reservation boundaries or in an Alaska Native village in the past year. However, the study did not capture the number of victimizations by interracial and intra-racial perpetrators. A few additional details are available in the study's Technical Report archived with the National Criminal Justice Reference Service (NCJRS; see p. 309).*

*It is important to emphasize that the estimates in the NIJ 2016 report show the prevalence (not the incidence) of violence. In other words, the results show the number of American Indian and Alaska Native women and men who have experienced violence. They do not show how often or how many times they have experienced violence. Because some people are victimized more than once, the incidence of violence (the number of incidents/victimizations) is greater than the prevalence of violence (the number of victims). Again, the NIJ 2016 report focuses on the prevalence of violence, i.e., the number of victims." Report p. 9.*

*While the NIJ NISVS study provides more information about the race of the perpetrators, it still does not provide information about the number of intra-racial and interracial victimizations experienced by Native Americans. However, NIJ's National Baseline Survey (NBS) was specifically designed to answer this question. The NBS survey was designed and tested to capture prevalence data (like the 2016 report) and collect incident level data to amass perpetrator race/ethnicity and location data (on/off-reservation).*

*Until the NBS is completed and study findings published, some data is available from the National Crime Victimization Survey (NCVS). Results from the 2004 published report indicated that "approximately 60% of American Indian victims of violence, about the same percentage as of all victims of violence, described the offender as white" (see <https://bjs.ojp.gov/content/pub/pdf/aic02.pdf>). However, some significant limitations need to be addressed about this study.*

*The NCVS is a nationally representative study that uses Census data to create their sampling frame, which many argue does not accurately represent tribal lands. Most importantly, the way Census captures race and ethnicity has been highly criticized for decades, especially for Native Americans. The number of Native American NCVS participants included in this specific analysis was very small. In addition, the data analyzed were not part of an oversample specifically designed to target the Native American population on or off tribal lands. While the NCVS has a question that asks participants if they live in Indian country, very few of the Native American respondents who participated indicated they lived in Indian country.*

*It is also important to note that studies have shown that most violent victimizations are never reported to law enforcement. For example, 46.5 percent of violent victimizations were reported to police in 2016 (See BJS' "Criminal Victimization, 2016" report, revised October 2018). These numbers are consistent year after year, with some studies showing as many as 70 percent of these cases not being reported to law enforcement.*

*Again, many of the limitations mentioned above with the NISVS and NCVS studies will be addressed with the NBS. Upon study completion, we will know the prevalence and incidence of violence experienced by Native American women living in tribal communities and by whom. In addition, the final report will document issues faced by Native American women living in tribal communities, identify gaps in health and legal services, and uncover what criminal justice policies and programs are needed to improve the safety and health of indigenous women and their communities.*

#### **Can the study be replicated in other states with Indian country?**

*Response: This study can be replicated in other states and jurisdictions. As a matter of fact, the researchers have been in talks with other interested stakeholders interested in replicating the study in other states. The final report detailing the study activities and methods can be found at <https://nij.ojp.gov/funding/awards/2019-75-cx-0014> or <https://www.unomaha.edu/college-of-public-affairs-and-community-service/criminology-and-criminal-justice/research/research-project-missing-native-women.php>.*

#### **Questions for BIA**

**With regard to the BIA training academy in Artesia, has the curriculum been updated to include domestic violence training with current topics such as predominant aggressor, as opposed to old topics such as primary aggressor and mutual combat?**

*Response: The BIA Indian Police Academy in Artesia, NM Domestic Violence Training includes identification of the primary aggressor in a domestic violence incident when both parties are injured.*

## Appendix 4: Consultation Agenda

Tuesday, August 17 Consultation Day 1	
TIME	EVENT
1:00 p.m. - 1:30 p.m.	<p><b>Call to Order &amp; Opening Ceremonies</b></p> <p><b>Sherriann Moore</b> Deputy Director U.S. Department of Justice, Office on Violence Against Women, Tribal Affairs Division</p> <p><b>Chris Devers</b> Spiritual Leader Pauma Band of Luiseño Indians</p> <p><b>Pat Band Hand</b> Red Leaf Drum Group Rosebud Sicangu' Lakota Tribe</p> <p><b>Amie Barnes</b> Executive Director Seven Dancers Coalition, Akwesasne, NY</p>
1:30 p.m. - 2:00 p.m.	<p><b>Welcome &amp; Opening Remarks</b></p> <p><b>Allison L. Randall</b> Acting Director Department of Justice, Office on Violence Against Women</p> <p><b>Merrick B. Garland</b> Attorney General Department of Justice, Office of the Attorney General</p> <p><b>Deb Haaland,</b> Secretary, Department of Interior Office of the Secretary</p> <p><b>Vanita Gupta</b> Associate Attorney General Department of Justice, Office of the Associate Attorney General</p>
2:00 p.m. - 2:30 p.m.	<p><b>Sovereign Tribal Leaders of the NCAI VAW Task Force</b></p> <p><b>Juana Majel-Dixon</b> Co-Chair NCAI VAW Task Force</p> <p><b>Shannon Holsey</b> Co-Chair NCAI VAW Task Force</p>
2:30 p.m. - 3:00 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b></p> <p><b>Chairwoman Andrews-Maltais</b>, The Wampanoag Tribe of Gay Head Aquinnah</p> <p><b>Amber Torres</b>, Walker River Paiute Tribe</p>
3:00 p.m. - 3:15 p.m.	<p><b>Break</b></p>
3:15 p.m. - 5:00 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b></p> <p><b>Michelle Beaudin</b>, Lac Courte Oreilles</p> <p><b>Tim Nuvangyaoma</b>, Hopi</p> <p><b>Wendy Schlater</b>, La Jolla Band of Luiseno Indians</p>

## Wednesday, August 18

Consultation Day 2

TIME	EVENT
1:00 p.m. - 1:15 p.m.	<b>Opening Remarks</b> <b>Sherriann C. Moore</b> Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division <b>Allison L. Randall</b> Acting Director <b>Department of Justice, Office on Violence Against Women</b>
1:15 p.m. - 3:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> <b>Keely Linton</b> , Mesa Grande Band of Mission Indians <b>Aaron Payment</b> , Sault Ste. Marie Tribe of Chippewa Indians <b>Vivian Korthuis</b> , Association of Village Council Presidents <b>Cheryle Kennedy</b> , Confederated Tribes of Grand Ronde <b>Amber Kanazbah Crotty</b> , Navajo <b>Rachel Fernandez</b> , Menominee Indian Tribe <b>Charlene Abrahamson</b> , Squaxin Island Tribe
3:00 p.m. - 3:15 p.m.	<b>Break</b>
3:15 p.m. - 4:05 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> <b>Nancy Smit</b> , Nottawaseppi Huron Band Potawatomi <b>Frances Charles</b> , Lower Elwha Klallam Tribe <b>Samantha Thornsberry</b> , Cahuilla Band of Indians
4:05 p.m. - 4:15 p.m.	<b>Transitional Break</b> <p>Tribal Leaders and Authorized Designees please login to the JustGrants session via the link sent. If you are a Tribal Leader or Authorized designee who wishes to speak during the JustGrants session and did not receive the link please send a chat to the "Support" help button on the bottom left of your screen.</p> <p>Those who do not wish to speak and only observe the session can do so via the "Join Now" button for the session on the agenda.</p>
4:15 p.m. - 5:00 p.m.	<b>Special Session – Tribal Leader Testimony on Department of Justice’s Justice Grants System (JustGrants)</b> <b>Brian McGrath</b> , Chief Information Officer, Office of Justice Programs, Office of the Chief Information Officer

## Thursday, August 19

Consultation Day 3

TIME	EVENT
1:00 p.m. - 1:15 p.m.	<p><b>Opening Remarks &amp; Introductions</b></p> <p><b>Sherriann C. Moore</b> Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division</p> <p><b>Allison L. Randall</b> Acting Director Department of Justice, Office on Violence Against Women</p> <p><b>Christine (Tina) Crossland</b> Senior Social Science Analyst <b>U.S. Department of Justice, National Institute of Justice, Office of Research, Evaluation, and Technology</b></p>
1:15 p.m. - 2:00 p.m.	<p><b>Prevalence of Missing Native American Women and Children in Nebraska: Barriers to Reporting and Investigating, Opportunities for Partnerships</b></p> <p><b>Dr. Tara Richards</b> University of Nebraska Omaha School of Criminology and Criminal Justice</p> <p><b>Dr. Emily Wright</b> University of Nebraska Omaha School of Criminology and Criminal Justice</p> <p><b>Sheena Gilbert</b> M.S. University of Nebraska Omaha School of Criminology and Criminal Justice</p>
2:00 p.m. - 3:00 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b></p> <p><b>Anita Morales</b>, Pokagon Band of Potawatomi Indians <b>Catherine Edwards</b>, Central Council Tlingit and Haida Indian Tribes of Alaska <b>Monica Antone</b>, Gila River Indian Community <b>Donna Brown</b>, Wabanaki Tribes of Maine</p>
3:00 p.m. - 3:15 p.m.	<p><b>Break</b></p>
3:15 p.m. - 6:30 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b></p> <p><b>Regina Bentley</b>, Little Traverse Bay Bands of Odawa Indians <b>Gloria George</b>, Asacarsarmiut Tribe <b>Bernadine Atchison</b>, Kenaitze Indian Tribe <b>Mary Ann Mills</b>, Kenaitze Indian Tribe <b>Maria Guerra</b>, Kenaitze Indian Tribe <b>Juana Majel-Dixon</b>, Pauma Band of Luiseno Indians</p>

**Friday, August 20**  
 Consultation Day 4

<b>TIME</b>	<b>EVENT</b>
1:00 p.m. - 1:15 p.m.	<b>Opening Remarks</b> <b>Lisa O. Monaco</b> Deputy Attorney General Department of Justice, Office of the Deputy Attorney General
1:15 p.m. - 3:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> <b>Germaine Omish-Lucero</b> , Rincon, Band of Luiseno Indians <b>Carol Evans</b> , Spokane Tribe of Indians <b>Nick Lewis</b> , Lummi Nation <b>Mike Williams</b> , Akiak Native Community
3:00 p.m. - 3:15 p.m.	Transitional Break
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
3:15 p.m. - 4:45 p.m.	<b>Government-to-Government Consultation Q&amp;A Session Tribal and Federal Open Discussion</b>
4:45 p.m. - 5:30 p.m.	<b>Traditional Closing Ceremony</b> <b>Sherriann C. Moore</b> Deputy Director Department of Justice, Office on Violence Against Women, Tribal Affairs Division <b>Allison L. Randall</b> Acting Director Department of Justice, Office on Violence Against Women <b>Amie Barnes</b> Executive Director Seven Dancers Coalition, Akwesasne, NY <b>Chris Devers</b> Spiritual Leader Pauma Band of Luiseño Indians

**Appendix 5: Consultation Framing Papers**

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**Consultation Topic: Should OVW pilot a new program that would allow recipients to provide financial assistance directly to survivors that the survivors may use to achieve safety, stability, and healing? If so, how can OVW structure such a pilot in a way that is both flexible and not subject to misuse of funds?**

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## **BACKGROUND:**

Over the years, OVW has heard from tribal leaders and other stakeholders that the victim services that OVW grants support are not sufficiently flexible to address the broad range of survivors' needs. OVW therefore is exploring ways to implement a new pilot program that would provide grants to victim service providers, tribal organizations, and possibly other entities to provide flexible financial assistance to victims of sexual assault, domestic violence, dating violence, and stalking. The purpose of this grant program would be to allow OVW recipients greater flexibility to meet the needs of survivors, as survivors define those needs.

Federal funds appropriated for programs authorized by the Violence Against Women Act (VAWA) and its reauthorizations are attached to statutory provisions designed to support victim services and justice solutions addressing domestic violence, dating violence, sexual assault, and stalking (and in some programs, sex trafficking). Recipients are bound by the purpose areas, definitions, and certifications of these grant programs, and services provided to victims must be connected to their victimization. The types of support survivors need to escape violence and stabilize their lives, however, vary from person to person. Furthermore, many survivors may benefit from flexible assistance to avert a crisis, rather than having to wait until after a crisis hits (e.g., homelessness) to begin navigating a complex web of programs and services.

The COVID-19 pandemic and its attending economic destabilization accentuated the need for a grant program that provides flexible financial assistance to survivors. Before the pandemic, victim service providers participating in a one-day census conducted in 2019 by the National Network to End Domestic Violence (NNEDV) reported that 68% of unmet requests for assistance were related to housing or emergency shelter.<sup>1</sup> Findings a year into the pandemic showed that the situation went from bad to worse for many victims: domestic violence increased by an estimated 8% after the imposition of stay-at-home orders<sup>2</sup> and a recent study of Houston residents appears to track with broader national trends related to an increase in homelessness among victims.<sup>3</sup> The Houston study also found that “stimulus and cash assistance programs were literally lifesaving” and domestic

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<sup>1</sup> National Network to End Domestic Violence (2020). *14th Annual Domestic Violence Counts Report*. Washington, D.C. Retrieved from: NNEDV.org/DVCounts.

<sup>2</sup> Piquero, A. R., et al. (2021). *Domestic Violence During COVID-19: Evidence from a Systematic Review and Meta-Analysis*. Washington, D.C.: Council on Criminal Justice. Available at: [https://cdn.ymaws.com/counciloncj.org/resource/resmgr/covid\\_commission/Domestic\\_Violence\\_During\\_COV.pdf](https://cdn.ymaws.com/counciloncj.org/resource/resmgr/covid_commission/Domestic_Violence_During_COV.pdf).

<sup>3</sup> Wood, L., Baumler, E., Guillot-Wright, S., Torres, E., Hairston, D., McGiffert, M., & Temple, J. R. (2021). *Harris County Health and Relationship Study*. Retrieved from: [https://www.hcdvcc.org/wp-content/uploads/2021/04/ExecutiveSummary\\_HCHR\\_March21-1.pdf](https://www.hcdvcc.org/wp-content/uploads/2021/04/ExecutiveSummary_HCHR_March21-1.pdf).

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violence programs were “a vital lifeline.” Although several OVW grant programs support shelter and transitional housing, none provides cash assistance to keep victims in their homes, and few pay for housing-related costs such as utilities, furniture, and household supplies. Housing is only one example of an area where VAWA programs lack the flexibility to meet the full range of survivors’ needs.

If OVW pilots a new program that supports flexible financial assistance to survivors, it would have to determine how much flexibility survivors will have in spending the money, what financial controls would provide the appropriate level of accountability, and how OVW can fund the program. OVW seeks Tribal input on these issues.

First, OVW seeks tribal input on identifying victim needs and establishing how much flexibility survivors will have in spending the funds. Evaluations of cash assistance programs show that victims most often spent the assistance on: housing-related expenses; food and personal care items; technology; child and other household members’ needs; transportation; physical and mental health expenses; education; legal assistance; debt assistance; and other expenses related to a survivor’s safety, independence, and financial stability. These evaluations, however, were not conducted regarding tribal programs, and OVW wishes to explore whether these categories reflect the likely needs of victims in tribal communities.

Second, OVW seeks tribal input about what financial controls OVW should impose on the program. At a minimum, recipients under this program will be subject to the same regulatory requirements and award conditions that apply to other recipients of federal financial assistance from OVW, including submitting financial and performance reports, signing grant assurance documents, and complying with 2 C.F.R. Part 200. As in all its programs, OVW would expect grant recipients to implement appropriate screening measures that ensure that beneficiaries of the program are victims of domestic violence, dating violence, sexual assault, or stalking, are otherwise eligible for the assistance, and that there is a nexus between the victimization and the financial need. Additional controls might include asking survivors to fill out applications for funds for specific needs; recipients paying survivors’ expenses directly to vendors rather than giving funds to survivors to pay for their own needs; or asking survivors to submit receipts to recipients after using the funds.

Third, OVW seeks tribal input about how to fund the program. Possible funding sources include (1) a request for a Congressional appropriation for the pilot program, and (2) a reprogramming notice to Congress seeking to use de-obligated funds from OVW’s tribal-specific grant programs (in which case the program would be limited to tribal applicants) or other programs that have de-obligated funds. Each year, some recipients return unused funds, known as de-obligated funds, and, absent a reprogramming notice, OVW uses these funds for future awards under the same grant program. While funding this program with de-obligated funds is not a permanent option, it may be an appropriate way to fund a pilot project like this while evaluating its effectiveness and refining it for future implementation.

**(Please see specific consultation questions on the next page.)**

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**QUESTIONS:**

- 1. What are the needs of survivors in your communities that your tribe and victim service providers have been unable to address, either with or without VAWA funding? What are the unmet needs that prevent survivors from achieving safety and healing?**
- 2. Do tribes support the creation of a pilot program that would allow recipients to give flexible financial assistance to survivors?**
- 3. What types of entities should be eligible for the pilot financial assistance grant program?**
- 4. Do tribes believe that OVW should place restrictions on how survivors may use the funds, such as establishing a limited universe of approved expenditures? If so, what types of expenditures should OVW allow?**
- 5. Would such a program be more effective if it permitted multiple small amounts be given to survivors or larger lump sums?**
- 6. What kind of support or technical assistance would tribal recipients need to implement such a program?**
- 7. What suggestions do tribes have for the financial controls that OVW should place on the program to ensure its effectiveness and fiscal responsibility?**
- 8. Do tribes support funding the program using de-obligated funds from OVW's tribal-specific grant programs or other programs with de-obligated funds?**



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**Consultation Question: Do tribes have recommendations to improve the Office on Violence Against Women's (OVW) Tribal Jurisdiction Program's Standard and Targeted Support for Exercising Tribes solicitations and make awards under the program more responsive to the needs of tribes that are currently exercising the jurisdiction or planning to exercise it in the future?**

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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. The current 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. 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 2021.

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. OVW has consulted several times regarding how to encourage more tribes to apply; how to expend unobligated funds under the program; and how to make the program more responsive to needs of tribes. In response to tribal leaders' testimony, OVW made a number of changes to the program, including: simplifying the application; reducing the number of documents that are required at the time of application; keeping the solicitation open for a longer period than the standard OVW practice of 7-8 weeks; making the awards as grants instead of cooperative agreements; making initial awards for 36 months with the option to apply non-competitively for an additional 24 months of funding for a total project period of up to 60 months; allowing grant funds to be used for minor renovations; removing the requirement to submit and receive approval of the SDVCJ questionnaire prior to using funds to prosecute cases or incarcerate defendants; and, in FY 2021, issuing a separate targeted solicitation for tribes currently exercising the jurisdiction with even fewer requirements. Even with these changes, OVW has had trouble attracting sufficient numbers of applicants to award all available funds for this program. In FY 2021, OVW received only two applications for the standard solicitation and no applications for the targeted solicitation, despite extending the due date by an additional four weeks (16 weeks total open solicitation period) and reaching out directly to exercising tribes.



Currently, the OVW Tribal Jurisdiction program is structured as follows:

	<b>Standard Tribal Jurisdiction Solicitation</b>	<b>Targeted Support for Exercising Tribes Tribal Jurisdiction Solicitation</b>
Type	Competitive	Competitive
Eligibility	Federally recognized tribes with jurisdiction over Indian Country. (Eligible applicants include tribes that are currently exercising SDVCJ and those that plan to implement SDVCJ.)	Federally recognized tribes that are currently exercising SDVCJ.
Award Period and Suggested Budget Caps	New: 36 months up to \$450,000. Continuation: Non-competitive for an additional 24 months and \$300,000.	24 months up to \$200,000.
Purpose Area(s)	In addition to all the purposes under the Targeted solicitation, funds may be used for planning activities such as revising tribal constitutions and codes, modifying jury practices, and implementing mechanisms for providing indigent defense.	Funds under the targeted solicitation may be used to defray costs resulting from a tribe's exercise of SDVCJ, including costs associated with law enforcement, prosecution, trial and appellate courts, probation systems, detention and correction facilities, alternative rehabilitation, culturally appropriate assistance for victims and their families, providing defense counsel to indigent criminal defendants, and empaneling juries.
Mandatory Program Requirements	<ul style="list-style-type: none"> <li>• OVW training and technical assistance (T/TA) – including participation in Inter-tribal TA Working Group on SDVCJ (ITWG).</li> <li>• Planning Period – submission of documents not required at the time of application.</li> <li>• SDVCJ Readiness Certification prior to using award funds to support prosecution or incarceration of non-Indians.</li> <li>• MOU/IMOU demonstrating required partners' participation in the project. Required partners: Tribal Leadership; Judge; Prosecutor's Office; Tribal Attorney/In-house Counsel; Law Enforcement; and Victim Services.</li> </ul>	<ul style="list-style-type: none"> <li>• OVW T/TA – including ITWG</li> </ul>
Documents Required at Time of Application	<ul style="list-style-type: none"> <li>• <b>Proposal Narrative*</b></li> <li>• <b>Budget Detail Worksheet and Narrative*</b></li> <li>• Document Demonstrating Authority to Apply (Resolution or Letter demonstrating the tribe's determination to implement SDVCJ)</li> <li>• <b>SF-424 and SF-LLL*</b></li> <li>• <b>Abstract (template provided) *</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposal Narrative*</b></li> <li>• <b>Budget Detail Worksheet and Narrative*</b></li> <li>• Exercising SDVCJ Certification (Certifying that the tribe's exercise of SDVCJ is in compliance with the Indian Civil Rights Act, as amended. Template provided.)</li> <li>• <b>SF-424 and SF-LLL*</b></li> <li>• <b>Abstract (template provided) *</b></li> </ul>
Documents Required Prior to Award	<ul style="list-style-type: none"> <li>• <b>Pre-Award Risk Assessment*</b></li> <li>• <b>Data Requested with Application*</b></li> <li>• <b>Applicant Disclosure of Duplication in Costs*</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Pre-Award Risk Assessment*</b></li> <li>• <b>Data Requested with Application*</b></li> <li>• <b>Applicant Disclosure of Duplication in Costs*</b></li> </ul>
Documents Required Post-Award	<ul style="list-style-type: none"> <li>• MOU/IMOU (template provided)</li> <li>• <b>Letters of Non-Supplanting (template provided) *</b></li> <li>• <b>Confidentiality Acknowledgement Form*</b></li> <li>• <b>Indirect Cost Rate Agreement*</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Letters of Non-Supplanting (template provided) *</b></li> <li>• <b>Confidentiality Acknowledgement Form*</b></li> <li>• <b>Indirect Cost Rate Agreement*</b></li> </ul>

Items marked in **bold\*** are documents for which OVW has little or no discretion. These documents are required to be part of each grant file for OVW grant programs.



Keeping in mind 1) that the current Tribal Jurisdiction Program statute does not authorize OVW to reimburse past expenses related to the exercise of SDVCJ, only to issue grants to cover future expenses; 2) the changes OVW has already made to the program in response to earlier consultations; and 3) that the grant administration and management systems (Grants.gov, JustGrants, and ASAP) and most of the application required documents are outside the discretion of OVW, please respond to the following consultation questions:

## **QUESTIONS**

1. If your tribe is currently exercising SDVCJ, in regard to the Tribal Jurisdiction Targeted Support for Exercising Tribes solicitation and awards:
  - What are the costs associated with exercising SDVCJ that your tribe has experienced? Of those costs, which, if any, currently are not covered as an allowable cost under the Tribal Jurisdiction Program?
  - Are the current award lengths and suggested award caps in the Targeted solicitation sufficient to support the discrete costs of exercising SDVCJ you have experienced to date? If not, what is the recommended award length? What is the total suggested amount per 12 months?
  - Do you have recommendations to enhance the comprehensive training and technical assistance currently available to tribes exercising SDVCJ, which includes the ITWG?
  - Would you recommend that exercising tribes be able to apply to the Targeted solicitation noncompetitively and on a rolling basis throughout a fiscal year?
  - Do you have any additional recommendations for ensuring that the Tribal Jurisdiction Program's Targeted solicitation and awards made under it are accessible and responsive to the needs you are experiencing as a result of exercising SDVCJ?
  
2. If your tribe is currently not exercising SDVCJ, is your tribe considering implementing SDVCJ in your tribal justice system?
  - If yes,
    - What is the estimated cost of activities leading to implementation and are you interested in grant funding to support these costs?
    - What is the estimated cost of activities associated with exercising SDVCJ for the first five years?
    - Do you anticipate any needs that are not currently covered as an allowable cost under the Tribal Jurisdiction Program?
    - What training and technical assistance do you need to prepare for, plan, implement, and exercise SDVCJ?
  - If no,
    - Are there specific reasons why not (such as current capacity of the tribal court, lack of incarceration facilities, concerns with future on-going costs)?
    - Is there any training or technical assistance OVW or our comprehensive TA provider



could assist with to mitigate any of the specific concerns?

3. Legislation passed by the House of Representatives authorizes a separate program to reimburse tribal governments for expenses incurred in exercising SDVCJ (or the jurisdiction as expanded by the bill).
  - If your tribe is currently exercising SDVCJ or expects to do so in the future, do you have specific recommendations for the administration of this potential new program, including how to make it accessible to tribes that have not sought grant funding under the existing program?
  - Based on your experience with other federal funding, are there specific policies and procedures that would be effective for disbursing these funds and ensuring that they meet the needs of tribes?
  - Should the funds be disbursed on a first come, first served basis until they run out, or should they be prioritized in some way over the course of the fiscal year?

## 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.
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

