



**17TH ANNUAL** GOVERNMENT-TO-GOVERNMENT  
**TRIBAL CONSULTATION**

September 21-23, 2022 | Anchorage, Alaska

ANNUAL REPORT OF PROCEEDINGS



## Disclaimers

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This document is a summary of testimony provided at the 2022 17th 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 2022 17th Annual Government-to-Government Violence Against Women Tribal Consultation. The complete transcript for the 2022 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

March 08, 2023

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 was able to join us for our 17<sup>th</sup> Annual Government-to-Government Tribal Consultation conducted as a hybrid event September 21-23, 2022, in Anchorage, AK. This was the first time that OVW held our annual tribal consultation in Alaska, and we received a record number of oral and written statements.

We are truly grateful to the many tribal leaders and authorized designees who were able to share their recommendations and concerns about violence against American Indian and Alaska Native women. We are also grateful to those of you who took the time to submit written recommendations to OVW about how the U.S. Department of Justice and other federal agencies can help improve the federal response to violence against Indian women.

Please find enclosed a copy of the 2022 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 18<sup>th</sup> Annual Government-to-Government Violence Against Women Tribal Consultation to be held August 8-10, 2023, in Tulsa, OK. If you have any questions or comments regarding the 2022 report, please contact OVW's Deputy Director for Tribal Affairs, Sherriann Moore, at [Sherriann.Moore@usdoj.gov](mailto:Sherriann.Moore@usdoj.gov) or (202) 307-6026.

Sincerely,

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

Allison Randall  
Acting Director

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# Tribal Consultation Event

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OVW held its “17th Annual Government-to-Government Violence Against Women Tribal Consultation” on September 20-23, 2022, at the Hotel Captain Cook in Anchorage, Alaska. Participants included 74 tribal leaders, 28 authorized designees, 81 federal representatives; and 229 other attendees from the tribal community, including tribal organizations and coalitions, for a total of 598 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 the posting of the colors conducted by the West High School Air Force Junior ROTC with all female representation. Elizabeth Sonnyboy, Yupik’ Elder, followed the posting of the colors by offering an opening prayer. The Emmonak Women's Shelter, Yupik Women's Coalition and the Alaska Native Women's Resource Center led by Lynn Hootch from the Yupi'k Women's Coalition and Tami Jerue, Executive Director, Alaska Native Women's Resource Center followed the prayer with a traditional Qaspeq Ceremony to pay homage to victims of violence. Coalition members placed Qaspeqs on seven chairs to symbolize domestic violence, child/youth victims, elder abuse, LGBTQ/2S victims, men lost to violence, innocence lost before their time and sexual assault. Sherriann welcomed tribal Leaders and those providing testimony to come forward and sit at the head table. She then provided housekeeping remarks and shared details pertaining to the agenda and resources available at the consultation to attendees.

## Welcoming Remarks

### Day 1 Opening Remarks

**Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women**  
*(In-person)*

Sherriann opened consultation recognizing the historic size of attendance and response to providing testimony with 61 tribal Leaders speaking over the course of the event. She thanked them for their commitment and support to bring forward their voices for the needs of each of their tribal communities. She noted the Q&A session, which was scheduled for Friday, would be canceled to ensure enough time for all testimonies to be heard and reminded leaders of the ability to also provide written testimony. She then covered housekeeping remarks and shared resources available both during and following the consultation. She then introduced Allison Randall for opening remarks.

**Allison L. Randall, Acting Director, Department of Justice, Office on Violence Against Women**  
*(In-person)*

Allison welcomed all in-person and virtual attendees to the 17th Annual Government-to-Government Violence Against Women Tribal Consultation. She noted it is the largest group of participants in VAWA consultation history with the most tribal leaders speaking. She thanked the participants in the opening ceremonies for the beautiful and deeply moving opening session.

Allison referenced the consultation’s importance in achieving meaningful action together. She referenced statistics, stating American Indian and Native Alaskan (AI/AN) women experience some of the highest rates of violence at the hands of intimate partners in the U.S. with 90% having experienced violence by a non-Indian

partner at least once. She acknowledged the recent natural disaster of the typhoon, which impacted several villages present at consultation, and that decades of research show a natural disaster exacerbates domestic violence and sexual assault. Allison thanked those providing testimony, noting “Your words are a gift which we are honored to receive. Your testimony is so valuable and we do not take it lightly. This responsibility we are entrusted with to ensure American Indian and Alaskan Native survivors' voices are heard. That tribal sovereignty, the commitment to tribal sovereignty run through our programs, that we cannot end violence against women without tribal sovereignty. Survivors know what they need. Tribes know what they need. We are here to listen, we are here to be guided by you. Your testimony helps us make changes to our funding and our processes, and helps things work more for communities. I hope you have seen the changes we continue to make in response to your feedback. It is thanks to your voices and communities that the violence against women act was reauthorized a few months ago.”

Allison thanked OVW Tribal Affairs Division, Chickasaw Nation, tribal Leadership and all partners across the Federal government for their help. She thanked the members of the Ketchikan Indian Community, Saxman Native Village, Klawock Cooperative Association, Organized Village of Kasaan, Hydaburg Cooperative, Craig Tribal Association and the Central Council Tlingit and Haida, Alaskan villages DOJ staff visited in the previous few days for their hospitality. She also thanked U.S. Attorney for the District of Alaska Lane Tucker for attending the site visits and consultation, as well as the U.S. Attorney’s Office’s meaningful work with tribes.

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

After the Attorney General’s remarks, Allison announced that the DOJ awarded more than \$246 million in grants for tribal nations in fiscal year 2022. OVW awarded \$40 million through Tribal Affairs Division grant programs. OJP awarded \$116 million through the OVC Tribal Victims Services Set-Aside and \$6 million through their Office of Sex Offender Sentencing. More than \$82 million dollars was awarded through the Coordinated Tribal Assistance Solicitation (CTAS), which is administered by OJP and the COPS Office.

**Merrick B. Garland, Attorney General, Department of Justice, Office of the Attorney General  
(Virtually)**

Attorney General Merrick B. Garland, welcomed attendees to the 17th Annual Government-to-Government Tribal Consultation on Violence Against Women. Attorney General Garland stated that these annual consultations serve as a necessary reminder of the violence perpetrated against women in Tribal communities across the country, as well as an important opportunity to confront this public safety crisis with the urgency it demands. He reaffirmed the importance of nation-to-nation partnerships in the work towards a solution, and he shared that the Justice Department is united in its sincere commitment to work with Tribal Nations to address the crimes of domestic violence, sexual assault, dating violence, and stalking that disproportionately harm American Indian and Alaska Native women.

Attorney General Garland also referenced the significance of the consultation being hosted for the first time in Alaska. He noted that the reauthorization of the Violence Against Women Act earlier in 2022 recognized expanded criminal jurisdiction for Alaska Native villages and created a pilot program for villages to exercise this jurisdiction.



And he noted that the consultation would allow the Department to hear from the Tribal communities most affected by this new provision.

Finally, the Attorney General thanked tribal leaders for their candid and honest testimony, noting that such testimony is essential to the Department's work and is fundamental to strong nation-to-nation relationships. He acknowledged that Tribal communities have suffered disproportionate rates of violence for decades and that this state of affairs is unacceptable. He shared that the Department takes seriously the recommendations it receives through consultations regarding the need to support interventions that are community specific and culturally relevant, and he stated that the Department is dedicated to helping strengthen victims' services and law enforcement responses in Tribal communities and enhancing Tribal justice systems.

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

Sherriann facilitated the introduction of federal participants who were in-person and mentioned those participating virtually. In addition to Sherriann, the following DOJ representatives engaged in the tribal consultation:

- **S. Lane Tucker**, U.S. Attorney, District of Alaska (In-Person)
- **Eileen M. Garry**, Director, Special Projects, Department of Justice, Office of Justice Programs, Office of the Assistant Attorney General (In-Person)
- **Amy Solomon**, Principal Assistant Attorney General, Department of Justice, Office of Justice Programs, Office of the Assistant Attorney General (Virtually)
- **Karhlton Moore**, Director, Bureau of Justice Assistance, Office of Justice Programs (In-Person)
- **Kristina Rose**, Director, Department of Justice, Office of Justice Programs, Office for Victims of Crime (In-Person)
- **Robert Chapman**, Acting Director, Department of Justice, Office of Community Oriented Policing Services (Virtually)
- **Betsi Griffith**, Associate Deputy Director, Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (In-person)
- **Chuck Heurich**, Senior Physical Scientist, Department of Justice, Office of Justice Programs (In-Person)
- **Christopher B. Chaney**, Acting Deputy Director, Department of Justice, Office of Tribal Justice (In-Person)

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

- **January Contreras**, Assistant Secretary, Administration for Children and Families (Virtually)
- **Kimberly Waller**, Associate Commissioner, Family and Youth Services Bureau, Administration for Children and Families (In-Person)
- **Elizabeth Carr**, Senior Advisor to the Director, Indian Health Service (Virtually)
- **Loretta Christensen**, Chief Medical Officer, Indian Health Service (Virtually)
- **Shawndell Dawson**, Director, Family Violence Prevention and Services Program, Administration for Children and Families (Virtually)
- **Hope MacDonald Lone Tree**, Acting Commissioner (Virtually)

## Day 1 Working Lunch Remarks

### **Rosie Hidalgo, Special Assistant to the President, Senior Advisor, White House Gender Policy Council (Virtually)**

Ms. Hidalgo was introduced by Sherriann Moore. She opened her remarks sharing the fourth convening of the trilateral working group on violence against Indigenous women and girls was recently hosted by the White House in Washington, D.C. in collaboration with the governments of Mexico and Canada. The convening included senior government officials from the United States, Mexico, and Canada, as well as Indigenous women leaders from all three countries. The trilateral working group was first established as an outcome of the North American leaders summit that was held in Canada in June of 2016. Ms. Hidalgo shared that from that initial dialogue the decision was made to launch the trilateral working group to address the high rates of violence against Indigenous women and girls and to do more to prevent these harms in North America. Ms. Hidalgo shared in preparation for the convening, the United States hosted a half-day virtual engagement last November with Indigenous women leaders from the United States, Mexico, and Canada. From that engagement, the following primary themes emerged:

1. **Strengthening Access to Justice:** This included discussions of culturally and linguistically specific approaches to justice to address gender-based violence, and missing and murdered Indigenous women, young women, LGBTQ individuals, including two-spirit and gender-diverse individuals.
2. **Addressing the Root Causes of Gender-based Violence:** This includes comprehensively addressing root causes such as a focus on economic security and climate change and its effects, including food insecurity, and recognizing the increased vulnerability to different forms of gender-based violence as a result.
3. **Advancing Indigenous Women's Leadership:** This focuses on reducing the barriers and creating equitable and safe spaces to advance leadership and representation of Indigenous women, young women, and LGBTQ plus individuals at all levels of government, whether local, state, national, tribal, as well as in civil society.

Ms. Hidalgo shared that the U.S. was represented by the Secretary of the U.S. Department of the Interior and the Deputy Attorney General. Officials from all three countries listened to the recommendations from Indigenous experts and advocates on each of these key themes and discussed amendments and initiatives from the three governments to advance these goals. The convening was also an opportunity to honor the resilience, the courage, and the leadership of survivors and of Indigenous women leaders. The ministry of Indigenous affairs for Canada announced at the end of the convening that Canada will host the fifth convening of the trilateral working group on violence against Indigenous women and girls in Canada in 2023. She noted The White House issued a report that highlights many key internal agency actions underway in this administration to address these critical issues, which is available online at <https://www.whitehouse.gov/gpc/briefing-room/2022/07/27/report-on-the-fourth-convening-of-the-trilateral-working-group-on-violence-against-indigenous-women-and-girls>.

Ms. Hidalgo acknowledged the issues are complex and require holistic, comprehensive, and sustained responses. She restated the Biden-Harris administration's enduring commitment to recognize sovereignty, strengthen our health and justice systems, support Alaskan Native and Native Hawaiian women and girls, LGBTQ plus and two spirit individuals, as well as improve prevention efforts in advance human rights of Indigenous persons regionally and globally. This past March, president Biden signed into law bipartisan legislation to renew and to strengthen VAWA's tribal jurisdiction provisions to include child abuse, stalking, sex trafficking, and assault on tribal law enforcement officers on tribal land.

Ms. Hidalgo also shared that they are working on a national action plan to end gender-based violence, something the president called for in the executive order that created the White House Gender Policy Council. This national

action plan will highlight the importance of a comprehensive, whole of government approach to prevent and address domestic violence, sexual assault, and all forms of gender-based violence. She expressed her gratitude to everyone for their participation in the tribal consultation and their ongoing commitment and dedication to collaborating together to advance these goals.

**S. Lane Tucker, U.S. Attorney, District of Alaska (*In-person*)**

S. Lane Tucker was introduced by Sherriann Moore. She started by thanking everyone for their attendance and welcoming them to Alaska, sharing her privilege to be present with the legislative change going on. She stated Alaska has an incredible commitment from the DOJ and DOI to implement some of these changes in programs. Her office is specifically involved in these efforts in a number of ways, the most obvious being federal law enforcement. The Savanna’s Act directed the U.S. Attorneys to create guidelines to reduce crime and violence, particularly in rural Alaska. She shared this is the number one priority of her office and the work they are doing hopefully will result in a lot more prosecutions that can be brought federally, and state crimes if it involves sexual assault, weapons charges, drug trafficking, Internet crime, human trafficking, and a number of other areas. These crimes can be prosecuted federally when appropriate and when believed to be necessary, taking traditional punitive values into account and removing people from the villages. She acknowledged the best way to help law enforcement in villages in tribal areas is to have the tribes in charge of their own law enforcement and punishment and referenced the success that has been achieved with health-care in Alaska.

She expanded on the guidelines her office has put in place to include:

1. Best practices for searches, which include involvement from the communities;
2. Urging and encouraging people to report someone missing as soon as they suspect, even if maybe they've just wandered off, sharing the first couple of hours when someone goes missing are the most critical, and after that, the chances of finding them go down dramatically;
3. Interjurisdictional cooperation, among all the law enforcement agencies in Alaska;
4. Increased communication with victims and their families.

She noted these guidelines coincide perfectly with the reauthorization of VAWA, which provides special criminal tribal jurisdiction particularly in Alaska where the jurisdictional issues are complex. Tribal jurisdiction is now concurrent with federal and state jurisdiction, a clarification that will help going forward in having self-governance in law enforcement as in other areas. VAWA also defined the term villages, and while there are some challenges to the definition of a statistical area from the Census Bureau, they don't have to fight the “Indian country” battle any longer. Ms. Tucker noted this work will be supplemented and enhanced by VAWA’s direction, along with the DOJ and DOI working on a public safety advisory committee.

**Day 2 Opening Remarks**

**Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women  
(*In-person*)**

Sherriann welcomed everyone back for day 2 and reminded all in attendance this was a safe space to share their stories and testimonies. She reinforced that taking personal recordings during testimony is not allowed unless they have received permission from the person providing testimony. She then introduced Allison Randall for remarks.

**Allison L. Randall, Acting Director, Department of Justice, Office on Violence Against Women  
(*In-person*)**

Allison opened day 2 by reminding participants their words really help shape policies and applications as well as programs. They have done a lot to streamline applications, but still strive to make it better and testimony helps to do that. She acknowledged it is hard to keep telling their stories but so crucial and to take care of themselves using the resources available.

Allison shared some of the progress that has been made, including to have OVW staffed as was intended under VAWA 2005; in response to the need the OVW staff will be more than doubling in size, including OVW's Grants Financial Management Division doubling as well. She noted the tribe support helps make the case and the whole Biden administration has been supportive. She shared last year was the first time we had all three DOJ leaders participate in consultation and that they are joining again this year.

Allison then introduced Deputy Attorney General Lisa Monaco, the second ranking official at DOJ and emphasized her commitment to the issues being addressed as well as being a fierce advocate of tribal jurisdiction.

**Lisa O. Monaco, Deputy Attorney General, Department of Justice, Office of the Deputy Attorney General (*Virtually*)**

Deputy Attorney General, Lisa Monaco, welcomed everyone to the second day of consultation and noted it was a privilege to address the 17th annual consultation and honor the special government-to-government relationship with Native leaders. She discussed the Justice Department's commitment to listen to those who know best how to make their communities safe and to partner with them to address violence against American Indians and Alaska Natives. DAG Monaco acknowledged the significance of hosting consultation for the first time in Alaska and recognized the unique challenges facing Alaska Native women, who are over-represented among victims of domestic violence. She praised Alaska Native women for their successful advocacy and its legacy of impact on the VAWA legislation. She also shared the Department's commitment to tribal sovereignty and special tribal criminal jurisdiction, highlighting the pilot project for Alaska Native tribes established by VAWA 2022.

DAG Monaco reiterated the Department's commitment to partnership and noted the series of consultations held over the past year to engage tribal leaders on their recommendations for the pilot project. She stressed the Biden-Harris administration's commitment to addressing the disproportionately high rates of violence that American Indian and Alaska Native communities experience, emphasizing the executive order that addressed efforts to end the crisis of missing or murdered Indigenous people and the steering committee she launched to coordinate the Department's effort to address the issue of missing or murdered Indigenous persons.

Finally, DAG Monaco shared that the Department will have a Native American Outreach Services liaison who will work in the Executive Office of the U.S. Attorney's to help ensure victims and their families have a voice as they navigate all stages of the Criminal Justice System.

**Day 3 Opening Remarks**

**Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women (*In-person*)**

Sherriann welcomed everyone back for day 3 and reminded them to be considerate of their fellow tribal leaders with time so that everyone who wants a chance to provide oral testimony will be afforded the opportunity to do so. She encouraged attendees to take time to rest to process the good and emotional testimony that has been shared. She then introduced Allison Randall for opening remarks.

**Allison L. Randall, Acting Director, Department of Justice, Office on Violence Against Women  
(In-person)**

Allison opened the day reminding attendees to rest and to take care of themselves. She acknowledged the work they do is intense and heavy, but progress is being made and together they will keep fighting in the face of what feels like overwhelming odds. She stated the stories of trauma that have been shared have a ripple effect that continues from those traumas. She reaffirmed the commitment to stop the ripple, support survivors, and help communities thrive. She renewed the DOJ's commitment to lift up their voices and take them back to Washington, DC.

Allison introduced Associate Attorney General Vanita Gupta, third in command at the Department of Justice. She noted her passion and personal support of all tribes on these issues.

**Vanita Gupta, Associate Attorney General, Department of Justice, Office of the Associate Attorney General (Virtually)**

Associate Attorney General Gupta started off emphasizing that the annual gathering is a demonstration of the Justice Department's commitment to working with tribes and one of the Department's most important meetings. As a lifelong civil rights lawyer, she noted the importance of ensuring access to justice and safety for underserved communities. She thanked all who were willing to provide testimony.

Associate Attorney General Gupta shared that the Department has acted on several recommendations from last year's consultation, including special tribal jurisdiction, funding to support the exercise of that jurisdiction, making funding easily accessible, and addressing public safety and the issues of missing or murdered Indigenous persons (MMIP).

Tribal leaders urged support for expanded recognition of tribal jurisdiction, which would allow tribes to hold accountable non-Indians who commit covered crimes on tribal lands and Alaska Native villages. Associate Attorney General Gupta shared that, following this recommendation, Acting OVW Director Allison Randall testified before the Senate Committee on Indian Affairs, describing the gaps that undermined tribal efforts to protect survivors and hold perpetrators accountable in Alaska and the need to respond through reauthorization of VAWA. Thanks to the incredible advocacy of tribal leaders, the VAWA reauthorization was signed into law. This reauthorization expanded jurisdiction for American Indian and Alaska Native tribes, recognizing the inherent power of tribes to exercise special jurisdiction over all individuals for a covered crime.

At last year's consultation, tribal leaders also made clear that funding was essential to exercise the expanded recognition of jurisdiction. Associate Attorney General Gupta shared that OVW administers a tribal jurisdiction grant program, under which funds can be used for a wide range of activities related to exercising that jurisdiction. Further, when OVW discovered that many exercising tribes were not applying for this funding, they asked for feedback on how to make it more accessible. OVW was able to issue a special solicitation inviting tribes to submit simplified applications to cover specific costs, rather than go through the traditional grant process. Earlier this fiscal year, OVW made 11 awards under the solicitation, totaling approximately \$2.1 million. Not only will OVW continue to provide these grants, but OVW can also reimburse tribes for expenses already incurred in exercising special tribal criminal jurisdiction – including tribes that participate in the Alaska pilot project. Associate Attorney General Gupta shared that OVW has incorporated other recommendations to their tribal grants because of last year's testimony, including improving the grant application process and enhancing outreach to more tribal communities.

Associate Attorney General Gupta announced new grant funding. In response to tribal leaders' testimony about unmet needs, she shared that OVW will launch a pilot program for financial assistance for survivors in tribal communities. This funding will assist survivors with expenses such as rent, utilities, car repairs, childcare, food and other essentials they need to pursue safety and stability as they recover.

Lastly, Associate Attorney General Gupta discussed a recommendation from tribal leaders that the Department address public safety concerns and improve the response to missing or murdered American Indian and Alaska Native people. She made clear that it is a recommendation she and the Department take very seriously, noting that the epidemic rates of violence suffered by Native communities is unacceptable. She referenced Deputy Attorney General Monaco's remarks discussing initiatives aimed at ameliorating this unacceptable reality for Native women and girls, including the implementation of Savanna's Act and the Not Invisible Act. She shared that DOJ's Office for Victims of Crime (OVC) broadened the tribal victims services set-aside grant program in fiscal year 2022, which will allow grantees to address the needs of families of the missing. This change, which was made in response to comments from tribal leaders, creates an opportunity for Tribal communities to direct much needed funding toward meeting the needs of the loved ones of missing or murdered Indigenous persons, generating awareness of MMIP, and creating systemic change that can help remove barriers to helping victims and their loved ones find justice and healing. Associate Attorney General Gupta shared that OVC provides technical assistance to tribes through the Human Trafficking Capacity Building Center, which exists to help organizations and tribes with building their capacity to aid all trafficking victims, navigate the broad range of resources available to support their missions, and strengthen human trafficking service networks. OVC also recently launched the Tribal Capacity Building Center in response to Tribes' requests for technical assistance to be provided from people with lived experiences in tribal communities.

Associate Attorney General Gupta ended her remarks noting that the Department is listening to the recommendations of tribal leaders and finding avenues to keep tribal communities safe.

## Tribal Testimony

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In total, 66 tribal leaders and designees representing 51 tribes shared 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. Testimony from tribes choosing to only provide written remarks has also been summarized and included in this report.

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

*Juana Majel-Dixon, NCAI Task Force on Violence Against Women (Oral & Written)*

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

#### **Introduction By Juana Majel-Dixon**

As tribes we are connected with our struggle with the federal government and sometimes we are our own worst enemy because we are so involved in who we were that we did not know together we would make this extraordinary difference. It has been a very humbling journey to have worked with other tribal nations since 2003. It was not until 2006 that we had our first consultation because it took some time to get the format put together with federal leaders. “We have had such a long journey. I have watched us get over these mountains together and then another one.” Throughout the years we have learned that the federal government agencies all speak different languages. We have had to open their eyes and ears to just listen. They don’t have to make immediate decisions. It is more important for us to understand that they understand.

When I look at VAWA, it was crazy when we started. When you look at concerns and recommendations, do so. Don't just tell us what is going on. Tell us how you want it fixed. Tell us what you need us to do. When we are here tribally, we talk, when we are out there, we just started. We have known President Joe Biden and we have known him so long as a senator. You got to know him as a person and his passion to get behind this. It's rare to find a leader in that position to be part of our lives the way he was to make a difference. Our statement was from the past and now. Over the years they demonstrated many things, one of which is that our issues are not new and illustrate the complicated legal policy barriers. I taught U.S. policy for 28 years at the University. While I was teaching my campus got a death threat because I was there. I could see the SWAT team coming. I held my hand up to stop them from coming into my room. As I did so, I realized this was serious. They were vacating everybody out the other way. I got handed a phone. On the phone was Eric Holder, the Attorney General. He confirmed that this was a real threat. I could not teach after that because of the work we do. You need to find a way to protect yourself because you are touching the belly of the beast. You are dealing with what is not easy.

In 2022, we had some key wins. The federal trust responsibility to Indian Country, that is the bridge between all these agencies. Tribes have to set up courts and judicial systems. These historic wins were hard fought and we got

a lot of stuff put in it. Now we have a responsibility to carry it through. The nations are not able to exercise restorative jurisdiction. You have to put yourself as the gate, the keeper, and the protector of your nations. You have to provide the funding that is necessary. They are never going to come up with enough money for all of us. We need to celebrate what they can come up with. Don't beat them up for it. That is just what the politicians gave them. Our congressional representatives have a responsibility to make sure we get the money we need. I want the federal government to consider the fact that their direct funding is important. When the State Department gets money on behalf of the tribes, they come with little caveats. If we give you this, you have to do that.

When you look at the recommendations from the DOJ to the Department of Interior in 2013 over non-Indians, that is important. Eastern Band has done a good job, it also deals with living up to the treaties and the trust responsibilities and tribal nations into annual, consistent, sustainable, noncompetitive funding. That is what needs to be done. That is the trust responsibility. Your cultural context of justice is important. We have had too many leaders who have ignored that, and they start giving rules. You know you have jurisdiction. You know you have justice. Write down the manner you plan to do it in a humane, clear, and balanced way. Often you forget as sovereigns you do not need the approval of the federal government to have your tribal justice. You have to do it in a good manner. If by chance you get the funding, you will have established a traditional method with cultural context in which you do this. Don't wait for them to teach you how to do it because you already know. Let's do it in such a way that we are educating them about justice.

When you are looking at the Alaska Native village jurisdiction tribal statistical areas, how do we get you to be counted? We can do it together, lead the authority with the village census area. You can be the counters of your people. DOJ and DOI should also build on the 2019, DOJ law enforcement emergency, which led to additional justice resources for the area; however, the majority of the funding never reached Alaska Native Villages. The DOJ should build on that declaration and work with the DOI to provide comprehensive justice and public safety funding directly to Alaska Native Villages rather than to the state of Alaska. The Bureau of Prisons should make it easier for tribal nations to make inmate placement requests to ensure staff on hand are responsible and that they can cover transportation costs and transfer inmates to designated facilities and coordinate with tribal nations. DOJ should support legislation that would fully restore tribal nations' jurisdiction over Indians in any offense. These are our tribal lands. That is their trust responsibility.

Remove the limits on the number of tribal nations eligible to exercise restored jurisdiction under the Alaskan pilot program, increase funding for tribal nations' implementation of Special Tribal Criminal Jurisdiction (STCJ), for DOJ, DHHS and the BIA. In some of these cases with the Interior, the Supreme Court's recent decisions, has caused the federal government to pull justice resources from Indian Country, especially in Oklahoma. FBI, agents and staff have been pulled from the states since the decision and some of the U.S. Attorneys are declining to take on cases against non-Indians.

Everyone should read the U.S. Commission on Civil Rights 2018 *Broken Promises Briefing Report*, which noted unequal treatment of tribal governments and lack of full recognition of the sovereign status of tribal governments diminish tribal self-determination and negatively impact criminal justice, health, education, housing and economic outcomes for Native Americans. This underfunding is no longer a quiet crisis. We are asked to protect our people, and the federal government interferes with the fact that we don't have a legal right to transport that person. It is the interstate problem and to get around this issue, tribes are meeting other tribes at the border. This way we are not breaking the laws within the state you reside in and the nations who you are a part of. Why should we have to do that? The interstate problems should be resolved. When you look at those things we strongly urge you to look at exactly what the commission warned against, let us work together and inform them.



DOJ EOUSA Director Monty Wilkinson recently stated that the recent Supreme Court ruling does not alter the federal jurisdiction to prosecute crimes in Indian Country. The Director goes on to direct U.S. Attorneys to not alter referral practices without formal consultation with Tribes in their districts, bearing in mind the important principles of tribal sovereignty. The FBI Director Christopher Wray should send a similar memo to FBI agents in Indian Country to stop the FBI retreat from Indian Country. If they change the protocols we better be informed. That is part of the law. There should be more training and education for U.S. Attorneys, FBI personnel, chiefs, victim witnesses, and relevant DOJ staff located in Indian Country.

When we look at missing and murdered, and what is going on with our Indigenous women, the federal response crisis is a breach of federal trust and responsibility. It's a human rights violation. The FBI and federal government is responsible for reporting crimes in 240 nations. Where is that information? Where did it get reported? How is it being handled? Why did it go silent? Our people are still going to go missing and murdered. We were invisible. It is like an invisible perpetration. Our federal partners have access to things we do not. FBI prosecutors with respect to the BIA are responsible for responding to crimes in these 200+ nations. What would happen if half of the federally recognized Indian tribes could adequately resource local tribal response for abductions and murders? The department's position on prioritizing these initiatives include the effort to build capacity in tribal courts, to build the capacity and lead enhanced public safety for Alaskan, tribal nations. I celebrate what we are getting, but it is not enough.

The federal leaders that are here today are good people, but their limitations are real. That was a hard lesson for me. There are a lot of political people involved in this as well. That is where you and I as tribal leaders weigh in. We are on equal footing. We are sovereign-to-sovereign. Every single member of Congress is our representative. That is a different relationship. When you look at OVW and DHS with this relationship, these increases should include, but are not limited to services increasing accountability of law enforcement agencies to state and federal. Someone has to hold them accountable for not doing this.

Children are being victimized, burial assistance is needed, and we have to look for ways to hear and to honor the missing and murdered. We have to do it together. When I look at this with DOJ, DOI, DHS, and DHHS, there are some recommendations. We need the Crime Victims Fund (CVF) to ensure the resources reach victims, survivors, and their families. We have to have DHS require each department within the agency to develop and implement MMIW protocols. They are our partners. DHS is the youngest federal agency with the largest federal budget. DHS agencies and staff work with tribal citizens everyday, but no agency within DHS has protocols to respond to MMIW cases. The Transportation Security Agency could train staff on how to spot human trafficking victims and coordinate with nations. We need that help. Security infrastructure should help train tribal staff on how to detect traffickers. This could help support tribal responses for missing and murdered women and girls, it also requires consultation with tribal nations to increase responses to state governments. State governments, the Constitution of America, it is the federal government, tribes, and states. States like to jump ahead of everybody - U.S. as well as tribes. They are like a crazy stepchild.

We must bring the data to the federal government. One time I got a letter from a tribal member that listed all of their tribe's missing and murdered. That page was full. When I got that letter all I could do was pray. That a nation would be so humbled to hand me that, and I had to think with a great heart and a clear mind, do I share this with the federal government? I now have close to 3000 names. The tribal people from our nations have given that to me.

The Commerce, Justice, Science (CJS) subcommittee determines a lot of the congressional budget. It is good to know this as a tribal leader. That committee bill directed 3 percent of the overall CVF disbursements to go to Tribal Nations to address the needs of crime victims. The 2018 appropriation amounted to \$133.1 million for Tribal Nations. The Crime Victims Fund is a good example of tribes speaking up and addressing concerns and in this case one year later the set aside was increased to 5% and resulted in \$167 million. Congress has since continued to provide the 5% set-aside yearly. The tribal set-aside for the CVF resulted in long overdue recognition of needs, but DOJ's efforts to administer the funding raised significant concerns about capacity and commitment to ensure that the funds reached Tribal Nations. After hearing from tribal leaders in a specific tribal set-aside consultation, The Office for Victims of Crime released a solicitation that reflected the concerns and recommendations. That is an outcome you want to record. When you speak up on behalf of your nation, you are giving voices to the words that they will record. Don't hold back. Say the words. Even if you know in your life that you might have slipped up and forgotten something or did not get it right. Pride is the worst enemy. Because this is one of the most anguished things we have to do as leadership. That I could not protect my people.

### **Written Testimony**

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. 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 the Safety for Indian Women Title in the Violence Against Women Act, 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: 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. The 2022 VAWA reauthorization expanded the list of covered crimes to include sexual assault, stalking, sex trafficking, child violence, obstruction of justice and assault against justice personnel. VAWA 2022 left no Tribal Nation behind and restored jurisdiction to all Nations including those located in Maine and established an Alaska Pilot Project.

While a step forward, the most recent reauthorization did not address protections for elders or serious crimes that co-occur with domestic and sexual violence, such as financial crimes and homicide. Perpetrators will continue to slip through the cracks until every Tribal Nations' complete jurisdiction over non-Indians is fully restored by Congress.

The federal government has a federal trust responsibility to fund tribal public safety in Indian Country. While we celebrate the historic wins in VAWA 2022, Tribal Nations are unable to exercise restored jurisdiction and make Indian Country safer if the federal government does not live up to its trust responsibility to provide public safety funding and resources to Tribal Nations. Funding and resources are a significant problem for Tribal Nations that are preparing to implement and are implementing their restored jurisdiction under VAWA. Tribal Nations spend significant amounts of time and resources to prepare their justice systems and victim services to meet the needs of their tribal communities. However, many Tribal Nations are limited by a lack of holistic, consistent, and sustainable funding for their justice systems, leaving many with restored jurisdiction, but without the resources to implement VAWA. When taking up this restored jurisdiction Tribal Nations are also confronted with costly health care expenses for non-Indian inmates sentenced by tribal courts, often straining their limited budgets. The 2022 VAWA tribal reimbursement program will help with many of these costs but the federal government must live up to its trust responsibility and provide consistent and sustainable upfront funding for tribal justice systems and victim services.

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

1. DOJ and DOI should coordinate and work together to implement the provisions of VAWA 2022 and support Tribal Nations in implementing their restored jurisdiction over non-Indian perpetrators. The NCAI Task Force recommends the following next steps for DOJ and DOI regarding implementation and tribal support:
  - a. DOJ, DOI, and all other federal agencies should live up to their treaty and trust responsibilities to Tribal Nations and include annual, consistent, and sustainable noncompetitive funding for Tribal Nations for all public safety and victim services needs in their annual budget requests;
2. In the President's Budget, DOJ should request the full amount of funding authorized for tribal programs in VAWA 2022, especially the \$25 million for the STCJ grant program and reimbursement for FY 2024 and FY 2025;
3. DOJ and DOI should offer joint training opportunities for Tribal Nation law enforcement and federal law enforcement on the implementation of VAWA 2022 in Indian Country;
  - a. DOJ and DOI also need to be on the same page regarding Alaska Native Villages' restored jurisdiction under the Bureau of the Census Tribal Statistical Areas. Tribal and federal staff will need training on this new area of restored jurisdiction. Bureau of Indian Affairs ("BIA") seems to be confused about Alaska Native Villages' land status and their legal authority with the designation of the Village Census Area. How will this confusion within DOI and BIA be addressed? Additionally, what resources do DOJ and DOI have for tribal law enforcement training, and will those resources be expanded to cover the Alaska Pilot Program? Finally, will the National Indian Country Training Initiative include new training regarding all VAWA 2022 provisions, including the Alaska provisions?
  - b. DOJ and DOI should also build on the June 28, 2019, DOJ law enforcement emergency, which led to additional justice resources for the area; however, the majority of the funding never reached Alaska Native Villages. DOJ should build on that declaration and work with the DOI to provide comprehensive justice and public safety funding directly to Alaska Native Villages rather than to the state of Alaska.
4. Ensure that the STCJ grant program and the STCJ reimbursement program are easy for Tribal Nations to apply for and report to the appropriate agency. Additionally, the programs should be improved to be culturally responsive to the needs of Tribal Nations and not locked into a hard list of allowable costs or requirements. VAWA 2022 notes that the reimbursable expenses shall include "costs incurred in, relating

to, or associated with,” the four designated reimbursement areas. This flexible language allows DOJ to be much more expansive than only the four designated areas in the law. For example, there are dire infrastructure needs across Indian Country and Nations are unable to prosecute perpetrators if they do not have roads to drive on or courthouses for trials. The NCAI Task Force urges DOJ to include this flexibility in their reimbursement regulations. DOJ should also take into account the recommendations tribal leaders presented during the various consultations on the tribal reimbursement program;

5. DOJ and DOI should fund the Alaska Pilot Project sufficiently and make building infrastructure allowable for all Alaska Native Villages interested in exercising STCJ going forward;
6. The Bureau of Prisons (BOP) should overhaul its tribal prisoner program to make it easier for Tribal Nations to submit inmate placement requests and ensure that they have BOP staff on hand to respond to Tribal Nation inquiries. Additionally, BOP should cover transportation costs for Tribal Nations to transport inmates to designated facilities or coordinate with Tribal Nations to provide federal transportation to the facility;
7. DOJ and DOI should support legislation that would fully restore Tribal Nations’ jurisdiction over all non-Indians for any offense;
8. DOJ and DOI should support legislation that would remove the limit of number of Tribal Nations eligible to exercise restored jurisdiction under the Alaska Pilot Project; and
9. Increase funding for Tribal Nation implementation of Special Tribal Criminal Jurisdiction for DOJ, DHHS, and the BIA.

## **Topic 2: The Department of Justice and Department of the Interior Must Not Pull Vital Resources out of Indian Country After the Castro-Huerta Decision**

Since the June 2022 Castro-Huerta U.S. Supreme Court decision, Tribal Nations have been concerned about the federal government pulling much needed justice related resources from Indian Country. Tribal Nations have already seen this trend on the ground in Oklahoma. Tribal Nations have shared with the NCAI Task Force that Federal Bureau of Investigation (“FBI”) agents and staff are being pulled from the state since the 2022 decision. They have also shared that some U.S. Attorneys in the state are declining to take on cases against non-Indians in favor of sole state or local government prosecution. All of this being done with no coordination or government-to-government consultation with the Tribal Nations within Oklahoma. This is especially concerning after Congress and the Administration sought to invest more justice resources in Indian Country located in Oklahoma following the 2020 McGirt decision.

The U.S. Commission on Civil Rights in their 2018 Broken Promises Briefing Report noted that the, “unequal treatment of tribal governments and lack of full recognition of the sovereign status of tribal governments by state and federal governments, laws, and policies diminish tribal self-determination and negatively impact criminal justice, health, education, housing and economic outcomes for Native Americans.” The retreat of federal staff and resources from Indian Country, and ignoring Tribal Nations when making decisions about safety in Indian Country are the exact type of policy decisions that the Commission warned against. The NCAI Task Force strongly urges DOJ and DOI headquarters to reach out to their staff in Indian Country to ensure this retreat stops.

On September 2, 2022, Monty Wilkinson, Director of the Executive Office for United States Attorneys, issued a memorandum to all U.S. Attorneys, Criminal Chiefs, Tribal Liaisons, and Victim Witness Coordinators. In the memo, Director Wilkinson states that the ruling in Castro-Huerta “does not alter federal jurisdiction to prosecute crimes in Indian country pursuant to 18 U.S.C. §§ 1152 and 1153. Nor does the decision diminish the

federal government's trust responsibility to Tribes." The Director goes on to direct U.S. Attorneys to "not alter referral practices without formal consultation with Tribes in their districts, bearing in mind the important principles of Tribal sovereignty, [DOJ's] government-to-government relationship, and the importance of partnership and open communication." He goes on to state that "the Department [of Justice] considers it a priority to address the disproportionately high rates of violence experienced by American Indians and Alaska Natives by promoting public safety in Indian country. The Castro-Huerta decision does not alter this mission, and communication, collaboration, and coordination among federal, Tribal, and state partners will help meet that goal." The NCAI Task Force fully supports the directives in this memorandum and the Director's express recognition of the link between tribal sovereignty, tribal consultation, and safety in Indian Country.

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

1. DOJ must ensure that the September 2, 2022, directives are implemented on the ground in Indian Country.
2. DOJ must ensure that not only are U.S. Attorneys following the direction of Director Wilkinson but that a similar statement and direction is issued by FBI Director Christopher Wray to FBI agents in Indian Country to stop the FBI retreat from Indian Country.
3. DOJ should provide training and education for U.S. Attorneys, FBI personnel, Criminal Chiefs, Victim Witness Coordinators, and any additional relevant DOJ staff on the directives from Director Wilkinson.
4. DOI should issue a similar memorandum to relevant DOI and BIA staff located in Indian Country and provide training to those individuals.
5. The NCAI Task Force urges DOJ and DOI to reverse course and instead pour more staff and resources into Indian Country to ensure that safety is increased in Indian Country rather than decreased.
6. In his memo Director Wilkinson notes that "[i]f, after Tribal consultation, your [U.S. Attorney] office refers certain matters to state or local partners, you should maintain a list of all such cases." DOJ should publish those lists of tribal consultations and cases that were referred to states after tribal consultations took place. This list should include the time and date of the tribal consultation and the time and date the case was referred to the state or local government.

**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 2. According to the 2018 DOJ Indian country Investigations and Prosecution Report, the 94 offices of federal prosecutors, respective FBI Offices, and BIA offices are responsible for responding to crimes for 200 tribal nations, which represent fewer than half of all federally recognized Indian tribes. An adequately resourced local tribal response to prevent abductions and murders is critically important in Indian country. In 2018, the DOJ noted in their report to Congress that it is the Department's position that prioritization of initiatives in Indian country, including the effort to build capacity in Tribal courts, will lead to enhanced public safety for Native Americans. The lack of resources for tribal nations is a continuation of the history of genocide committed against the Indigenous people of this country. AI/AN women are missing and/or murdered with little to no response from law enforcement. The lack of response is exacerbated by the federal government's failure to adequately fund tribal services and tribal law enforcement.

***Recommendations for DOJ, DOI, DHS, and DHHS:***

1. MMIW often occurs in connection with domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that OVW, FVPSP, DHS 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, DHS and DHHS should implement the following recommendations:

- a. Implement NCAI recommendations regarding tribal set-aside from the crime victims fund to assure that resources reach victims, survivors, and their families.
- b. DHS should require each department within the agency to develop and implement MMIW protocols in consultation with Tribal Nations. This would further the mission established by the President in Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People. DHS is the youngest federal agency, with the largest federal budget after the Department of Defense yet only a minuscule amount of that funding makes it to Tribal Nations. Everyday DHS agencies and DHS staff work within Indian Country and interact with tribal citizens. However, DHS does not have protocols to respond to MMIW cases. For example, Customs and Border Protection could better coordinate with Tribal Nations on MMIW cases that occur near U.S. Borders, the Transportation Security Agency could train staff on how to spot human trafficking victims and coordinate with Tribal Nations on cases, the Cyber Security Infrastructure Security Agency could help train tribal staff and citizens on how to protect against traffickers, the DHS Blue Campaign could offer free culturally specific information campaigns for Tribal Nations (this is notably important since VAWA 2022 restored tribal jurisdiction over sex trafficking), and the Federal Emergency Management Agency could coordinate with Tribal Nations to help find MMIW victims during or after disasters.
- c. DHS should establish permanent MMIW staff positions within the Department. Currently DHS has one staff person on detail from the Department of the Interior handling MMIW issues for the entire Department. This is not enough staffing to address this issue with each agency within the Department and since it is not permanent, there is no guarantee of ongoing MMIW work once the person on detail leaves.
- d. DHS must fully staff its Office of Tribal Affairs in the Office of Intergovernmental Affairs with at least six staff members to coordinate tribal issues within DHS. Currently there is only one career staff position in the DHS Office of Tribal Affairs and the person that occupied that position for over seven years recently left. Where there are a few additional staff on detail to DHS now to help with some tribal specific issues, the same issue of the lack of follow through on tribal issues and MMIW matters once those detail staff end their tour.
- e. Fully implement the 2005 reauthorization of VAWA NIJ research program and provide tribal nations information regarding missing and murdered AI/AN women, including unique barriers facing Tribal Nations and Native women in P.L. 280 states.
- f. 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.
- g. 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:
  - i. The cremation of the AI/AN woman's remains without notice or consent of a family member.
  - ii. The denial of request by mothers and other immediate family members to see the bodies of their loved ones.

- iii. Mailing and shipping remains without notice to the family and sometimes without proper clothing and modesty covers.
- iv. 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.
- h. Provide direct funding to Tribal Nations to help their families transport their loved one home and lay them to rest in a culturally appropriate manner.
- i. 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 and by Executive Order 14053.
- j. 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.
- k. Implement the recommendations in the section below titled “Accountability of Extractive Industries for Violence Against AI/AN Women.”
- l. DOJ should investigate state and local agencies, like Montana state and local justice officials with a pattern or practice of inadequately responding to cases of missing and murdered Indigenous women and girls.
- m. DOJ and DOI should support the Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act or BADGES bill, which was introduced today.
- n. DOJ should ensure that data on Indian Country, Tribal Nations, and tribal citizens are included in the various reports required by Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. In particular, the public reports that contain anonymized data from the Accountability Database should include a breakdown of what cases occurred in Indian country and in what BIA region that conduct occurred.

**Topic 4: 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. Support a permanent tribal set-aside fix to the Victims of Crime Act (“VOCA”) tribal funding stream that reflects actual tribal needs and allows for flexible use of funding.
2. The NCAI Task Force has also urges OVC to commit to regular government-to-government tribal consultations on the program moving forward to improve the distribution, management, and administration of Tribal Set-Aside Program and determine how regulations should be tailored to address unique tribal needs.

3. OVC should appoint a Standing Working Group of tribal experts to improve the Tribal Set Aside Program and provide input on programmatic decisions on an ongoing basis. Ongoing consultation and consistent input from Tribal Nations are imperative to ensure the ongoing success of the program. Had there been a Standing Working Group in previous years, there would have been regular meetings at which tribal subject matter experts could have provided input regarding the challenges that have been identified thus far and helped with properly framing the issues within the framing paper as one example of a benefit. The NCAI Task Force again strongly recommends that OVC appoint a Standing Working Group of Tribal experts to improve the Tribal Set Aside Program.
4. 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. Tribal Nations 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. 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.
5. OVW should allow historical trauma and intergenerational trauma to become named victim services.
6. Extend the CVF grant project period for up to 4 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.

#### **Topic 5: 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. The 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.

Recently, the BIA submitted a report to Congress estimating that to provide a reasonable base level of funding to all federally recognized tribes: \$1 billion is needed for tribal law enforcement, \$1 billion is needed for tribal courts, and \$222.8 million is needed for detention. Based on recent appropriation levels, the BIA is generally funding tribal law enforcement at about 20 percent of estimated need, tribal detention at about 40 percent of estimated need, and tribal courts at a dismal 3 percent of estimated need. In P.L. 280 states, Tribal Nations have virtually no BIA law enforcement presence or funding for courts and law enforcement other than what is appropriated from year to year, essentially providing no sustainability or safety. It is imperative not only to fully restore Tribal Nations’ jurisdiction over non-Indian perpetrators but to also provide funding for their justice systems so that they can make Indian Country safer for everyone that lives there.

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

1. BIA should continue to request appropriate additional federal funding to provide public safety and justice resources to tribal nations located in P.L. 280 states.



2. DOI and BIA should support legislation that would ensure that terminated and re-recognized Tribal Nations are able to receive BIA funding. Currently legislation prohibits BIA from funding terminated Tribal Nations that have been re-recognized by the federal government and this must change.
3. 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.
4. 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 6: 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, DHHS, 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, DHHS, DHS, 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, DOI, and DHS 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 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 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 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.

2. The U.S. Attorney General should work with the DOJ Tribal Nation Leadership Council to address public safety, criminal justice, and other critical issues facing Indian country.

### **Topic 8: 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 9: DHHS, Administration for Children and Families, Family Violence Prevention and Services Program**

During the 2021 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, funding for tribal coalitions, authorize permanent funding for the Alaska Native Tribal Resource Center on Domestic Violence, the Native Hawaiian Resource Center on Domestic Violence, and the National Indian Domestic Violence Hotline.

### **Topic 10: The U.S. Attorney General Must Continue to Submit the Statutorily Mandated Annual Tribal Consultation Reports and Indian Country Investigations and Prosecutions 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 changes that will address the disproportionate rates of violence against AI/AN women. The VAWA Annual Tribal Consultation Reports and Indian Country Investigations and Prosecutions Reports to Congress are important mechanisms for ensuring that the legislative and executive branches continue to coordinate and collaborate to this end.

#### **Recommendations for DOJ:**

1. The U.S. Attorney General and DOJ must consistently and timely submit the VAWA Annual Tribal Consultation Report and Indian Country Investigations and Prosecutions Report to Congress as mandated by law; and
2. The U.S. Attorney General and DOJ must continue to publish the transmittal letters for each VAWA Annual Tribal Consultation Report to Congress on the DOJ website.



## Akiak Native Community

*Michael “Mike” Williams, Chief - Tribal Leader (Oral Virtual & Written)*

The Akiak Native Community supports NCAI’s written consultation testimony. We stand shoulder to shoulder with all tribes, advocates, survivors and others who work tirelessly to identify systemic barriers and solutions. Like many tribes and Indigenous peoples around the world, we are a people of great strength and resilience, rich in our culture, and surviving in the face of:

- Long time challenges to our self-determination and authority;
- The stealing of our lands and natural resources; and,
- Breach of federal trust responsibility that we see reflected in the unacceptable rates of violence against Native women, including women who go missing and or murdered.

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.

### **Topic 1: Underfunding of Tribal Justice Systems**

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.

Recently one of our Tribes in Alaska shared that an OVW staff member assigned to them did not support what the grantee was trying to do, even though it was in the scope of their work. Additionally, they were pushing the tribe to do training and seek technical assistance outside of Alaska, when we have been happy working with Alaska Native Women’s Resource Center {ANWRC}. This feels like a larger policy issue, such as why would OVW remove Alaska specific Technical Assistance (TA) providers from their solicitation? Alaska tribes have unique barriers and Alaska Native Specific TA is the only TA that helps tribes meet the needs of the survivors in so many under-resourced tribes in AK. We know that when a TA provider is from outside that state, we spend far too much time educating about these unique issues which is counter to what should be happening. In this context, OVW, DOJ, and all federal agencies administration of tribal resources must help, promote, and encourage tribal nation-building and assist with infrastructure need,s not micro-manage or impose your ideas and interpretations. The stronger our tribal nations’ capacities to respond to violence against women rooted in our tribal specific cultures the greater our chances of preventing such violence. This will be important to understand while developing and implementing the Alaska pilot project authorized with VAWA 2022, which the Akiak Native Community will do our best to participate in.

#### **Recommendations:**

1. Provide regular predictable and sufficient funding for implementation of the OTJ AK pilot project in Alaska for comprehensive law enforcement, justice systems and victim and offender services.

2. Fund technical assistance providers for the Alaska pilot project immediately similar to how NCAI was funded for VAWA 2013.
  - a. Funding cannot be contingent on tribal Justice systems looking and acting like the Western Court (this only continues the colonization approach); tribal justice systems as defined by the tribes themselves must be allowed to develop and their decisions recognized.
3. Formation and funding of an Alaska inter-tribal workgroup for all tribes aspiring to be a pilot project tribe whether in the first year or in the future, similar to the ITWG, to achieve advice and direct the STCJ Alaska pilot project.
4. Support for Tribal Law Enforcement recognition and support fixing legislation and 25 C.F.R. § 12.21 that authorizes special law enforcement commissions.
5. The travel reimbursement program should be the least restrictive possible to tribal governments.
6. Provide funding for a dedicated tribal liaison in the Alaska United States Attorney's office to carry out statutory duties required under 25 U.S.C. § 2810
7. Prioritize and release the Alaska Special Tribal Criminal Jurisdiction Training and Technical Assistance Solicitation for Alaska tribes designated by the attorney general and put participating tribes under the Alaska pilot program immediately.

To best assist ALL tribal governments and enhance the safety of ALL Native women, federal solicitations and awards to tribes need to:

1. Be non-competitive which better fulfills the federal trust responsibility, which is not a discretionary relationship between federal and tribal governments;
2. Have special conditions and grant requirements that are respectful of the unique legal nation-to-nation relationship; and,
3. 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 2: Support for Native Women to Decrease Vulnerability and Victimization**

While so much more work must happen to reform our state, federal and tribal justice systems, responses to violence against women are equally important and that needs robust support, so that Native women have available to help them what they need to heal from victimization they've experienced as well as decrease their vulnerability and prevent further victimization. Testimony provided 43 years ago still holds true today regarding specific barriers women face including:

- Economic security or financial dependence on their abusers;
- Lack of access to their 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 time 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. Ensure that OVC is appropriately staffed and understand the challenges of all tribes to work towards solutions to create safe communities. We also need staff working these grants to be working on Alaska time, not the region they are located in.
2. Establish a standing tribal VOCA advisory committee to guide its decision-making about the implementation of the tribal set aside. Fund a cadre of TA providers who can work with tribal governments to develop multi-year tribal strategic plans for developing Crime Victims Services appropriate for the communities. These TA providers should be organized regionally and should be funded to travel and engage in the communities they serve.
3. Alaska needs TA providers from within the state who understand our needs.
4. Push for improvements to the laws, policies and regulations for VOCA funding that allows for funding services and departments tied to victim services. We need to be able to fund core Criminal Justice Services. We need flexibility to build our programs as we deem necessary for success. We need to fund law enforcement, court services, perpetrator services and prevention.

In the same way that VAWA funds have built up and invested in state justice systems across the country, VAWA funds must support advocacy, shelter, sexual assault and sex trafficking services for victims and survivors, investing in intervention and prevention.

We support OVW using tribal government program funds, including de-obligated tribal and non-tribal OVW program funds for flexible financial assistance for survivors and families of MMIW. Could the Tribal Innovations Grant money be reprogrammed for helping Alaska tribes build capacity? Indian tribes and their authorized designees must be the eligible recipients.



## Alakanuk Tribe

*Marilyn Stanislaus, Council - Tribal Leader (Oral)*

I have been a foster child and now a foster parent for quite some time and recently adopted. I was once that child in the system without a voice. Now, I have a voice as an adult.

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

The first thing I would like to address is law enforcement. Many communities lack help with troopers having a big workload and having to serve multiple tribes. In our community, we have had an unsolved case where a young guy was missing and to this day, he has not been found. No leads, no update on the case. Due to lack of training, we have poor investigations and the response is slow from other agencies. I lost my son to suicide and we had to wait almost a whole day for law enforcement to come. We had no local health expert, only someone in training so other people in our community stepped up and helped with what needed to be done.

### **Topic 2: Healthcare**

The second issue is health-care because villagers are in need of more help. Some of our communities have no health aide and we have to rely on floating health aides which are under the health care system and are willing to fly out to different communities for sometimes two weeks at a time.

### **Topic 3: Foster Care System**

I would also like to address the Office of Social Services {OSS} and foster care. The majority of our rural communities have too many children under the OSS system which results in children having to leave their Native communities due to lack of local foster homes. Then they lose their culture.

### **Topic 4: Lack of Fish**

With the lack of fish, there has been a big decrease and lack of opportunities for those that relied on seasonal work. A lot of our communities have not been able to put away enough fish for the winter. This has caused more illegal things like alcohol, drugs and other substances in our villages. And, more families that have to rely on assistance and other programs as well.

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

1. Additional resources for our youth. Children are our most precious resource. They are our future elders and they should be given every opportunity to be successful. Cultural and traditional values identify who we are as Indigenous people. Passing on knowledge, utilizing our precious elders should be a priority for every rural community and should be taught in the schools. Using our message and teaching from our altars will instill identity and priority in our youth.



## **Alutiiq Tribe of Old Harbor**

*Phyllis Cough, Council Secretary - Tribal Leader (Oral)*

*Wanda Price, OVW Resource Coordinator - Authorized Designee (Oral)*

*Annie Lewis, Board Member and Administrator - Authorized Designee (Oral)*

Old Harbor is on the south end of Kodiak Island. Our tribal administrator says if a tribal member shoots a bear that gets too close to his family, his home, his fish, authorities are called and action is taken much quicker than if a tribal female is assaulted. This has to change. This needs to change. We demand change.

### **Topic 1: OVW Funding**

For all the support and services provided to our community by OVW, the women of our community have benefited in many ways due to this funding. There is a better awareness of how to address the underlying cause of abuse. Having this program has created a space and place for our women to get help, prevent and start to change these learned behaviors. Knowledge of these issues is a start. We included our children, husbands and other significant others at special events. We need to educate everyone about how to change this behavior at all levels. It is essential we continue to provide support for our women who have survived or experienced abuse. This knowledge and awareness gives our women the tools necessary to take control of

their lives so they know what they are capable of and can do for themselves and their future. OVW is helping to break this cycle.

Now to outline the challenges:

- We should not have to compete with other tribes and organizations for these fundings. The money should be set aside for all tribes in need;
- We are losing members of families because of the cost of living, lack of affordable housing, lack of jobs, infrastructure, and services needed to make sure our people are safe, healthy and successful;
- Echoing the statement regarding the challenges of the victims of violence, one is safety in services, to not only get justice but to get services to begin healing; and,
- Having only one VPSO, we need troopers in a timely manner, and we need shelter. We partner with others but due to the weather sometimes it is hard to get people in and out. That means sometimes victims must be kept in an office due to no shelter in our community.

**Recommendations:**

- We would ask OVW to find ways to increase this funding so we don't experience gaps in services and victims do not have to wait.
- We need you to keep your word and limit the challenges each tribal community shares this week.

We appreciate all that OVW and other programs are doing to provide services but listening to all the stories and all the testimonies, I'm angry. There has got to be more. There has to be more done. Changing the attitude towards the Alaska Natives and American Indians. That we are valued. We should be valued. We should be treated with more respect.



## Anvik Tribal Council

*Robert Walker, Chief and Tribal Council - Tribal Leader (Oral)*

### **Topic 1: Accountability for Boarding School Atrocities**

I am a product of a boarding school in the state of Oregon. In that boarding school, we had tribes from Alaska and all over the Southeast United States, but we were like one big family, because nobody went home. I was so ashamed to present myself to people. And here it was that they were not being protected back in the 50's and 60's, because the state was a territory before it became a state and it was kind of like all of these atrocities that happened to men and women, they had nowhere to go, nobody to talk to. On behalf of all the students that went there, nothing has ever been done for all of the atrocities committed.

### **Topic 2: Tribal Police and Basic Protective Services**

For tribal police, all of our officers do not have a taser or any kind of weapon. They are not trained to have one. The offices are vacant. So again, we are back to the drawing board to find basic protective service for tribal members. A community hub was proposed and located one and a half hours away by airplane. The state has three troopers for all 46 villages in the area, something like 176 square miles.

A year ago, we were finally notified about a 2012 rape case that had happened. Kits were finally tested and professionally identified. Eight years later. However, we have had other sexual assault cases that have not been charged. Rape is rampant among our community and tribes and making people scared. You should be able to be safe in your community. The backlog of untested rape kits is a true safety risk. Having no resolution for such violent crimes has a huge impact on the community's feelings and safety.

***Recommendations:***

1. If we had some kind of first responder there in the first two hours, this would make a big difference. Then we could get a conviction, get a violation or whatever from the court.
2. We need consistent money for courts, law enforcement, public defenders, prosecutors, and services as we define it. We can barely pay minimum wages. There are no benefits provided because we cannot afford it. We are a training ground; as soon as someone gains the skills then they move on to a better job. It is stressful to our community. In 2022, we spent more money in Ukraine than here on our own people.
3. Isolation severely limits access to services and ability to connect with friends, family and the supply system. The lack of a supply system, especially in rural communities creates a safety risk for our children.
4. Improve the limited broadband access which connects rural communities for support.
5. Grant Managers assigned to Alaska should be mandated to work Alaska hours.
6. The tribal reimbursement program should be the least restrictive possible to tribal governments, providing funding for a dedicated tribal liaison for Alaska's state attorney's office to carry out statutory duties under 25 USC 2010.

**Topic 3: Special Tribal Criminal Jurisdiction**

We have support for tribal law enforcement, the Alaska State patrol, and support for legislation; 25 CFR 12.21 authorized special enforcement permissions.

In Alaska, our court systems cannot succeed the state. As for tribal jurisdiction, Alaska tribes are mostly ignored or forgotten. We are left to our own devices, which results in tribe members like myself being the responders to crimes and tragedies.



**Asa'carsarmiut Tribe**

*James C Landlord, Chief - Tribal Leader (Written)*

*The Honorable Gloria George, Second Chief - Tribal Leader (Oral)*

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

*Mavis Beans - Authorized Designee (Oral)*

*Catherine Moses - Authorized Designee (Oral)*

We're a small community with approximately 800 residents located along the lower Yukon River approximately five miles from the Bering Sea coast. Our home is beautiful, but we have many challenges with violent offenders, illegal trafficking of alcohol and drugs into the village, and high rates of suicide.



### **Topic 1: Funding and Retention of Law Enforcement**

We have come a long way in using VAWA programs. We now have a safe house and a tribal police office building that is near completion. We have a strong, dedicated staff, implementing and improving our programs and services. However, like most of the rural villages across our state, we have a hard time retaining police officers for reasons such as lack of training, no backup, long hours, rural isolation, all causing burnout and in some cases, PTSD. Villages like ours often see offenders coming back to the village without proper sentencing, because of inadequate or incomplete police paperwork. This sends a message that they can get away with hurting our women. Making sure that police are adequately trained is important because healing is key.

### **Topic 2: Lack of Housing**

Lack of housing continues to create problems. Women will choose to tolerate abuse. Violence increases because of housing shortages. Domestic violence is the most reported crime in our community. Homelessness is the most requested need of assistance. About a quarter of our population in the village is homeless. Lack of funding is one of the main reasons.

### **Topic 3: Impacts of Lack of Internet**

One of our major hurdles we experience is Internet issues. We can go days and weeks without the Internet. We understand the federal government's desire to put fiber optics everywhere so the small tribes in Alaska will be forced to wait for several more years, maybe decades for the arrival of this technology. Tribes are being ignored by the National Telecommunications and Information Administration (NTIA); they aren't listening to us.

(Personal Account for Gloria George): On the day she provided this oral testimony at consultation, she found out her biological niece was killed. On September 28, 2022 (7 days later) an update was provided to the family that in fact the girl was murdered. Although her death is tragic and has utterly distressed her community, we are grateful this crime did not become one of the many unsolved cases against Alaska Native Women.

(Personal Account for Mavis Beans): I was a victim of physical abuse. When things first started to get physical in my own former relationship, I was scared. Scared of being hurt and scared of being bruised where people would see, especially on the face. For years I was silent about what happened, covering up and trying to hide the bruises. But then my grandmother told me not to hide or cover up. Show it off and if people ask don't be afraid to tell them what happened. Over the years my former partner learned that bruises wouldn't be hidden anymore. I learned to defend myself even though he was physically stronger than me. The hands around my throat was the last physical abuse. It was then that I realized the danger I was in and I'm ever so thankful to be alive. After having been through all that I am more happy and grateful that I am out of the violent relationship and can help others.

(Personal Account for Denise Peterson): I grew up a victim of a violent abusive household due to alcohol. I raised my family in a sober house, but the emotional, mental and verbal abuse was still there. It wasn't recognized because it was "normal" to me. In 2017, my brother committed suicide and I hit rock bottom. I got into drinking, wasn't working, and was full of hate and anger. The pain does not go away because every time you hear of a suicide it all comes back and you start from square one of healing. I am a victim of suicide. Those that die by suicide are often victims of crime that can no longer handle the pain of their trauma. I am also a

domestic violence survivor, with hope that all the grants and programs continue and find a way to stop what is happening.

***Recommendations:***

1. We recommend increased and adequate tribal justice funding. Lack of tribal justice only adds to our problem. This lack of funding and assistance from both the state and federal government openly fuels the crisis of violence and trauma.
2. The tribe does what we can with funding. We are grateful for that resource. We know we can do better with providers closer to home. We need a resource that is not separated by a huge time difference. We recommend the DOJ provide federal funding for public safety and justice programs.
3. We need flexibility to hire additional law enforcement and public safety officers. Currently funding does not allow for expenses or other personnel to be employed.
4. There are federal grants with a lot of special conditions. We need to be more flexible. We have 50 special conditions for one grant.
5. Ensure OVC is appropriately staffed and trained to understand the challenges of all tribes. Have technical assistance providers that have actual knowledge or experience working with tribes in the region they work in. To understand the challenges of all tribes, we need providers from within the state.
6. We need more funding for culturally based services. Education and awareness of domestic violence.
7. We need adequate high-speed broadband capability now. There are days we can't log into grants. This is one of the reasons our reports are being late. All of our reports are online and we can't complete the reports if our Internet is going to timeout all the time. It would help if we could download and upload the same document online instead of re-inputting the data.
8. Federal agencies need to coordinate and streamline all available programs so that there is consistency and ease for the tribes to have a chance. All the various electronic grant platforms, different finance requirements, and different special conditions make the prospect of applying for and managing federal grants seem like an impossible task.
9. List historical trauma as a harm that can be served under the Tribal Victim Set Aside; suicide is a result of historical trauma.
10. Require OVC and DOJ to work towards amendments in the law that serve tribal needs, including infrastructure, court services, and law enforcement.

**Topic 4: Power of Hope**

You know, we are here with so much hope, all of us, hoping that we make a change. Hope is a favorable and constant expectation. You hope for what you can't see and what you don't have. Hope brings joy. Hope is the happy anticipation of good. I noticed that with every testimony we hear, towards the end, there is always some sentence with hope. When you all go back to Washington after hearing our testimonies, I hope you will pass on to your supervisor or whoever is in charge that you carry all of our hopes back with you.



## Association of Village Council Presidents

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

The Association of Village Council Presidents (AVCP) is the largest tribal consortium in the nation with 56 federally recognized tribes as members. Our tribes are in 48 villages along the Kuskokwim River, Yukon River and Bering Sea Coast in an area the size of the state of Washington. Our villages in rural Alaska are remote and are not on the road system. Tribes on the Lake Delta and across rural Alaska are facing layered emergencies in a long term public safety crisis, a continuing COVID-19 pandemic, and an unprecedented salmon crash.

### **Topic 1: A Permanent Source of Funding for Alaska**

Alaska is the deadliest state for women. The rate of women killed in Alaska is four times higher than the rest of the United States. Alaska Native women also experience the highest rates of domestic violence in the country. Many Alaska tribes rely on grants, donations or fundraising through raffles or bingo to fund our public safety programs. We are decades behind our sisters in the Lower 48 in terms of public safety, infrastructure development, safety and service. Alaska tribes need a permanent source of funding to secure the fundamental and basic resources necessary to provide public safety.

### **Topic 2: Implementation of the Alaska Pilot Project**

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.

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

1. We need to address public safety in all of our communities, basic public safety. These basic services are necessary for our tribes to exercise criminal jurisdiction over Indians within village boundaries under VAWA Section 813 A or special criminal jurisdiction under the Pilot Project.
2. Create an Alaska Specific Inter Tribal Technical Assistance Working Group on special domestic violence criminal jurisdiction. Although participating in the current working group is beneficial, an Alaska specific working group will allow Alaska tribes to focus on issues unique to Alaska and work through issues experienced by Alaska pilot tribes.
3. Hire a dedicated tribal liaison in the Alaska United States Attorney's Office. This will help bridge the gap between tribal and federal prosecutors, answer questions and concerns from tribal law enforcement investigations and prosecutions, advise the U.S. Attorney on legal issues related to tribes, and facilitate multi-disciplinary teams to review child abuse reports involving Indian children.

In closing, Alaska tribes deserve the same access to public safety as any other community in Alaska or in the lower 48. We cannot continue to ignore the needs of Alaska tribes. These recommendations need to be addressed.



## Beaver Village Council

*Rhonda Pitka, Chief - Tribal Leader (Oral)*

There are about 21 years of tribal consultation testimony and reports. I feel the problem has been stated well enough by a lot of other people before me. We will get up on the stage and bleed and cry, and try to get the federal government to meet its obligation to fund our tribal governments properly for the work that we do. It is not my job to come appear and tell yet another unbelievable yet factual story about the problems in our villages. Those have been well documented.

### **Topic 1: Grant Websites**

In our small villages, we sometimes have 5-6 different interfaces that we have to learn in order to upload a basic grant. Every time you learn a new one, the federal government wants to make it better and newer and nicer. I don't need to sit there for six hours per day to upload things on a bad and limited Internet.

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

1. OVW provides technical and training assistance to our villages.
2. We start cooperating and working together on these interfaces. There's at least 17 different websites you have to go to; one for getting paid, one to upload information, etc. It's all very clunky.



## Cahuilla Band of Indians / Cahuilla Consortium

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

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.

### **Topic 1: Violence Against Women Act Reauthorization 2022 Alaska Pilot Project**

We would like to ask about how we can get involved, as this may assist us in our education and formation for something in the future. We were curious as to how many tribes met the statutory criteria in phase two of the pilot project and what consultation with those tribes assisted them in establishing the start date.

There is a tremendous amount of foundation building that would need to occur with funding to procure staff to spearhead such a project. This is a key barrier as we experience issues retaining and staffing key professional personnel due to our rural location alone. A common theme among tribal nations regarding state law enforcement response to tribal calls has been small to none.

Another barrier is the increased inflation of housing costs and the lack of available and safe, low income housing options. These impacts are barriers that must be taken into consideration when program solicitations

are being drafted. We support the new initiative for Fiscal Year 2023 that would enhance outreach and promote OVW tribal funding and resources on a regional basis throughout Indian Country.

***Recommendations:***

1. We would encourage OVW to follow OVC's lead in their two step grant application process and the simplified approach that was implemented for the application process, which eliminated some of the redundancy of the application package, but more importantly, provided options for how to submit the narrative.
2. There should be more follow up for those tribal applicants who did not meet eligibility criteria on the various 2021 OVW solicitations providing them with information and education to explain what made the applications ineligible. This is important as we are one of those ineligible.
3. Continued support for online submission of protective orders or restraining orders, as this has assisted with the ease of submission, especially for those of us living more than an hour away from a courthouse during the pandemic when in-person services were closed. It was through the online submission of restraining orders that we were able to continue to go after protection orders.

**Topic 2: The Savanna's Act**

We would like to thank those involved in the decision making process and for their work on the implementation of Savanna's Act and the Not Invisible Act and working to coordinate efforts to consult with tribes. There is movement to shed light on MMIW and MMIP epidemic; however, there is still much more that needs to be done in regards to Savanna's act implementation. For example, in our region of Southern California we have had no consultation or requests for meetings from our local law enforcement or other agencies. I would like to say that consultation or coordination with tribes in the area that is home to 12 tribes is not true. I do not want to be remiss in the fact that we have had engagement from California's Office of the Attorney General's General Office of Native American Affairs, as well as the Assistant U.S. Attorney to the Tribal Liaison and Community Outreach Office of the US Attorney. Southern District of California. In sum, it is the local level that appears to be the missing component under number three, strengthening the federal response.

**Topic 3: Indirect Cost Rate Agreements**

There is still a backlog for approving indirect costs rate agreements through the Department of the Interior. We need IDC funds to keep the administrative side of the project's work going. While it is helpful that project work can move forward while waiting for an agreement to be approved, having a hold on the IDC funds means that all the auxiliary support which is vital to small tribal administrations is not turning, which impacts the whole of the project.

***Recommendations:***

1. Timely turnaround for these types of approvals is essential.
2. We recommend the continued implementation of flexibility on programs, keeping in mind the current issues with the economy across the U.S. and the impact of the COVID-19 pandemic that we appear to be experiencing in unique ways now. Inflation alone will impact current grant project budgets as the price of a gallon of gas in 2021 is not the same as 2022, as goes with many other necessities.

#### **Topic 4: Data Sharing**

On the topic of data sharing and access to TAP, we do not have access or the capacity or infrastructure needed to access it at this time. On the issue of how data is collected and the accuracy of it, there is a need for training on how to ask vital questions pertaining to ethnicity. Again, often agencies are not identifying Indigenous people correctly and focus on racial traits rather than ethnicity. That refers to cultural identification. This amount of miscalculation can skew data resulting in referrals not getting made to tribal resources.

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

1. A number for improving access to local, regional, state and federal crime information databases and criminal justice information systems would be helpful.
2. The burden should be on the state to provide data or statistics that outline the number of calls that state or local law enforcement have responded to on tribal land and off tribal land on behalf of an Indigenous person. As our Native people are often misidentified as Hispanic or other, this data should segregate a category for response calls to tribal casino businesses with categories for types of calls included under the statutorily mandated consultation topics.



## **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 34,000 citizens. We service 19 villages in Southeast Alaska, and 3 urban populations that include Anchorage, Seattle, and San Francisco.

#### **Topic 1: 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. Our communities are reliant upon the Alaska Marine Highway (ferry) system for transportation of our people and goods. Some of our communities will see the last ferry for months very soon because of budget cuts. This makes getting goods and services in these communities even more difficult. And fleeing violence will be almost impossible.

Anchorage is one of the deadliest cities in the nation for Alaska Native women. Our women die here, they are trafficked here. So it is fitting to have tribal consultation here to have meaningful and robust conversation about this topic.

#### **Topic 2: Alaska Pilot Program**

The Alaska pilot project brings an exciting opportunity to tribes to actively ensure the safety of our citizens and communities; it is also an immense undertaking for tribes who are already stretched administratively and with limited resources.

### **Topic 3: Tribal Jurisdiction**

Tribes have an inherent responsibility to protect our citizens and our homelands. In Alaska, the government has not recognized our inherent jurisdiction over our traditional homelands and our sovereignty to protect our citizens.

A core issue in Alaska is our emergency dispatch system. We recently heard a story of a 911 call getting dispatched out of Fairbanks Alaska, who then transferred the emergency call to Hoonah for a crime being committed in Hydaburg. This is like Florida dispatching to Oklahoma for a crime being committed in Portland, Oregon. We are left having to work around that system and who can you call if you can't call 911?

We hear a lot about response times, in some instances it's over an hour and a half to hear back after an emergency call due to the vast distance police have to cover, which emergency to respond to first, weather delays and restrictions of travel by boat, plane and sometimes foot. We here in Alaska want parity with the lower 48, it's time for us to get funding for our own police.

We contract with the state of Alaska to operate the Village Public Safety Office program and have VPSOs stationed in 7 communities throughout the southeast. The VPSOs are unarmed and cannot investigate felonies. They get called to domestic violence incidents and go in unarmed, all of us knowing that DV calls are some of the most volatile and dangerous calls to answer. This is unacceptable.

Tribes are understaffed and overworked. We need more autonomy and authority in expending funds as we see fit for our communities.

As Tribal governments we work with dozens of federal and state agencies. When we receive grants from these agencies, each with its own Grant manager and different Grant protocols, we have to learn all of them. We need a more streamlined way to get money to the tribes and we should not have to compete for it. It is time to streamline the process, not just for each of your departments but the DOJ as a whole. Consider looking at the 477 model where DOL, HHS, NS DOI figured out how to streamline the funding.

There needs to be better coordination among federal agencies to meet President Biden's top priority of safety and well being for all Native Americans and Alaska Natives.

When tribes self-govern, we do a better job than the federal and state governments combined. It is not a coincidence. Where the state has failed for decades to provide adequate Public Safety, tribes will need more than a 12-month pilot project to set up a system that will work for our communities.

### **Response to Framing Paper - Question 1:**

Alaska tribes haven't been able to exercise criminal jurisdiction. Will the state of Alaska honor our tribe's criminal jurisdiction? What will that partnership and concurrent jurisdiction look like?

- Tribes and Alaska are now able to hold non-Native offenders criminally accountable. What does "hold criminally accountable" mean? Are we exercising this jurisdiction on Native offenders as well?
- Does this give the state of Alaska the opportunity to wipe their hands clean from the responsibility of providing Public Safety to all Alaskans. How will the state engage to support this work and its obligation to provide?
- Could the tribe choose to focus on lower-level offenders rather than taking on all cases?

- Our tribe's practice is not to put people in jail. Our focus is on wellness and healing. There is a different value between Western Justice systems that are punitive and tribal Justice systems that are restorative. How will this difference be valued and honored?
- Funding is imperative, up front and full funding (not reimbursement.) What is the plan for sustainability?

**Response to Framing Paper - Question 2:**

The political and jurisdiction landscape is so unique in Alaska it would behoove the department to establish an Alaska specific InterTribal working group. Alaska tribes know best how to navigate the political landscape between the state of Alaska and the federal government and the various ways that these governments recognize, or don't, our sovereignty and jurisdiction.

**Response to Framing Paper - Question 3:**

- Working with the ANWRC or an Alaska inter-tribal working group that can focus on language and communication that ensures messaging is appropriate for Alaska communities.
- A tribe exercising criminal jurisdiction in a way that is community-based, with an emphasis on wellness and healing that treats people as valuable – the language you use is important; the Western practice of being punitive is not appropriate.

**Response to Framing Paper - Question 4:**

Based on the preference process for tribes participating, Tlingit & Haida would be interested in applying to Pilot by partnering with a local tribe. As a contractor of the state of Alaska, currently operating the Village Public Safety Officer program across the region, we are uniquely posed to work with each community to address their different needs and ensure success.

1. "How might tribes demonstrate that the majority of their citizens are Native?"
  - a. Tribes that participate could provide their enrollment numbers and compare that to the total population of the community
  - b. Please note using the 2020 census is not a reliable tool as Alaska Natives are historically under counted and does not provide an accurate number.
2. "How might tribes demonstrate that they do not have permanent state law enforcement presence?"
  - a. Map with distance from closest Super station.
  - b. If the community has a VPSO with limited jurisdiction does that count as permanent law enforcement?
3. "Determining that a tribe can meet all the requirements in the Indian Civil Rights Act of 1968 is a significant component of the selection process. 1.) Do you think the process used in the 2013 Pilot should be replaced, amended or replicated? 2.) Of the requirements listed in Appendix A, which present the biggest challenges and why? 3.) Are there other criteria that the Attorney General should consider before designating an Alaska Tribe to participate in the pilot program?"
  - a. Tribal certifications should be valid and would be a valuable tool in this process.
  - b. 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.



- c. Allow for recognition of the many positive outcomes and successes possible with operating an Indigenous justice system. Oftentimes perpetrators within our communities are part of our community and we want to see services to address their needs to stop the violence.

### **Response to Framing Paper - Question 5:**

It is one way of communication, but there are other Statewide organizations that can be used to ensure more tribes are reached; Alaska Federal of Natives, Alaska Tribal Unity, etc.



## **Chickaloon Native Village**

*Chief Gary Harrison, Chief - Tribal Leader - (Oral)*

I appreciate many of the things that have been shared with us today. A lot of them I've not only witnessed but have had happen to me. I've been to boarding school. I know a lot of the things going on.

### **Topic 1: Decolonization**

One of the things that we really need is decolonization. There's a lot of education that needs to take place regarding decolonization. Not only for our people but also for the colonists themselves. I live next to Palmer which is where they still celebrate colony days. We had a big incident this year.

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

1. One of the things that we need to do is to get funding for education.

### **Topic 2: Tribal Jurisdiction**

We need to have some understanding on what concurrent jurisdiction means. Because I don't think the state of Alaska knows what that really means. I believe they think it means they have restrictions. That's not the truth. They do everything they can to keep us out of what we need to express our rights and our responsibilities. We need to make an agreement with the State of Alaska.

We need to make agreements either on holding facilities or we need to make our own. This is a big problem. We need to make sure that our officers have backup. We are supposed to have full faith and credit in the courts. We also need full faith and credit and backup for our officers. We need to make sure that the courts work together. Even though they are supposed to with the full faith and credit, they don't.

We asked the state of Alaska in 1983 to work with us when we started issuing driver's licenses and license plates for our cars. They didn't. As a matter of fact, they did the opposite. We need to get past these things. A lot of these things are just plain racist. Just plain prejudice. They say, we need to change the laws. I'm not so sure that we need to change the laws. I think the regulations are what needs to be changed. Many of these laws do allow for us to have our own government, our own Police Department.

**Recommendations:**

1. We are one of the only tribes with a COPS Grant in Alaska. When they stop someone, they need to be able to call and find out who they are dealing with. It's one of the most dangerous things you can do, stop people in traffic.
2. We need to have the NCAI.
3. We need to be talked with. We don't need the state of Alaska just to talk down to us.



## Confederated Tribes of Grand Ronde

*Denise Harvey, Tribal Council Member - Tribal Leader (Written & Oral)*

The Confederated Tribes of Grand Ronde Warriors of Hope program provides confidential support to survivors and victims of domestic violence, sexual assault, stalking, sex trafficking, and dating violence. We provide choices for safety and healing. We listen, believe, and support you. We assist with safety planning, legal advocacy, crisis intervention, emergency services, safe housing, support groups, community education, and outreach. We work with all victims and survivors, and do not discriminate on the basis of race, color, national origin, disability, religion, sex, gender identity, sexual orientation and/or age. Thank you, DOJ, for the opportunity to have an amazing program in our community that provides these types of services.

### **Topic 1: Non-Competitive Grant Funding and Flexible Funding**

Grand Ronde has 5,400 enrolled tribal members. We have operated a domestic violence and sexual assault prevention program since 2014.

We are requesting support for non-competitive grant funding. Our DVSA program is 100% grant-funded; we had a phenomenal grant writer for the past 20 years who unexpectedly passed away. Finding a competent grant writer is not an easy task. Like many tribal communities, we are located in a rural area and positions are often left vacant for long periods of time.

Securing funds established by the Violence Against Women Act and subsequent legislation is critical in continuing our services. Our funding through OVW ends in 2023. However, since the grant is competitive, there are no assurances that we will receive continued funding each year, making budgeting and planning difficult. The uncertainty surrounding continued funding means that tribal programs may have to close their doors.

### **Topic 2: Childcare Allowance within Flexible Funding**

Another essential need in our community is funding for a licensed childcare facility. In our rural communities, there are very few options for safe, affordable childcare. When victims leave their abuser, they are forced to be single parents who need to work, but it is nearly impossible with no childcare options, so they struggle to support their family financially.

***Recommendation:***

1. Having licensed childcare in our facility would greatly assist our victims. Not only would it remove an additional burden and the stress of locating stable and safe childcare, it would allow them to focus on rebuilding their life for themselves and their children.

**Topic 3: Transportation Related Items within Flexible Funding**

Another area of flexible funding that is needed includes assistance with paying victims' past tickets, fines, reinstating insurance, driver's license, vehicle repair and more flexible gas assistance. We are seeing victims have difficulty getting their license reinstated due to circumstances related to their victimization. Without a driver's license, it is a hindrance in the ability to gain meaningful full-time employment, engage in services, attend important appointments, and drive their children to school to maintain a sense of security from their abuser.

***Recommendation:***

1. The flexible funding for vehicle repair and gas would assist with access to safe and reliable transportation. The grants currently support gas funding; however it is limited to if a victim is fleeing and or attending Court. We have had families that had the option of an out-of-area shelter but chose to sleep in their car with their children because they did not have the gas money to drive them back and forth to school and go to work. Being able to have reliable and safe transportation is vital and essential in starting over and helping survivors and their families thrive.

**Topic 4: Construction Allowance within Flexible Funding**

We are also asking for support for allowing construction with flexible funding. Data shows that domestic violence and sexual assault disproportionately affect AI/AN communities. Out of 574 recognized tribes in the United States, there are fewer than 60 tribally created or Native Center domestic violence shelters in the United States. DOJ provides tribes with grant funding for DV shelters but with guidelines stating that construction is unallowable.

**Topic 5: Food Allowance within Flexible Funding**

We also recommend support for funding of food to be allowable for facilitating support groups and outreach events for tribal communities related to domestic and or sexual violence. DOJ entities state this is not allowable; however, if the grant application request is for culturally specific tribal governments to apply it is important to note that in most tribal communities, offering food for any type of cultural gathering is appropriate and a need.

**Topic 6: Lack of Law Enforcement Funding**

Many tribes that are public law 280 are not eligible for BIA funding, and this really creates a difficult task for any tribal leadership -- how do they protect their community? This is a problem that we have been addressing with the DOJ since 2018 and many others have provided testimony on this same issue for years as well. In 1997, we entered into an enhanced service agreement with Hope County and have paid hundreds of thousands of dollars for increased police coverage of the community. I find that interesting because we fall under public law 280. But we must pay our local jurisdictions hundreds of thousands of dollars to come to our community and give us police coverage. I feel like that is not the purpose of public law 280 or what the states intended for it to be.

In 2012, we assumed primary responsibility for enforcing criminal law in the Grand Ronde area. This was made possible following the passage of Oregon Senate Bill 412, which granted tribal police department state law enforcement powers. Again, this was a battle that we had to fight for within our state, we had to pay lawyers, lobbyists, attend multiple meetings, and justify our right to be a sovereign nation and to provide public safety in our communities. The tribe's current budget for its Police Department is approximately \$1.6 million. It must self-fund almost 80% of this budget. The tribe is able to direct some tribal housing dollars to law enforcement, but this draws away from much-needed housing programs. And we are in severe shortage of housing. The tribe has also been able to secure some competitive grants, like those available through the DOJ, but this is not a sustainable strategy for the tribe, especially considering budget shortfalls and other funding limitations.

***Recommendations:***

1. The tribe is in dire need of sustainable base funding that it can rely on for the long-term, in order to maintain its current service levels as well as appropriately meet needs for the tribal Police Department and the tribal community.
2. When determining how best to allocate its funds, the tribe asks the increase in targeted funding for these tribes be given a high priority. The tribe asks the DOJ to reevaluate its funding structure. We believe change is needed to level the playing field between restored tribes and public law 280 jurisdiction, and those who are not facing the challenges of rebuilding their tribal governments after years of termination or nonrecognition.

I am very appreciative of the resources that you give us for the different grants that we can apply for, but I feel like the DOJ is missing the foundation of the problem, and that is our public safety. There is really a lack of resources for public safety, which ultimately is the foundation of all of the other programs that you give us funding for.

Grand Ronde believes the fundamental part of the federal government's trust responsibility, remember that, trust responsibility, is to protect public safety on tribal lands. That said, the available funding for tribal public safety and justice systems is grossly and inadequately spread across multiple federal agencies with different requirements and primary distributions for short-term competitive grants that cannot be used to fund basic operations.

**Topic 7: Funding From BIA Issues**

The funding provided by the BIA is inadequate to meet the needs of tribes; BIA's Office of Justice Services reports to Congress on spending, staffing, and estimated funding costs for public safety and justice programs in Indian country. The available funding is estimated at only about 20% of need which is grossly insufficient. Further, BIA does not recognize a federal responsibility to fund tribes and public law 280 states and has been operating under a policy by which it only provides funding to tribes in non-public law 280 jurisdictions. This policy leaves many tribes, Grand Ronde included, completely without BIA support and public safety. Due to the unavailability of ongoing federal funding from public safety, tribal governments like Grand Ronde apply for public safety grants, primarily those from the DOJ. These funds have helped, but they are neither reliable nor sufficient. Not only do these types of grants put tribes against each other, they limit how funds can be used.

***Recommendation:***

1. Tribes need to be able to determine their own law enforcement priorities through stable base funding. Tribal public safety funding reform, combined with increased tribal public safety funding, are both needed to address these issues.

## **Topic 8: Response to Framing Paper**

In the framing paper issued in advance of consultation, DOJ listed several questions for consideration in evaluating how to make tribal specific grant funding more widely accessible, and enhance practices to improve public safety, especially with respect to up to 7% discretionary tribal victims assistance. The following points are in response to the questions:

1. Formula grants that provide funding on the same terms to tribes that receive BIA base funding, and those tribes who do not, would further disadvantage public law 280 tribes. Any formula must correct this disparity.
2. If the DOJ moves forward with formula funding, tribal populations and crime data should not be the only factors considered in the formula. Many other factors such as size of coverage area, capacity of the department, criminal enforcement scoop, and capabilities, service area population, Highway traffic, tourist numbers, and many other considerations should be evaluated.
3. Funding for law enforcement must remain a priority. Basic operational funding for tribal police departments is the most important priority. Other programs like juvenile justice programs, development are also very important. But secondary to operational funding.



## **Eastern Shawnee Tribe of Oklahoma**

*Chief Glenna Wallace - Tribal Leader (Written)*

When our program began, we often heard violence against women was not happening in our area. However, we knew that the state and federal statistics on violence against Native women told another story. A small health survey was sent to all members of our tribe asking what they felt was the number one health concern for women, specifically in our tribe. The surveys came back, showing that over 75% felt violence was the number one health concern, with women writing in the margins of the survey that they were living in violence and needed help. Our program office opened in 2012. After ten years, we're assisting almost 200 clients a year and have had 1,114 crisis calls just this last fiscal year. The numbers are increasing each year and especially with the increase of pressure and stress from the COVID-19 pandemic and rising costs of necessities. With poverty on the rise and drug use escalating, anger and violence are often byproducts.

### **Topic 1: Non-Competitive Grant Funding**

The OVW VAW grants have been foundational in our tribe's ability to meet the needs of victims of domestic violence and sexual assault in our tribal and local community. This grant has single handedly allowed our program to open our program office, staff advocates, and provide services for both emergency and long-term transitional housing. While this grant has been beneficial, it is competitive, bases funding amounts on outdated census data, and cannot assist in our greatest need of having a local tribally centered domestic violence shelter. The grant has continued to be competitive though we've shared at each consultation that it puts tribes against each other and only those who can hire a fulltime grant writer can compete, still all tribes who apply must compete for funding to assist victims of domestic violence and sexual assault.

The OVC held a consultation asking tribes what they felt was the most effective way of handling grant applications. Tribes responded by saying, don't make the grants competitive and base them on the service area we tell you we are. As an example, our tribal community is roughly over 3500 individuals. However, our program provides services for all tribal members as well as all of Ottawa County, Oklahoma which is roughly 35,000 people. If our grant were based solely on tribal population, we would only get a small percentage of the funds needed to service the 33,500 individuals our program provides services for.

**Recommendations:**

1. It is time that tribes don't have to compete for such essential funding. OVW should use the model created by the OVC Tribal Set Aside grant, which is not competitive and formulated based on self-defined service area. It is essential that the OVW Grants to Indian Tribal Governments Program grant is made noncompetitive and tribes are allowed to apply based on their population and service area size.
2. It is time that OVW validates our tribal sovereignty by no longer asking us to fight and compete for essential funding and understanding we know best how to use funds designed to heal and protect victims of domestic violence and sexual assault in our tribal and local community.

**Topic 2: Construction Allowance in Flexible Funding**

One of our greatest needs is having a local, tribally centered, domestic violence shelter. Many of our clients have to travel up to 90 miles to the nearest shelter. Many shelters are running at max capacity and are turning clients away. For years, we have demonstrated in our consultation testimony that homelessness is a large factor in why many women in our area choose to stay in violent situations – so they and their children will have a place to sleep. We need a shelter so that women don't have to choose between violence and a bed to sleep in. While this grant will allow for the payment of running a shelter, it won't assist in constructing the shelter. Our tribal area is fighting poverty, drug abuse and working to assist our community with the basic needs of heat, electricity, and food. We don't have the funds to build an entire shelter; if we did, we would have by now and wouldn't be dependent on federal grant funding each year to run our advocacy program. It's difficult when, year after year, we have these consultations and are asked "what can we do to make these funds reach your needs" – we share – and then the grant solicitations come out and we see that our needs weren't heard.



**Hannahville Indian Community**

*Chief Kenneth Meshigaud - Tribal Leader (Oral & Written)*

Hannahville is a small and vibrant Indian community in the rural Upper Peninsula of Michigan. Though we are a tribe of just over 1000 members, we have most of the same challenges enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking and sex trafficking, that larger tribes have.

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

Through the years, Hannahville Victim Services has applied and been awarded grants that have strengthened the victim services to our people in many ways. We have a volunteer women's group that advises and

supports our victim services team to implement programs for domestic violence, dating violence, sexual assault, stalking and sex trafficking. Currently we have a victim advocate, a community coordinated response leader, a community awareness worker, and two child trauma specialists. These valuable staff and essential programs are possible because of funding that is both competitive and formula based. We only benefit from formula funding that gives a special consideration to base funding that includes staff and program support. This way our smaller tribes can benefit from the formula funding in the same way the larger tribes do. If our Tribal Victim Services funding all becomes formula based on our core population without special consideration, we will not be able to continue the services that we currently provide.

**Recommendation:**

1. What we would like to see is a formula based on a base budget for each community that requires funds for their programs. Meet those needs first, and when you get extra money, use that formula to transfer the money out to those tribes.

**Topic 2: Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking**

We acknowledge and appreciate the forward movement from the 2021 consultation recommendations including our federal partners expanding recognition of Tribal jurisdiction over non-Indian offenders and improved responses to the disappearance or murder of AI/AN people, including women, girls, and LGBTQ+ or Two Spirit individuals.

We directly benefited from the DOJ appointing Joel Postma, MMIP Coordinator-Michigan, U.S. Department of Justice, United States Attorney's Office, to assist us in developing a Tribal Community Response Plan. We appreciate him connecting the Upper Peninsula of Michigan to the rest of the state and country to find our missing relatives.

Hannahville Indian Community embraces our two spirit relatives and makes their safety and well-being a priority in our service provision. We were the first tribal community in Michigan to include a legal code for the prosecution of sex-trafficking on our reservation and trust lands.

Our *We'netth e ge'*, Victim Services, currently serves over 100 domestic violence victims every year. We found that almost 90% of these crimes involve drug and substance abuse, so our Tribal Council recently declared a "war on drugs" in our community and are taking steps to develop an effective drug court. We look forward to the support of our local and federal partners in these initiatives to stop the drugs from coming into our lands and enhance the safety of as many victims as possible.

A recent report from the Stronghearts Native helpline in Michigan showed that 74% of the domestic violence victims said the most important thing they need during a domestic violence crisis is support from their peers. Our women prefer to have a "Kwe" (women's) house on the reservation where they can be safe and begin the healing process near friends and family.

**Recommendation:**

1. We would like to see federal funds that can be used for the construction of this women's house.

### **Topic 3: Strengthening the federal response to such violent crimes.**

The Hannahville Indian Community would like to see the violence against women prosecuted at the same rate and with the same fervor as other serious crimes. We have a long and positive history with our federal partners for the prosecution of serious crime, including domestic violence, but we would like to see the process strengthened and moving faster.

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

1. Hannahville Indian Community requests the federal government to respond as quickly to domestic violence within their jurisdiction as they do to homicide, and other serious crimes, so that we can meet our goal of zero tolerance for violence against women in our community.

### **Topic 4: Improving access to local, regional, state, and federal crime information databases and criminal justice information systems**

The Hannahville Indian Community recognizes that when the relationships with local, state and federal partners are clear, it is easier to find ways to share information as needed. This level of sharing will be done in increments as each tribe and community is ready, and we look forward to being part of the solution.



## **Havasupai**

*Edmund Tilousi, Vice Chairman - Tribal Leader (Oral)*

*Bernita Paya, Program Manager for Supai - Authorized Designee (Oral)*

We are from the bottom of the Grand Canyon. One of the most isolated villages in the lower 48 states. I know how hard it is to be so isolated. The only way to get down there is to hike eight miles. In the summer, the average temperatures are 106 degrees. The other modes of transportation are by horse, mule, or helicopter. Our needs are unique. Prices are high. The things that are brought in, have to be brought by helicopter or by mule. We are the only Indian tribe and one of the only places in the lower 48 states that still delivers mail by mule. We are considered guardians of the Grand Canyon. We have been there according to the archaeologists for about 1000 years.

We have a brand new IHS clinic going up now. And hopefully, we'll get some service that is lacking like dentistry. We do not have a dentist. If you get a toothache, and it needs to be pulled out, you will have to be flown out 60 miles. Food prices are going up and gas prices are going up. The last time I came out here I had a diesel truck. It was \$200 to fill up that truck.

So what am I going to say here today? It may sound like a broken record. Over and over and over again. The lyrics are still the same. Lack of housing, lack of funds, lack of police protection, lack of personnel. We have also been to Washington a few times to talk about these things. It gets frustrating sometimes. It has not changed since I have been vice chairman all these years; my first chairmanship was in 2006. Since that time, little has changed.



Our main economy is tourism. The last 2.5 years, we had to close the reservation. There are no tourists. We kept COVID-19 out for two years from our reservation because of our protocols. We are vulnerable and have a lot of elders who have medical conditions.

(Personal Account for Bernita Paya)

My sister was married to a man that abused her, beat her. She lost a daughter. She kept asking for help and her abuser still abused her. Finally, she got away. She kept attempting suicide after suicide. She tried to hang herself, but when she got up there and tied the noose around her neck, and jumped off the chair, it broke. It broke and she is still alive today. I am glad she is because she is my inspiration. When our father caught COVID-19, I flew to Canada and was able to speak to him on the phone since I could not go into the room. I spoke to him, went back to my room for a few hours and when I woke up he was gone. An hour after that, our younger sister who was in the same home also passed from COVID-19. Then 2 months later our mother passed as well. We have seen a lot of trauma.

What we are discussing today is about the government's responsibility to us because we do not have a law enforcement service like a lot of you do. And, they are slow to respond. You hear this every year. Help us keep these programs going. Do not let us compete with one another. We all need the resources. I just met with our task force to work with the legal tribal court, a judge, prosecutor, and public defender. We are trying to come up with a law that deals with domestic violence on our land. It is hard work.

**Recommendations:**

1. We need to continue with the funding. No competitive grants, just continue. I have been working with grants for maybe the last 10 years. We had the diabetes grant which then became competitive and we missed that by one point.
2. We need to strengthen the collaboration, coordination, and communication between our organizations.



## Hoopa Valley Tribe

*Danielle Vigil-Masten, Manager & Advocate, Office of DV/SA/MMIWG Prevention Program, Authorized Designee (Oral Virtual)*

### **Topic 1: Hoopa Valley Tribe Demographics**

The Hoopa Valley Tribe is one of the largest land-based tribes in the state of California. We also have a large membership base and are one of the few tribes in California that live on their original land. The tribe is located in Northern California in a rural area along the Trinity River in Humboldt County. The tribe has around 100,000 acres of land and we share the Hoopa Valley Reservation with a few other tribes. We also have non tribal members that live here on our land as well. Winters can be difficult with mudslides and summers we can have wildfires. We also have limited Internet, phone service, and electricity capabilities because we are remote. On the positive side, we do live in a place that's like the Garden of Eden.

## **Topic 2: Hoopa Valley Domestic Violence and Sexual Assault Prevention Programs**

Our tribe has had federally funded programs for domestic violence and sexual assault prevention that have names like Stop the Violence and Project Connect. We were recently awarded a grant with OVW. Our first grant was with OVW and was an awesome grant to our community. We were able to reach over 350 families and helped a lot of families reach their goals for safety. We have also teamed with other programs such as our behavioral health program to ensure there are services for our victim survivors. This includes helping them with education, housing, legal assistance, and various other services depending on their needs. We are really excited that we are getting ready to build a new building. We are partnering on the building with the MMW office who will have services on one side of the building and our domestic violence and sexual assault services will be on the other side of the building. This is awesome because many of our clients are in need of both these services and they do not have to go to multiple places to get the services they need. Many do not have vehicles and the closest metropolitan area is almost 2 hours away.

When an incident happens, many of our clients don't feel safe to stay in the community so we have to relocate them to outside areas such as Redding and Crescent City. We have also teamed with the Strong Hearted Native Women's Coalition in Southern California to assist when they can, but they are 16 to 17 hours away from us. We don't have any shelters.

In 2019, we were awarded a few grants to conduct research and develop a study on the challenges in our area for tribal courts. We also were to look at possible solutions. We worked together on developing ways that would solve problems in our community, within our own cultural contexts. The community outlined different areas that they felt were concerns to us.

## **Topic 3: Culture**

We are in an area where we still practice our language and our culture is important to the tribe. In our domestic violence and sexual assault programs we realize that it is important for our services to be culturally focused. This includes going to our traditional ceremonies and looking through prayer and through healing exercises. During the boarding school era many of our family members weren't allowed to participate in speaking their own languages or learning about our culture. It is important to us to help our clients get over the barriers and learn to prevent domestic violence in our community and sexual assault. Because it's not our way and it's not part of our traditions.

## **Topic 4: Grant Funding Barriers**

There is a high number of domestic violence cases in our area, and even though we have received grant money, the amount of money is not enough. Our indirect costs are really high and we only have money for one full time staff member to help. During the COVID-19 pandemic, we were the only domestic violence offices in our area that were open. All the shelter programs closed down and a lot of the court systems did as well. It was a challenge because we noticed a huge increase in domestic violence cases because people were isolated and California was completely shut down. Our local hotel became the COVID-19 hotel and we couldn't go out of the county to keep our clients safe. It was a struggle to find safe housing for our clients who needed it and it took a lot of time to figure it all out. COVID-19 is still lingering on, unfortunately, and it seems like it's going to be a part of the equation for the rest of our lives. We are thankful for our tribe's members and health care providers who developed safety policies and procedures to allow us to continue to operate during that time. Also during COVID-19, we did not receive a lot of support from law enforcement.

We all struggled with technology during COVID. IT and fiscal staff were not considered essential. Therefore, when we were getting ready to do the granting process it was difficult. We had to do one step in Just Grants and then another step to prepare the OVW portion and upload it. During the first phase we didn't have access to grant writers to be able to help because they were nonessential employees. It was really hard to get help answering any support questions because no one was at work. We needed to get a tribal resolution prepared and it was difficult because the tribe wasn't having regular meetings. We are still kind of working in that same type of area where it's still emergency based. It has been a huge learning process for us and unfortunately we missed out on the last grant cycle because we didn't have access to staff to help. Our tribe does not have a lot of money and we are not financially stable. These grants are really important to us and not having essential staff to be able to work on them is a big barrier.

Another barrier for us is the Internet. We live in mountain terrain and different parts of the valley have better internet services than us. Due to HIPAA, we're not able to take a lot of our information off of the campus so we're limited in what we can take on and off the campus due to our records, policies and procedures.

On a positive note, we find the travel set asides in the different OVC, OVW, and IHS programs helpful.

And as far as the tribe goes, we help everybody in our area that lives here; race, tribe does not matter. Funding is always a challenge because we have to compete against each other as tribes. And it's really hard when you're trying to provide services in these rural areas; we have a lot of dirt roads. Infrastructure is definitely a challenge and it is hard to find and keep employees because they have to drive so far away. People get burned out. It's wonderful that the latest funding level was increased so we can take measures to help our staff.

***Recommendations:***

1. Grants should be non-competitive.
2. Tribes should be able to simply email their grant proposals, updates, instead of having to upload them into JustGrants. The upload portion is currently very cumbersome because the internet may time out. We also have experienced issues with the system not letting us type in certain sections.

**Topic 5: UNITY**

We are trying to break that cycle of abuse and violence. We're encouraging others to love one another and realize that each person has their own gift and is part of the puzzle of our tribe. Native Americans make up 1 percent of the U.S. population; we must work together and unite to make a difference and have our voices heard.



## Hopi Tribe

*Chairman Timothy Nuvangyaoma - Tribal Leader (Oral)*

(Personal Account)

What I want to share with you all this morning is a situation we are dealing with out at Hopi right now that is re-traumatizing our Hopi people. Re-traumatizing a family out there. Over three years ago, we had a young lady, her name was Christina. She was expecting. And just like women out there, their maternal instinct to prepare and be ready, she took a job as a Lyft driver to make extra dollars when the baby came, to be a little bit more prepared. But what happened to her I don't think is something she expected. She was a mother of two boys. Sadly, Christina was brutally murdered and stabbed over 30 times in the early morning hours of January 27, 2019. Many of the stabs were directly to the baby. Her due date was the day before this murder happened. She had an appointment to induce labor the following day after the murder happened. So referencing as I mentioned, the timing of this event, the individual that committed this murder, is going into sentencing tomorrow. Knowing that, leading up to this, Hopi is now re-traumatized.

To our federal partners here on the panel today, the testimonies you have heard, in the testimony I just shared, underscores the reasons why we are all here today. Some of the comments that I will be making today will be echoing some of the other comments that have already been made, but they are echoed because they are problems we all face as Indigenous peoples.

The Hopi people have strongly rooted values in respect. Which means to strive to maintain the highest degree of respect for and obedience to moral standards and ethics. It is through coordinated efforts of our tribal, state, and federal partners that we can enhance the safety of all women, and help break the cycle of violence in the Hopi community. The current state of crimes against women and girls at Hopi have been steadily rising, especially as we continue to navigate the effects of the global pandemic. Although we are a rural tribal community, our women and girls are victimized at alarming rates.

### **Topic 1: Administering tribal funds and programs**

These funds provide much-needed victim centered and trauma informed services, training and technical assistance that are best developed and implemented by tribally focused programs.

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

1. We recommend along with our partners, equitable noncompetitive funding to tribes and tribal coalitions as they work directly with victims, program partners, and leadership to provide tribal specific approaches to victim services.
2. We call upon our federal partners to continue to support self-governance and self-determination by increasing funding dollars. Increased funding levels to tribal programs that are not purely based on population, but a combination of population and land-base.
3. Ensuring that there are permanent tribal set-aside funds to address violence against women, shelter programs, and full services to all victims of crimes, funding for the detention center.

### **Topic 2: Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking and sex trafficking**

Currently, there are fewer than 60 tribal land or Native specific domestic violence shelters in all Indian Country and 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 for tribes and tribal nonprofits to keep doors open and to create much-needed shelters for all tribes.

***Recommendation:***

1. We support and recommend flexible funding to allow for cultural sensitivity and 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 the cultural and tribal based approach to addressing violence in tribal communities.

**Topic 3: Missing and Murdered**

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 with little to no response from law enforcement. Lack of response is exacerbated by the federal government's failure to adequately fund tribal services and tribal law enforcement. This must be addressed.

***Recommendation:***

1. Add the necessary funds that must be provided. It is essential that OVW and IHS increase tribally based victim advocacy services with 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 victims, burial assistance, community healing, such as walks for justice, and to honor the missing or murdered with community meals.

**Topic 4: Strengthening the Federal Response**

We continue to advocate for a coordinated and effective relationship with our federal partners, to address crimes on tribal lands. We also seek effective response times and assistance accountability from our federal partners.

***Recommendation:***

1. We call upon the BIA to make collaboration and communication a priority for the safety of our Hopi community. That was voiced by others here. We need BIA at the table. They have a big responsibility to tribal nations that trust responsibility.

**Topic 5: Improving access to local, regional, state, and federal crime databases and criminal justice information systems**

***Recommendation:***

1. The Hopi tribe implements a tribal access program that allows for input of crimes into a database. Although this method has improved, access to much-needed data, continued funding for enhancement and project sustainability are needed to provide tribes with continued access. That is crucial to the implementation of services and programs in our underserved community.

**Topic 6: Response to the 2022 Alaska pilot project**

We gained insights during tribal caucus and from NCAI for a joint message. What Santa Ana Governor mentioned about money going off to other countries is something that I wanted to talk about. The money going overseas is for humanitarian aid. There is a humanitarian crisis overseas. To our federal partners, we

have a humanitarian crisis here, in the United States. The first nations have been dealing with this since time immemorial. It has always boggled my mind. We are no longer going to be standing in the shadows. Native Americans are getting loud; it is getting strong. And we refuse to remain in the shadows. We are here to fight for what is right.



## Jamestown S’Klallam Tribe

*Loni Greninger, Vice Chair, Tribal Council - Tribal Leader (Oral & Written)*

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

I urge the DOJ OVW to support Tribal Nations’ inherent sovereignty to fully exercise jurisdictional authority over public safety and justice matters within their communities by strengthening tribal capacity through the provision of full funding and adequate resources to support crime prevention, victim services, bolster law enforcement operations and capabilities, and address violent crime.

In the wake of the Castro-Huerta decision, it is critical that the DOJ OVW take additional steps to empower tribes with the tools that they need to fully implement their authority to protect the safety and well-being of their citizens and community members.

While tribes have secured a recent victory with the reauthorization of VAWA 2022, which includes the restoration of our jurisdictional authority over non-Indian perpetrators for an expanded number of crimes, state intrusion into our territories will effectively diminish any progress we have gained in the area of public safety and our ability to successfully implement these new authorities. A commitment on the part of the DOJ to work cooperatively and collaboratively with tribes and other federal agencies to overcome challenges to the implementation of VAWA 2022 is critical.

Some initial steps that should be taken to empower tribes and bolster their jurisdictional authority include:

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

1. DOJ and DOI should support legislation that fully restores tribal criminal jurisdictional authority.
2. DOJ and DOI should support legislation that rescinds the restriction on Alaska tribes allowed to participate in the Alaska Pilot Project and provide comprehensive public safety and justice funding directly to Alaska Native Villages, not the state of Alaska.
3. DOJ and DOI should work collaboratively to offer joint training opportunities to tribal and federal law enforcement officers.
4. Ensure tribes can easily apply for Special Tribal Criminal Jurisdiction (STCJ) programs and opportunities and streamline the reporting requirements.
5. Allow greater flexibility for tribes to structure their programs and services in a culturally appropriate manner.
6. Request the full amount of funding that Congress authorized for VAWA 2022 implementation.
7. Increase funding for implementation of STCJ across the federal family of agencies responsible for tribal safety and justice – to include DOJ, DOI, DHS and HHS.

8. The Bureau of Prisons (BOP) needs to revise their processes to make it easier for tribes to submit inmate placement requests and the federal government should cover the cost of transporting tribal prisoners to these facilities.
9. Ensure that the September 2, 2022, DOJ Memorandum (MOU) provisions are implemented throughout Indian Country. DOJ should also encourage other agencies to follow suit in adopting the MOU provisions to ensure a consistent and unified approach. The provision of additional staff and resources as well as greater flexibility for tribes to combine and use these resources is urgently needed.

### **Topic 2: Federal Representation at OVW Consultation**

While we are very grateful for agency leadership to be present at the tribal consultation, true government-to-government consultation is represented when both tribal Leaders and the DOJ Attorney General are present. Tribal leaders have taken the time to travel and/or set the time aside to attend these consultations. Our expectation is that federal leadership would do the same.

### **Topic 3: Provide Recurring Base Funding for VAWA Programs and Services**

There has been a growing trend among federal agencies to fund tribal programs and services with grant dollars rather than providing base and/or recurring program funding. Grant funding undermines Self-Governance and Self-Determination and is inconsistent with the federal trust obligation. The need to provide steady, equitable, non-discretionary and direct funding to tribes to support core governmental programs and services is well documented. This is especially true in the area of public safety and justice.

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 limited flexibility regarding how funds may be used. Grant requirements create barriers to administer justice effectively and efficiently in tribal communities. 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 that lack these capabilities often are not able to secure grant dollars.

Given the overwhelming number of grants across the federal system, many opportunities are never realized despite the overwhelming need for these resources across Indian country because it is simply impossible for tribes to access and manage all of these grants.

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

1. Federal agencies should cease relying on competitive grant funding as the main source of 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.
2. Eliminate administrative barriers regarding grants so that tribes are aware of the funding opportunities that are available, the application process is streamlined and easy for tribal nations to apply for, reporting requirements are streamlined, effective and efficient and the grant requirements allow for the incorporation into programs and services of Tribal culturally appropriate responses.
3. Extend the Crime Victims Fund grant project period for up to four years.
4. Establish a Tribal Budget Advisory Committee composed of tribal experts to provide advice and direction on the Tribal set aside program and grants. There should also be regular tribal consultation on the Tribal

set aside program to ensure all tribes have an opportunity to weigh in on the development of any distribution formula or funding distribution mechanisms.

5. Federal agencies should request for the full amount of funding that has been authorized for VAWA 2022 implementation.

#### **Topic 4: Provide Funding for Prevention Services in Tribal Communities**

Prevention services and funding to support prevention services is desperately needed throughout Indian Country. Bureaucratic restrictions often impede the ability of tribes to administer programs in a way that best addresses their community's needs. Steps need to be taken to afford tribes greater flexibility to administer these services.

Under the Tribal Victim Services Set-Aside Formula Grant Program – we can only provide services to “victims” of crime. This definition of crime victim is narrowly construed, extremely labeling, stigmatizing, and perpetuates shame.

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

1. We recommend expanding services to include prevention - Tribal Victim and “Prevention” Services Set-Aside Formula. This would allow tribes to broaden the healing and educational services they provide and address all victims of crime.

The Family Violence Prevention Services Act (FVPSA) is the only federal program that is dedicated to prevention and supportive services for survivors of domestic violence and their families. Tribes use FVPSA funding for shelters, training and technical assistance, children and family services, emergency response hotlines, tribal domestic violence coalitions and prevention services.

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

1. Increase the overall funding level for FVPSA to ensure all tribes and programs have access to this critical funding to provide lifesaving shelter and services.
2. Increase the tribal allocation from 10% to 12.5% to strengthen the capacity of tribes to respond to the needs of survivors of violent crime and their families more fully.

#### **Topic 5: Increase the Availability of Culturally Appropriate Shelters and Safe, Affordable, Accessible and Sustainable Housing for Native Victims of Violence and their Families**

There is an overwhelming need for additional federal funding to support culturally appropriate shelters and safe, affordable, accessible, and sustainable housing for Native survivors of violence and their families. The lack of shelters and stable housing perpetuates the incidence of violence because there is no safe haven available for survivors of crimes of violence and their families. Domestic violence and sexual assault are two of the leading causes of homelessness in communities across the U.S. There is also a strong correlation between sex trafficking and homelessness.

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

1. Federal housing programs must respect Tribal sovereignty by recognizing Tribal authority to develop housing policies and codes that include protections for Native survivors and their families. Tribally run shelters are better equipped to deal with the needs of AI/AN victims to include the use of traditional healing services, language, access to traditional foods, medicine, and ceremony.



2. Tribes need greater flexibility to address the lack of safe housing for survivors of domestic violence and their families in their communities, to include the ability to use funds to construct new housing or purchase existing housing.

### **Topic 6: Crime Victims Fund**

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

1. The Tribal Set Aside in the Crime Victims Fund (CVF) must be made permanent and include the greatest flexibility to use the funds as tribal leaders deem fit. There should also be an extension of the grant project period for the CVF for up to four (4) years.

### **Topic 7: Protect Tribal Elders from Domestic Abuse**

In tribal communities, multi-generations often reside in one home so if there is violence it affects the entire family unit, including tribal elders. Our most vulnerable and sacred citizens should be afforded the same protections under the law and the right to live free from violence, exploitation, and abuse. The incidence of elder abuse in Native communities is rising.

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

1. Tribal communities lack training on elder abuse; there is an absence of codes that address elder abuse and a lack of policies and procedures for tribal agencies charged with addressing elder abuse and neglect.

### **Topic 8: Strengthening Tribal Justice Systems – Expand Self-Governance into the DOJ**

There are often too many bureaucratic restrictions that are tied to funding that limit the ability of tribes to administer programs and services in an efficient and effective manner. Self-Governance is a mechanism that allows tribes to re-design programs and services that incorporate traditional and culturally appropriate measures and holistically address many of the social issues that are intertwined with higher incidence of violence and crime.

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

1. Tribes need 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. 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.

### **Topic 9: Respect and Advance Inherent Tribal Authority to Protect their Citizens and Community Members**

There should be equity across the American family of governments – tribes should have the same tools and authorities available to the federal and state government to protect their citizens and homelands. 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.

Some of the primary obstacles to public safety and justice in Indian Country include the inability of tribes to prosecute non-Indians for all crimes that are committed in Indian Country; sentencing limitations imposed by the Indian Civil Rights Act (ICRA); the lack of sufficient federal funding; as well as the lack of flexibility in the use of federal funding to best address tribal needs.

***Recommendation:***

1. DOJ and DOI should support legislation that provides for the full restoration of Tribal public safety and justice jurisdictional authority. Restore full jurisdictional authority to Tribal governments but allow those tribes who desire to assume full jurisdictional authority to opt in (similar to Tribal Jurisdictional authority under VAWA 2013 and 2022 & the option given to states to assume public law 280 authority); tribes should be met where they are at and those who have the capacity and desire to fully assume their inherent sovereign jurisdictional authority should be allowed to exercise that authority. Additional funding should be provided to tribes who are seeking to take on these additional responsibilities.

**Topic 10: Complex Jurisdictional Framework Breeds Confusion and Lack of Accountability**

The complex jurisdictional framework creates confusion and diminishes the ability of tribes to fully protect their citizens and communities from violence. This confusion breeds a lack of coordination, communication, and accountability. Offenders are aware of the jurisdictional gaps in Indian Country and use it to exploit tribes and their citizens and the ill effects spread outside of Indian Country borders and into neighboring communities. So, the limitations that are placed on the full exercise of Tribal criminal authority is not only impacting the safety of our own citizens and community members but also the safety and well-being of surrounding non-Native communities as well.

**Topic 11: Federal Support and Tribal Capacity Building**

The Federal government must increase efforts to build tribal capacity at the local level through the provision of technical assistance, training, and funding, as well as the development of policies and procedures that respect and uphold Tribal sovereignty and ensure that Tribal courts and public safety and justice institutions are respected and recognized as legitimate systems of justice.

***Recommendation:***

1. One of the greatest threats to Tribal justice systems today is the lack of adequate resources. Additional funding to support the training of police officers, victim advocates, and court personnel on the new authorities available under VAWA 2022 must be provided.

**Topic 12: Agency Coordination**

There needs to be greater coordination and cooperation between the agencies responsible for public safety and justice (DOI, DOJ, HHS, Homeland Security, etc.) to include joint training sessions, best practices, updates, and guidance.

***Recommendation:***

1. Establish an MOU/MOA between DOI and DOJ that allows for greater flexibility in the use of public safety and justice funding.

### Topic 13: Bureau of Prisons

Tribes are all at different capacities and do not all fit in the same box. Everyone needs funding but you need to meet tribes where they are.

**Recommendation:**

1. Eliminate any barriers to tribes being able to fully participate in the BOP Program to include allowing for the seamless submission of inmate placement requests and the provision of funding for tribal inmate transportation costs.



### Kenaitze Indian Tribe

*Mary Ann Mills, Vice Chair - Tribal Leader (Oral & Written)*

*Bernadine Atchison, Chairperson - Tribal Leader (Oral)*

Alaska for so long has not recognized that tribes exist in Alaska which has led to the destruction of Indigenous Alaskans, in whole and in part, as seen and documented. This has resulted in Alaska Natives having the nation's highest rate of missing and murdered Indigenous Women.

Alaska tribes have the right to nationhood under the United Nations Charter, which has never been properly addressed, nor is it in accordance with the International Treaty process and procedure which encouraged unequal treatment of Alaska Natives, including but not limited to the implementation of public law 280.

The United States and the State of Alaska have always played a significant role in politics, policies, laws and practices in crimes that affect the humanity of the Indigenous Peoples of Alaska. Alaska Natives were not afforded democracy or the doctrine of egalitarianism that all people are created equal and deserve equal rights and opportunities. Many Alaska Natives understand and recognize the rule of law, and that treaties carry the same weight as the United States Constitution. We lack attorneys and lawyers who are able to represent us to the fullest extent of the law.

The Indian Law and Order Commission, November 2013, Report to the President and Congress of the United States, Recognized 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. As long as the system that helped create the problem is allowed to persist, the general public will be tempted to assume that the fault lies with the victims -- when instead, Alaska Natives and Alaska Tribal governments have had relatively little say in the way crime and justice are addressed in their Communities."
- "It nonetheless bears repeating that the Commission's findings and conclusions represent the unanimous view of nine independent citizens, Republicans and Democrats alike: It is the Commission's considered finding that Alaska's approach to criminal justice issues is fundamentally on the wrong track."

***Recommendations:***

1. Strengthening the federal response to Violence Against Women, the federal government must hold its agents and the State of Alaska accountable, as well as strengthen federal response to such crimes.
2. To make a positive change, the departments will need to have hard conversations on what has created these grave issues and collaborate on how to correct them. To provide funding for tribes to accomplish these tasks, Native Peoples and Tribal Governments need to be included in these conversations and their ideas not only need to be considered but incorporated.
3. Rape and violence against women and children has a lifelong effect on those who were violated, and is oftentimes intergenerational. Trauma based care is essential for survival of the victim and may require a lifelong support system. Federal funding to tribes is needed to assist in the healing of our people through trauma based care.
4. We need to add suicide to the list of violence.
5. The federal government to audit the legal system in Alaska including the Prosecutors, District Attorneys, Court Judges, and law enforcement to assess how cases are handled and to include interviews with the victims.
6. Cultural competence training of staff, agencies, law enforcement and the judicial system in an effort for Alaska to move forward in a positive and in a humanitarian way.
7. The training in a trauma informed approach which is critical when dealing with the violence created at the hands of others, as well as Indigenous People who have and continue to suffer from the effects of colonization.
8. The necessity for the federal government to provide funding for tribes and Native Communities to hire their own police officers, as the State of Alaska's law enforcement does not adequately cover smaller Native communities.
9. Restore and enhance authority to Tribal Governments and local Native Communities.
10. To urgently support the Consensus Statement of September 20, 2022 from the Tribal Caucus attendees.
11. To recognize and promote Tribal sovereignty and self-determination, along with international agreements the United States of America made on behalf of the Indigenous Alaskans.
12. To discontinue giving federal Indian pass through funds to the State of Alaska and instead, send the funds to the tribal governments.
13. To revisit public law 280 for the purpose of removal and replacing it with honoring all treaties made with Indian Tribes, International Treaties, including but not limited to the United States Government honoring its trust responsibilities in full, and to assist Tribes in the decolonization process.

**Topic 2: Non-Competitive Funding**

***Recommendation:***

1. The funds need to be noncompetitive and continuous funding. We feel we are a sovereign nation to the state. We need to receive parity with the state as far as funding goes.

(Personal Account for Bernadine Atchison)

I was first sexually assaulted at 12. Before I was 16, 3 more sexual assaults by different men happened. Both my parents started abusing alcohol when I was 10 years old. I was verbally abused by my parents about my physical appearance and my intelligence. When I left home at the age of 18, I had a very low self-esteem and self-worth. I married twice to men who had narcissist behavior. In both cases those marriages ended because of drugs and alcohol abuse and adultery they committed. I was divorced at 21, from my second husband at 40 years old. When I was in my late 20's, after my younger sister committed suicide, I started drinking heavily to block out the feelings

and emotions of guilt and shame. I continued down that path until I was 50 when I stopped drinking. I stopped because I saw my kids struggling with life and felt I could not help them if I did not set a good example. Shortly after this I had an opportunity to take chaplaincy training for my job. Part of it is being a volunteer for the emergency response team that would help with disasters and floods. This training was a weeklong event which included making suicide or death notices to families. During this training, I thought I would be a good support for helping with this notice. We had to act out a scenario where I was a parent receiving this information. I broke down crying during my role-playing. I did not realize I had not processed the loss of my sister and I had to be the one who notified my dad.

As I continued with my sobriety the past kept coming up in my thoughts, they would not go away. I didn't want to share them with anyone as it was in the past. I needed to get over what happened and forget it. I couldn't understand why they kept coming into my thoughts. When I was 57 an opportunity came up with the tribe to attend a five-day training for self growth. I thought maybe my story would help someone else. I also thought it would help me if I said it out loud that I was molested. As the day grew closer, I became more anxious about sharing my past and felt overwhelmed with telling my secrets. It wasn't until the third day of the event that I shared out loud my story. First it was only a couple sentences and all I could do was cry. This continued for the next day but more and more my story came out. So it was at the age of 57 that I stopped living in survival mode. In summary, in administering these programs, we need to keep in mind each individual process of helping a victim will need to be unique. Each trauma will have several traumas beneath it that created a path to becoming a victim or repeated victim. Peeling back these layers needs to be done in a way that is respectful, loving, and based on cultural values, understanding that the process can be several years or a lifetime.



## Ketchikan Indian Community

*Gloria Burns, Councilwoman - Tribal Leader (Oral)*

Ketchikan Indian community is a sovereign nation of 6,383 tribal citizens located on an island in southern Alaska. Ketchikan was organized as a federally recognized tribe under the IRA act. We are in one of the five Alaska communities that did not receive our settlement and live in what is a “landless community”. The economic driver that was supposed to have been given to us by Congress in lieu of tribes receiving their land is something that we do not enjoy as a way of promoting economic stability. There's been a lot of conversation about what it looks like if we could all have continuous funding and how we could build our programs. That is one of the most important things that our tribe would like for you to take away.

### **Topic 1: Noncompetitive base funding for all tribes**

Ketchikan has been blessed to receive grants since 1997. The kind of stability that provides for the safety of our people when it comes to direct services and relocating people and getting them to safety and supporting the shelter that is not tribe driven, is amazing. Every tribe in our nation, every sovereign nation deserves to have that kind of security.

***Recommendation:***

1. We need noncompetitive base funding for all tribes, especially our small and needy tribes here in Alaska. For our remote areas, our brothers and sisters all throughout Indian country can't be fighting for this anymore.

**Topic 2: Federal Trust and Treaty Responsibility**

The federal departments that you are here representing, have failed their trust and treaty responsibility to us by allowing public law 280 to even exist. It is a failed experiment on the backs of the people in this room and our families in the rest of the United States. You can look and see the staggering statistics of missing and murdered Indigenous people and you know we are exactly where the government intended us to be. This is exactly what colonization was supposed to do to us. These are the systems that have been broken down. We had functioning, amazing tribal governments prior to contact that took care of our people, that understood the value and the wealth of our children and our women. And now we are struggling each and every one of us to find those financial resources to make that something that we can take care of for our people.

***Recommendations:***

1. Ensure that we have the basic needs and the basic funding that we need to be able to take care of our people.
2. The fish and game department are incredibly efficient. We would ask that law enforcement in Alaska, that responds to crimes against our women, might become equally as efficient.

**Topic 3: Special Jurisdiction**

Special jurisdiction isn't going to work for Ketchikan. We don't have a village to fund but that doesn't mean that we don't want more funds, that we don't want it implemented throughout Indian country. Eventually, we will get there. We have our land. Maybe someday we will get a reservation.

***Recommendation:***

1. We encourage you to continue to present new opportunities for expansion of our programs.

**Topic 4: Impacts of the child welfare and domestic violence**

During 2021, the Indian child welfare program and Ketchikan Indian community were involved in 119 child welfare cases involving 257 children. We provided family case management services and visitation support for 83 children who have been removed from their home in the state of Alaska. Substantiated findings of neglect as well as mental injury to children who have witnessed domestic violence represent a massive portion of the children who were removed from their homes in our community. We are working to bridge this service gap through federal grants. There are no independent supervised visitation services in Ketchikan. Our plan is to identify easy, safe visitation and exchange programs as a top priority in 2023. While we applied for funds, they were not funds that were set aside for tribes. They were funds that were open to the entire nation. Only 24 of those grants were given out.

***Recommendation:***

1. We would respectfully submit that, as our children were forcefully removed and sent to residential school, and we have to deal with how to bring our families back, we all require some kind of support for reunification. Part of that has to be a safe and culturally appropriate place in which our children can reunite with their families.

## **Topic 5: Education and language surrounding sex trafficking**

One of the things we need to discuss is the educational components that are going out. Do they adequately describe what sex trafficking is? How would a young person be able to identify and say, I've been sex trafficked, I'm going to report that? There isn't that ability. They are being groomed at such a young age they haven't been given that language to know what it is. They are just surviving and for them surviving means something different; to have a place to live. We have 200 youth that are homeless in our community, on our island which has a population of 10,000. So it's hard for a young person, who has been groomed, who is in that situation, to have the language and be able to say it once they've identified a safe person to talk to.

I know of five kids in Ketchikan between the age of 15 and 17 and I know they are being trafficked. I know it without a doubt. I know who is doing it. I make a report every week. But they are so afraid to be put in the system they will never say anything. They know they are in a bad situation yet together, they feel like they are safe. They are on drugs now. They've been groomed but it's the only thing they know.

### ***Recommendation:***

1. We need a different sort of education, a different way of communicating to talk to our young people so they have the ability to come back and speak about it.



## **Kotlik Traditional Council**

*Theresa Prince, Councilwoman - Tribal Leader (Oral)*

We have three tribes. The most with 220 members. It is located in the north mouth of the Yukon River going out to the Bering Sea. Today we are seeing hard times, especially with our salmon since we now subsist on other fish first. We are seeing hard times with the weather and climate change resulting in flooding, with drugs and alcohol in our community and affecting our tribal citizens. We are seeing hard times with domestic violence and sexual violence, with the lack of cops and law enforcement, which is keeping our community scared, with the erosion of tribal lands, lack of funding, housing, and with shootings in our village.

### **Topic 1: Lack of Law Enforcement**

Currently we have no law enforcement. Before the pandemic we had two female law enforcement officers, but they are no longer there. During the pandemic we were able to hire two male law-enforcement officers. However, one quit because he was overwhelmed by the amount of crime in the village and because of the trauma he experienced while being involved in a call. The other quit because of lack of available training. We are in desperate need of tribal law enforcement to call on when major problems arise from private homes or from public entities. For the last year and a half without cops we have seen many deaths. The village has experienced several lockdowns due to active shooters in the community. We have seen people leaving and moments of fear and not feeling safe. The lack of protection of citizens is unacceptable. It leaves us feeling unsafe, not valued and unprotected.

**Recommendation:**

1. Training and funding for local law enforcement.

**Topic 2: Lack of Housing**

We have many multigenerational families living in three or four bedroom homes. Due to the lack of available housing and overcrowding in the multigenerational home, some family members are led to thoughts of committing suicide, homelessness, relocation, domestic violence, hardships, and so much more. Some are living next to a riverbank which brings about another level of stress and worry due to the erosion of our riverbanks because of climate change.

**Topic 3: Lack of Shelters**

Because of physical, verbal abuse and sexual assault, we are in need of a place of safety for mothers, children and elders. Going to a relative's home does not ensure safety. These are individuals who have to suddenly run. Three of my daughters' abuse was witnessed by their children when they were beaten by their partners. Alcohol was the main factor in most of the abuse. Alcohol is the worst.

**Recommendations:**

1. We need a safe and secure building for mothers and children and elders.
2. We need more playgrounds to help with healing for our children.
3. Funding to help teach our school children our way of life and values to ensure they are passed on from one generation to the next.
4. Build more new homes, a teen center and large community complex.



**La Jolla Band of Luiseño Indians**

*Norma Contreras, Councilwoman - Tribal Leader (Oral)*

La Jolla is located in the desert mountains of San Diego County. The nearest hospital is 60 minutes away depending on traffic. I come from the mountains of Mount Palomar where we have over 10,000 acres of our traditional lands. We recently purchased another 600 acres of our traditional land that had been given away by the Lieutenant Governor back in the days. Now we have our traditional areas where we had our ceremonies. We appreciate that. Thank you.

**Topic 1: Funding for Law Enforcement**

I am a fourth-generation domestic violence and sexual assault survivor. My children are now fifth-generation survivors. With the work of this field, I hope to end that with them. As a tribal leader I take my oath very seriously and I feel like we are failing our people. Because of not being able to have the tools and resources that we need to provide and protect them. And with that, it is very disappointing when we have community members who are dying from different situations on the reservation. As a tribal leader and family member, it is hard when mourning the death of a family member, it is very difficult to be there for your family, while you are grieving at the same time. We recently lost one of our community members, also my cousin. She was missing for three days. When we finally found her it took the homicide unit hours for them to get there



because the local homicide unit is located in San Diego County, which is about an hour and a half away. They found her in midmorning, and the homicide unit got there around evening time. So she was lying there throughout the whole day, plus the time she was missing for the other three days. So that is hard, for us as people, as family, and as a tribal leader. So when we talk about missing, it is very, very personal to us. Because we all have family members that are either missing or have been victims, we all have a connection to somebody, if not personally, about something that's happened violently.

***Recommendations:***

1. We need funding for our own Tribal Law Enforcement. We have a COPS Office Grant but that only covers half an officer; it does not carry the full term.
2. Flexible funding for law enforcement is important. Because when a homicide occurs we need to ensure there is no connection or communication between the individual accused and the council. When the government is involved they don't always advise the community of what is happening. So instead of providing funds or grants, these funds should be set aside and non-competitive.
3. Reporting of data by non-Native law enforcement needs to be accurate in their assignment of ethnicity and background so the statistics regarding Native American women are accurate and reflected appropriately for followup with tribal communities and their families.

**Topic 1: Funding for Women's Programs**

We currently have a program, established in 2009 by our tribal citizens, including the Native women's advisory committee. Together they started the tribe's Native women's program to develop the response to crimes involving violence against women. Prior to the program, the only services available for domestic violence victims were the local Indian health clinic's peace between partners program, and they were on a limited basis. The program has developed and grown and currently provides tribal specific programs and services for victims of domestic violence, sexual assault, stalking, and sex trafficking. We are funded by DOJ OVW (Tribal Governments Program), DHHS, FVPSA, then also from tribal funds. This program started out in 2009, and in 2010 I was one of the victims in the program. I was in an abusive relationship and with the help of the program, I was able to successfully end and survive that relationship. And today I am standing as a leader of the reservation.

My first year was very exhausting. I tried to do as much as I knew and I had to complete a lot of stuff. I've been in leadership for five years now and it is still exhausting. One of the priorities is making sure people are safe. That is our ultimate goal in tribal leadership. I have lost three family members from Fentanyl. It has taken a toll. And it's frustrating, because we don't have the resources to protect our people.

***Recommendations:***

1. We need to streamline the process of finding, applying and getting approved for grants. We manage over 110 grant programs and there are so many regulations with each you cannot keep up. Many tribes do not have the technical capacity or staff to ensure funding and management of these grants.
2. We need flexible funding to cover the cost of food at our traditional ceremonies, which is currently not allowed for budgeting within programs. You are taking away one of our ceremonies when you do that.

**Topic 3: Federal Representation**

BIA needs to be here and Congress should be represented in person as well. We should have people here who are actually able to make decisions and implement those changes in policies regarding issues that fall within their realm of responsibility.



## Little River Band of Ottawa Indians

*Pam Johnson, Tribal Councilor - Tribal Leader (Oral & Written)*

Little River Band of Ottawa Indians is a Tribal Sovereign Nation located in Manistee, Michigan. Little River currently has 4,004 tribal members. Tribal members are geographically scattered; however, approximately 70% reside in Michigan. The tribe provides cultural victim services to nine-counties in the state of Michigan with the OVW Tribal Governments Program (TGP) funds. These funds have allowed Little River's Victim Services Program to provide immediate cultural direct services to survivors and their dependents. The funding is lifesaving, but several barriers face the Tribe while OVW TGP funds are being utilized and raise concern when we are trying to assist victims in crisis.

### **Topic 1: Access to databases and justice information systems**

Survivors of domestic violence have been harmed by faults in the administration of grants. Tribal members have gone missing or have been murdered all over the state of Michigan. Federal agencies tell Indigenous communities that our people who are missing have run away.

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

1. Tribal nations must have more access to databases and justice information systems to protect our communities. Chi Miigwetch for conducting consultations for recommendations, but tribes require action.

### **Topic 2: Administering Grants**

A barrier that Little River continues to face is the slowness in response to modification requests. It took six months for a budget modification to provide services for a tribal member that needed legal assistance. Additionally, tribes in rural communities do not have attorneys willing to work at rates drastically below their normal due to the limitations on hourly rate defined by grants.

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

1. The tribe appreciates that the problem identified started with a problem in JustGrants. Grant managers are not getting email notifications when grantees submit requests in JustGrants – that has to change. Unless the grantee notifies the grant manager, an additional step in a burdensome process, no action is being taken. It is vital that these requests are handled in a timely manner and the grantees receive communications about the process of these requests.
2. Approve grant award budgets before releasing grant award notifications.
3. Improve response times between grantee and grant manager when there are grant issues that arise.
4. Historical trauma should be named as a victim need that can be served under the Tribal Victim Set Aside.

### **Topic 3: JustGrants System**

In 2021, Little River submitted a budget modification in JustGrants. The tribe made a simple request, for funds to be moved from one category to another; we did not ask for additional funds. During this process the program worker noticed in JustGrants a significant amount of funds allocated into a category that was not

supposed to be there. The worker notified the grant manager on this issue. This accounting issue only became apparent when requesting a modification. This was an issue on JustGrants end, as no one could explain how this happened. The program worker provided a screenshot of the old GAN system showing where the funds were allocated prior to the merging from GANS to JustGrants. The entire process took six months to get the allocated funds into the correct categories and the budget modification to be approved. During these six months, the program had to turn away several survivors from receiving legal assistance. Due to this it also caused the program to now have a surplus of funds in a category that was no longer needed. By the time the modification was approved, the program only had four months with the grant and during those four months there were no legal representation needs, which meant this program returned all that surplus of funds back to the DOJ.

***Recommendations:***

1. The inconsistent responses and lengthy delays of requests, causes tribal programs not to be able to provide needed legal and financial services to survivors during the most dangerous time in their lives. The purpose of these funds is to assist during crisis situations and get survivors out of harm's way, yet tribal programs must wait six months for the DOJ to approve a budget modification before we can assist. Six months is too long for survivors; there must be a better way of getting these budget modifications approved in a reasonable time frame. Six months is not only hurting survivors, but this also causes a domino effect with grantees not able to spend their funds down.
2. JustGrants requires updates and improvements including the establishment of a reasonable turn-around time for submitted modifications to be completed.

**Topic 4: Special Tribal Criminal Jurisdiction**

Little River received the grant modification to work towards Special Tribal Criminal Jurisdiction and is taking action. The tribe recently reaffirmed its commitment to protecting its community and has begun working on the Special Tribal Criminal Jurisdiction amendments necessary to the Tribal Code, Tribal Court Rules and preparing to exercise jurisdiction. In the last year, a handful of cases that would fall under the Special Criminal Jurisdiction have come across our prosecutor's desk and the prosecutor's hands were tied. Non-Indians cannot be allowed to commit acts of violence against our people and live without repercussions in our communities.

**Topic 5: Missing and Murdered Indigenous People (MMIP) Concerns**

Another crisis across Indian Country is the impact of Missing and Murdered Indigenous People. It is critical that tribal nations utilize allocated resources intended to promote community safety, justice, and healing, to respond to issues of MMIP. The crisis of MMIP is rooted in historical trauma and systemic oppression. Tribes and tribal organizations are historically marginalized and under-resourced. MMIP started with colonization, forced relocation and removal, and continued through the boarding school and adoption eras. It continues now through attacks on our Tribal sovereignty, the lack of follow through on treaty and trust responsibilities, and limited resources to respond to our relatives in culturally safe and honoring ways.

***Recommendations:***

1. Include MMIP financial support to victims' expenses and not require survivors to prove there is a DV/SA component before grantee can utilize the funds.
2. Provide technical assistance on MMIP to grantees, to help tribal programs understand what is allowable and not when providing cultural direct services to MMIP survivors and their families.

Michigan has 12 federally recognized tribes, more than any state east of the Mississippi River. However, there is only one tribal shelter providing culturally honoring services to survivors. This is not enough.

**Recommendations:**

1. Tribes and tribal organizations need additional funding and resources to support awareness and access to culturally honoring and safe services and systems. This cannot be limited to domestic violence and sexual assault. It must include awareness of issues related to MMIP, (including historical trauma, systemic oppression, and jurisdictional complexities) as we know and have testified that they intersect with issues related to violence in our communities.
2. Expand additional funding and resources to support awareness of and access to culturally honoring services and systems, including shelters and legal services.

It is estimated that about 78% of Native Americans live outside of Tribal lands (U.S. Census 2010). The non-Native criminal justice system knows little to nothing about MMIP. Currently, Michigan only has one MMIP Coordinator with the DOJ, one individual to coordinate MMIP efforts with twelve tribes.

**Recommendations:**

1. More federal government liaisons focused on MMIP are needed to help tribal governments find their loved ones.
2. Establish a central database for governments, including tribal governments and organizations to collect and submit MMIP data.

There are significant issues with data collection and analysis when considering MMIP. There are no requirements for jurisdictions to collect ethnicity, race, and/or tribal affiliation for missing and/or murdered individuals. Tribes do not have adequate resources to support staffing necessary, let alone to engage in identifying the missing data that accurately reflects the issues of MMIP.

**Recommendation:**

1. We encourage the DOJ to continue efforts in Savanna's Act intended to support relevant data collection and analysis, with continued consideration and consultation of tribal governments.



## Lower Elwha Klallam Tribe

*Chairwoman Frances Charles, Chairwoman, Business Committee - Tribal Leader (Oral)*

Thank you to the Alaska Natives for allowing me to stand on your sacred grounds. The Lower Elwha Klallam Tribe is located on the North Olympic Peninsula in the Northwest corner of Washington State. Our reservation is at the mouth of the Elwha River. The river serves as an international boundary with the Canadians. We also have five known villages in Canada. In 1855, the tribe entered into The Point No Point Treaty with the United States and lost hundreds of thousands of acres. The tribe reserved its pre-existing original rights to fish and hunt those lands.

## **Topic 1: Elwha River Restoration**

In 1992, thanks to the Elwha River Ecosystem and Fisheries Restoration Act of 1992, the U.S. National Park Service worked closely with the Lower Elwha Klallam Tribe to remove two hydroelectric dams on the river and salmon fisheries. This has been a critical goal for the tribe and has taken an extraordinary amount of time. This is one of the greatest ecosystem restoration projects ever undertaken in the United States and the Lower Elwha Klallam Tribe is committed to restoring the runs of our salmon relatives. This shows the importance of listening to our stories and an example of how 100 years ago no one thought the U.S. Government would help restore the river and remove the dams. As a result of the commitment, the tribe has regained locations lost in the flood caused by the dams including our ancestral village and the creation site. Prior to the dams, generations of their people had traveled to the creation site to purify themselves and receive spiritual guidance. Now future generations will continue this tradition.

How are dams, fish, and treaty rights connected to this Consultation? Our tribe has given testimony each year to point out the chronic dam building that prevents us from fulfilling our duties to protect our people. The DOJ and DOI must put in their annual budget requests noncompetitive funding for tribes for all public safety and victim services. For years the federal leaders and agencies have promised there would be change. We need to see those action items. Lip service is not needed. Tribal Nations are struggling because the tribes have been underfunded for years and generations. Grants have been cut and the funding sources have been scaled back. Funding is the key, but it must be flexible. Inflexible funding is counterproductive and exhibits distrust in the Tribal Nations' ability to exercise decision-making.

## **Topic 2: Crisis of Murdered Indigenous Women**

Our tribe felt the realities of the crisis of murdered Indigenous women in December 2020 when one of our young mothers passed away 2,871 miles from her home. She left behind five children. She died in North Carolina after having an argument with a man whom she lived with and was planning to leave him the next morning. On December 8, the family received notification from North Carolina law enforcement that Kelly died. Her wallet and phone were never recovered. The tribe paid for all of the expenses to ensure that Kelly was given a proper funeral. The family has since tried unsuccessfully to obtain an autopsy report and a certificate of death from North Carolina authorities. There has been a serious lack of communications from law enforcement and investigators. The tribal police have also tried to obtain a copy of any investigation report, but without success to this day. We do not know what really happened to Kelly to cause her death. To this day, we have five children who have unanswered questions about their mother. Although they are loved and cared for, this specific trauma and grief of the loss of losing their mother and not knowing the real circumstances of her death compounds their pain and suffering.

We must push law enforcement to strengthen protocols and we must hold state and tribal law enforcement agencies accountable to investigate responses. This includes connecting federal, state and tribal databases to help resolve certain cases. Tribes should also be given direct funding to help the families transport their loved ones home for culturally appropriate funerals and ceremonies.

As former Attorney General Eric Holder stated in 2019 during the U.S. DOJ hosted Domestic Violence Awareness listening session in Minneapolis, "We know that we must be open to new ideas and approaches. We must learn from each other what has worked – and what has not. We must acknowledge the great cultural diversity in our country and rise to the challenge of providing services that are truly culturally and linguistically

relevant. We must dare to think differently and we must value innovation.” When we dare to think differently together, dams are no longer obstacles but opportunities to build strong bridges for the next generations.

### **Topic 3: Flexible Non-competitive Funding**

Our neighboring tribes, especially some of them that are not here, don't have easy access to computers or the Internet, because they are located in isolated places. We need to make grants non-competitive and have easier and shorter forms to submit. We have a treaty, a trust responsibility with federal agencies. We want to be able to work directly with the directors, not the staffers. We want the Federal Agency leaders to understand that law enforcement is a real barrier for all of us. Law enforcement responses and lack of training as well as resources available to assist are scary. We often find that as soon as we get them trained, they are funneled off to a different location because they can make more money elsewhere. There is also not enough funding for mental health services. Often we have to send our younger members out of the area to get the support they need.

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

1. The DOJ and DOI must put in their annual budget requests noncompetitive funding for tribes of all public safety and victim services.
2. We urge DOJ and DOI to support the agency's data gaps and ensure safety for Native communities.
3. Tribes should be given direct funding to help families transport their loved ones home for culturally appropriate funerals and ceremonies.



## **Mesa Grande Band of Mission Indians**

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

### **Topic 1: Accountability at a higher level**

I have been working in domestic violence for 20 years and the stories have not changed. We have made some progress, but there is still a lot of work to do. In our tribal community it takes a lot of time, money and commitment to attend consultations and it is emotionally hard to listen to tribal testimony. Yet, Congress does not attend these sessions and we question if they even read the summary reports. This is heartbreaking. Do Native people even read them? As a tribal coalition leader and Authorized Designee for the Mission Indians Tribe I am asked to sit here and discuss these situations. But, I also have to be careful about what I say because we need the federal funding. We need to reconsider how we produce tribal consultations and ask ourselves what's a better process. It is heartbreaking for our people to sit here and listen to these stories, and to share these stories. I don't want my daughter to have to be in this room testifying. I don't want my granddaughter to be in this room testifying. How do we make the changes needed and how do we at least get some more progress? I appreciate all the federal leaders sitting at the table and the progress that has been made so far. But, they can do very little when it comes to appropriations. We need more funding and we need the representatives in the room that can help us get the funding we need. This is key.

**Recommendation:**

1. We need to reconsider how we produce tribal consultations and ask ourselves what's a better process. Congressional participation in consultation in person is needed in order to get the funding needed to make progress.

**Topic 2: Jurisdiction and Access to Services and Funding**

My tribal council does not get paid, they volunteer their time. When we talk about jurisdiction and access to services, what we do in our small communities/reservations, we pool our funding together. We have a collaborative Indian health system; this way we can help two or three Indian health programs in our area.

There are over 110 tribes in California that the Strong Hearted Native Women's Coalition try to support. One of the roles the coalition does is to fill in the gaps in services.

**Topic 3: Legal Services / Grant Writing**

There is grant money out there, but it is hard to find good grant writers and the funding for grant writers is non-existent. It has taken me 20 years to properly figure out how to write grants and who will replace me? I don't get paid for grant writing for my tribe. That is more volunteer hours I have to put in.

The Coalition currently supports 34 tribes working on grants. There are six tribes that are under the Coalition's shelter program. By having the tribes work together and pool their money we can leverage our funding. When we talk about increases in funding, it is important. If my tribe was to do it on their own we would not be able to cover the salary for the position. Our salaries don't compare to other nonprofits, to other corporations. We have to either volunteer time or supplement our time somehow.

**Topic 4: Training Needs and Self care**

Our staff is stretched thin and wearing multiple hats. We don't get to go home at the end of the day and forget about it. Twenty years ago, the clients I work with, I still see today. I will see them for the rest of my life because they are my community. Training, therapy services and self care for our staff are needed continuously. In non-tribal communities the staff who provide SDVC services get to go home at the end of the day. They may never see their clients again. In a tribal community this is not the case.

**Topic 5: Funding for Law Enforcement and Tribal Courts**

When we talk about funding, flexibility of funding, sustainability of funding, not only do we have to fight for the pennies that we receive, we have to fight to use those pennies how we see fit. We are constantly asking ourselves what is allowable and what is not. Hanging over all of our heads is the fear of being audited. Don't say too much, don't raise attention to yourself, don't complain too much. Because they may audit you. How much more do we need to do? At the end of the day, we cannot even lobby to ask for more funds. We have to be careful of how we carry ourselves. And it is difficult, and it is frustrating.

My tribe does get some funds, but it is not enough to pay our tribal council. We have to watch every penny and we have to choose what we spend our money on. There is housing, there are roads. There are a lot of different issues that tribes have to deal with and contend with. I live in Southern California and there are a lot of casino tribes in our area. The question always comes up, why can't they help more? And they do. We wouldn't be a part of the intertribal Court system if it wasn't for those casino tribes. We fight for our land because the casino tribes provide us funding. But it is not the casino tribes that have the trust responsibility - it

is the United States government that has that trust responsibility to us. And, yes, we are supported by other tribes, and we continue to be supported by other tribes.

Our tribal court system is another collaborative funding. California is a public law 280 state and our tribes are fully funding our tribal court system. There is some assessment grant money that is now being earmarked, but that is not guaranteed nor do we know if that is going to be sustainable. Our intertribal court system is made up of 12 tribes, and covers law enforcement, bailiffs, attorneys, judges. It is still not fully funded as our chief judge is only part-time. Because there are so many tribes involved it takes a lot of time to develop bylaws, funding, etc. To give you an example, we have some great members on our team, but it took us three years to redraft our election ordinance and we just found out that it would not hold up in the Supreme Court so we have to redraft it. More money, more time, more volunteer hours for our counsel.

There is a continuum of domestic violence and trafficking that we are still working with the sheriff's department to address. California doesn't get along with tribes easily, so we have been meeting with local county officials to address our concerns of how they are going to work with our tribes to find the MMIW. According to our counties, they don't have any solutions. They have pushed back, asking us to show the data, but there is no research / formal data. But, we know the numbers because we see these issues every day; it's just collecting the numbers/data. We have also seen a cut in federal funding. There is a trickle-down effect.

#### **Topic 6: NamUS**

In tribal communities, there was a big push on how to use NamUS. Our local sheriff's office does not use NamUS. They have their own system of filing DNA and getting evidence into those jurisdictions. This is irritating because the system is not centralized and there are multiple processes. We constantly have to re-educate our community in a new process because what is going on nationally is not what is going on in our districts. NamUS is great, but the federal government should mandate that all law enforcement use NamUS or have their systems connect with NamUS. If our county is not using/integrating with NamUS, what good is it to us? We want our tribe to work with the local sheriff's department so we need a process and system that work for everyone. There are too many variants across the board.

One of the tribe's biggest concerns is what recourse do we have when we disagree with local law enforcement or feel they mishandled a case? There doesn't seem to be any. My tribe does not have law enforcement. We do not have funding for law enforcement and I doubt we would even have the capacity to deal with the grant for law enforcement, if we did have the funding. How do we fight that jurisdiction when we disagree? There is virtually no support for the families that want to fight back. We have a family right now challenging child protective services in the situation where law enforcement agencies mishandled a case where a young woman was dumped on the side of the road, already dead from an overdose. The tribe believes she was trafficked, but local law enforcement say they didn't find any evidence of her being trafficked. The fact is - they didn't even ask.

When we look at our resources, there is a BIA investigation officer for our region who really wants to help, but he is one person assisting 100+ tribes. The FBI doesn't have anybody in place because we are a public law 280 state.

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

1. The federal government needs to provide more funding to tribes for grant writers.
2. The federal government should put fewer restrictions on how a tribe can use the funding.



3. There is a need for increased funding on self care services that support SDVC support staff.
4. The federal government needs to provide additional funding opportunities to support tribal court systems.
5. The federal government should mandate that Law Enforcement databases integrate with NamUS. We need a centralized system / process.
6. The federal government and tribal governments need to assist public law 280 state tribal leaders in addressing the concern of what recourse do they have when they disagree with local law enforcement.



## Muscogee (Creek) Nation

*Geri Wisner, Attorney General - Authorized Designee (Oral)*

### **Topic 1: What's happening on Muskogee Reservation**

Prior to 2020, the Muscogee had lost nearly half their lands in a Reconstruction treaty, and over the following decades they were splintered off and sold to private owners becoming a checkerboard. State officials began denying that there had ever been a Creek reservation on the land that became Oklahoma.

In 2020, the U.S. Supreme Court ruled in *McGirt v. Oklahoma* (104 S.Ct. 2542) that a large portion of eastern Oklahoma remains the reservation land of the Muscogee (Creek) Nation. The Court ruled that Congress never explicitly "disestablished" the 1866 boundaries of the Muscogee (Creek) Nation. It also ruled that the state did not have the authority to prosecute violent crimes by or against Native Americans that happened on those tribes' lands, because they fell under the jurisdiction of the federal and tribal governments.

The day prior to the *McGirt* ruling, Muskogee Nation had prosecuted 42 criminal felonies and 31 misdemeanors. Out of the 42 felonies, four were associated with domestic violence and out of the misdemeanors six were associated with domestic violence. After the ruling, the Nation invested in law enforcement. From July 2020 - July 6, 2022 the following cases have been filed in the Muscogee (Creek) Nation District Court: 2959 criminal felonies and 2290 criminal misdemeanors. Sixty-Four of the felonies are associated with domestic violence and 684 are domestic violence misdemeanors 689, while 203 were juvenile delinquent cases. Our numbers have significantly increased which we are thankful for because we recognize the responsibility that comes along with making sure our people are safe within our reservation.

However, the infrastructure needs support. In June of this year, the Supreme Court's ruling in *Oklahoma v. Castro-Huerta*, gave the state authority to prosecute certain cases in tribal lands, and undermines tribal sovereignty. It also erroneously ignores the fact that recently Congress took big steps in affirming tribal sovereignty and tribal criminal jurisdiction with the passage of the Violence Against Women Act, reaffirming the right of tribal nations to protect their own people and communities. Thanks to Congress, as of October 1, 2022, tribal nations will once again be able to prosecute these crimes because they restored this jurisdiction to tribal nations. In restoring this jurisdiction, Congress recognized that no sovereign has a greater interest in protecting the safety and welfare of Native victims than tribal nations. *Oklahoma v. Castro-Huerta* violates the Constitution separation of powers and disrespects Congress's exclusive authority to legislate over Indian affairs. Most concerning, is the fact that it obviates the connection between tribal sovereignty and the safety for Native women and children.

The Muskogee (Creek) Nation has heard that individual United States Attorney's Offices within Oklahoma are implementing policies to defer prosecution of crimes committed against Indians on tribal land to state law enforcement based on their flawed reading of Castro-Huerta. Nothing in Castro-Huerta invites the United States to distance themselves from their trust treaty and responsibility to safeguard the lives of our women and children. I wish that I could say that state and local governments have prioritized the protection of Native women and children but they have not.

In 2017 the Urban Indian Health Institute in Oklahoma ranked in the top 10 for the highest number of MMIP cases. Oklahoma City ranks in the top eight of American cities that failed to properly report and investigate MMIP cases. We need you to help us, the Indian Nations, to address the crisis that has been created with Castro-Huerta.

The following are specific instances that we have faced within the Muskogee (Creek) Nation reservation. We currently straddle two federal districts, the northern and eastern federal districts in Oklahoma. There are distinct disparities between the federal offices. We find that the Northern District partners work hand in hand with us for the prosecution of violence against women cases, but the other district does not work with us as much and declines responding to more cases. There is also a disparity in the number of cases we see prosecuted and under prosecuted. The U.S. Attorney needs to do a better job of communicating with victims as to why they are declining their cases. Often, the communication is left to our tribe to respond to the victim as to why the U.S. Attorney's office has failed to prosecute. Just giving us a list of the denials is not enough; we need clarification and specifics as to why these cases are denied.

Federal prosecutors and federal agents, along with many victims advocates unfortunately have a little experience in the Indian Country. As a result of the ruling, we have had numerous temporarily assigned FBI agents, as well as Assistant U.S. Attorneys, coming into Oklahoma to assist with the new jurisdiction, who know nothing about Indian Country. We need to see U.S. Attorneys and FBI working with us, asking us for training, giving us the opportunity to say these are our people. These are the things that are important and we would like for you to respect the same.

Concerning our missing and murdered Indigenous peoples cases that are listed within NCIC, state law enforcement are removing the status of these cases in NCIC, without verifying the actual status. Within the reservation, victims calling 911 emergency situations are being first asked whether their batterer is Native American or not. Depending on the response, they are often told to make a call to the tribal police force or they are put on hold and unsuccessfully transferred to tribal police for these emergency situations. I was told we had a tribal victim on the line who said no, wait, do not hang up on me. Do not transfer me. I have an emergency and you need to help me. Luckily, that worked. It is paramount that we need our own infrastructure to be able to provide 911 dispatch and emergency services to our people. And the Muskogee (Creek) Nation, based on our agreements, as well as the fact that we do not care who needs help, will provide help. Every person in need of emergency should be helped.

We are also seeing a lack of accountability within state agencies. We are receiving a lot of police reports that lack jurisdictional requirement language. The reports are even missing information such as the victim's contact information. We need to be able to hold our state partners accountable. We need joint training between the tribal and state law enforcement personnel. This training should include many of the racial components. Our Native victims are often identified within police reports as white, black, or Hispanic, even when they state they

are Native. We are Native all the way through and yet, even when this is pointed out to the officer, it is not reflected within the report.

I would like to also echo a lot of the comments that have been made earlier, with the funding and competing grants. Why must we compete? Why must we show how vulnerable and how dire we are, because we need the help? We are trying to save our people and our children.

Lastly, I would like to say that the Muskogee (Creek) Nation is standing up and improving our criminal codes and I encourage each of your tribal nations to do the same. We must exercise this sovereignty and stand on our own two feet and continue to push this a little bit further. Here is the line that they are going to give us, push it a little further. Furthermore, the Muskogee Creek Nation is taking additional actions to remove the statute of limitations on sexual assault crimes.

***Recommendations:***

1. The federal government should make grants non-competitive.
2. The federal government should help tribal nations enhance their law enforcement infrastructure.
3. The federal government should provide joint training for local / district law enforcement and tribal law enforcement.
4. The U.S. Attorney's Offices must communicate why they are declining tribal cases. Just giving the tribe a list of the denials is not enough. The report must clarify why the case is denied.



## Nambe' Pueblo

*Rod Kaskalla, Domestic Violence Prevention Coordinator - Authorized Designee (Oral)*

### **Topic 1: Challenges of Program Services**

We talk a lot about victim services and, looking at these issues, violence is interrelated. It is not just about what we are doing; it is about children, families, substance abuse, mental health, everything we touch as Native individuals in our community. All our families are interrelated in every way possible. It goes back to our relationship with the creator and relationship with the earth, the resources, the water. We forget about these connections, but they affect the spirituality of who we are. We talk about intergenerational trauma, colonization, substance abuse, boarding schools and the impact it has made on us as Native Indigenous people in our communities. We are now in a new era and our younger generation have to deal with technology that we never had to, and drugs that are enhancing a lot of overdoses in our communities.

In 2005 there was a suicide-murder in Nambe' Pueblo that occurred. It was horrific, because a young spiritual leader was involved along with a lady from another community. It shook everybody because everybody knew the leader as a gentle person that was helpful to everyone spiritually. Sadly, jealousy and ownership led to that horrific murder-suicide. After that the Nambe' Pueblo applied for funding and received it. The reality is, we are not sustainable as small tribes. We have to rely on funding and grants and being a small tribe,

competitive grants are really hard to win. We are always lacking numbers, lacking statistics, and lacking data. There are also so many other types of grant programs such as formula grants or grants that take innovative approaches such as interviewing for the application process. It is hard to navigate it all. Having some kind of consistency so we can continue to be funded would be helpful.

There are so many times that we have to wait on something to find out if we got funded. We have conversations about what happens if we don't. For our Pueblo economic development in social programs is not there. Our tribe needs noncompetitive flexible grant funding opportunities to allow us to establish more robust social programs for our community. When grants aren't flexible we are limited because if it wasn't in the proposal, we can't provide that service even if it is needed for us to continue the health and growth of our own community.

This work is tough and I grew up seeing substance abuse from everybody, including my elders. At the time, I didn't realize how all these dynamics connect and affect who we are. I survived and I admit that I was once one of the perpetrators. The healing process is important. We say we are tribal and are all related, but to keep others safe we try to separate everybody. Individuals with violence have issues and it's important to figure out what has caused those issues. We say we are Indigenous people, and that we have learned from our elders. We understand that we really have to look at the spiritual connection when we do these programs. Victim services are very difficult to provide and as much as our advocates try to encourage the victims to come forward and use our services, we can't force them. All we can do is encourage them to get the help they need and go to shelter. The majority of our victims don't want to go to a shelter.

For our little Pueblo we have a hard time with infrastructure; it is hard to put something together in our own community because we do not have the resources. We do not have our own law enforcement, and we do not have our own social services. We rely on the Bureau of Indian Affairs for law enforcement and social services. The BIA services three Pueblos in our area and they recently posted a victim specialist position for federal crimes. We are building this relationship and it is important to build this trust. Building this trust relationship is very slow in our communities because people are hesitant.

Since April, we have a monthly in person meeting with BIA law enforcement. This monthly in person meeting has helped build that relationship. Now instead of pointing fingers, we are trying to see what the problems are. We have learned from our conversations that the BIA has outdated technology - they don't even have laptops or Wi-Fi. They also don't have enough personnel. They have to rotate law enforcement officers, which means that the presence of law enforcement in our community is lacking.

We also don't have social services in our Pueblo; we are limited because of personnel. How can one to three BIA officers provide the services needed for three Pueblos? There is also a lot of turnover with our law enforcement because of the limited staff and the fact they have to cover 24 hours. Because of the high turnover and lack of consistency court hearings get dragged out. The victims are concerned about what will happen and sometimes the offenders get out of jail.

Five law enforcement officers within each Pueblo would be ideal. Just having a law enforcement presence in our community would be helpful. Law Enforcement officers need training to understand mental health. Because when they respond to someone, they may not know that the individual is autistic or has schizophrenia. We are doing a lot of things backwards and letting law enforcement do whatever they need to do. No wonder we are frustrated as service providers. No wonder our victims don't want to report. BIA also

needs the technology in place to assist. They need portable Wi-Fi so when they travel to Pueblo to Pueblo they have access to the internet. Instead they have to wait until they go back to the office to put it in the system, but even the system needs updating. The only way they can access the statistics is by contacting the dispatch, which happens to be located on one Pueblo who has to get permission to access their own reports. The tediousness of all of these things helps me understand why things don't happen immediately. We now have an open dialog with our BIA officers discussing what is needed and what they need in order for us to be productive in our own little community.

Our community and families are really in an economic hardship. When we mention flexibility of funding to accommodate victims in whatever way possible, this includes food. Food is a big thing and it is critical for survival. Housing is also critical. We used to take food and housing for granted, but so many things have occurred in our community and we are facing hardships. A lot of violence has occurred. We have a long way to go in order to get the services needed in place. We are working on terminology and plan to talk about MOUs eventually. The Sheriff's Department doesn't even know what a MOU is and how to put one in place.

These challenges are about personnel and we can't really do much because they are a federal agency. We need funding, but all of the money is going somewhere else. Our BIA office is not even yet funded. The BIA chief is happy they have seven officers. That is technically a full staff, but it really isn't. It is still lacking resources to truly support our communities. We need collaborative training for our law enforcement, social services, and our programs. We need better Internet accessibility so we can access the online training. We also need funding that encourages youth to be involved - they know technology and can assist, but there are limitations.

As far as our OVW program, we rely on that funding. It takes a lot of effort to continue to have these services. The funding is focused on our pueblo, but we also work with the pueblos nearby and law enforcement. We need funding that allows the flexibility to do what we need in our communities to make changes happen. We need the community to be healed, and we need the entire community to be part of this wellness service. The community needs to confront the hurts and pains they have from the past and they need a safe space to do that.

Our courts are part-time as well as our judges. Again, we do not have the funding to support a full time staff. We do not have a prosecutor. We collaborate with other agencies. The coalitions are a vital part of our training, especially the Coalition to Stop Violence Against Native Women.

***Recommendations:***

1. The federal government should make grants non-competitive.
2. OVW funding should be flexible and allow tribes to provide the services they need to the community to accomplish the program's goals.
3. OVW should increase funding to the tribes so they can better staff their law enforcement and court systems.



## Native Village of Chuathbaluk

*Teresa Simeon Hunter, Chairman Chuathbaluk Traditional Council - Tribal Leader (Written)*

### **Topic 1: Lack of Law Enforcement & Response Times**

There were many testimonies that pertain to law enforcement. Our village has no law enforcement as many of our neighboring villages up and down the Kuskokwim River.

During the pandemic our little village was the highest for call-ins with Alaska State Troopers due to bootlegging within our village. There were numerous times we called the troopers for assistance with no availability when needed.

These last two years have been tough because of their slow response. In September, there was an incident about shooting dogs within the village. That same day troopers went up to Chuathbaluk. If we had called for a different incident regarding assault on an individual with medical attention they would not respond as quickly.

I know times are getting more tough but law enforcement needs to really be addressed. We had a tribal member in another village go missing and troopers never responded until he was found later that same day deceased. They need to do a better investigation on these kinds of situations.



## Native Village of Emmonak, Alaska

*Governor Lenora Hootch, Governor - Tribal Leader (Written & Oral)*

The Native Village of Emmonak is a Yup'ik Native Village with a population of approximately 1300 tribal members. The village is located in a remote part of southwestern Alaska and is approximately 200 air miles northwest of Bethel, Alaska and 490 air miles from Anchorage, Alaska. There are no road systems in the entire region - the river is our highway. For transportation, we must rely on airplanes to get to hub communities, and for village-to-village travel, on boats during the summer months and snow machines during the winter months, unless extreme weather makes traveling impossible.

Emmonak, like many other Alaska Tribes, experiences on-going barriers that impact the health and safety of Alaska Native women. These barriers include the following:

- Inadequate law enforcement and justice responses;
- Inadequate response to the high rates of missing and murdered Native women; and
- Inadequate tribal public safety and justice funding.

### **Topic 1: Inadequate Law Enforcement and Justice Responses**

As stated in every annual Government-to-Government Consultation, a centralized law enforcement and justice system in the State of Alaska does not work and it has been an on-going critical concern. There has

been a consistent pattern of inadequate law enforcement response, including the lack of comprehensive, systemic infrastructure to address safety and accountability for the extreme levels of domestic violence and sexual abuse in Alaska's villages. 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. Frequently, the only people standing between women in need of protection and their batterers or rapists is the local community. Consequently, the life of a woman depends largely on the local community's ability to provide immediate protection and assistance and limited options for women seeking to escape.

The following scenario continues to be our reality. We have a police department in our village who has two State Troopers on a rotating schedule with two weeks on, and two weeks off. These State Troopers also have 4 other villages that they are responsible for. Their hours of operation are from 8:00 a.m. - 5:00 p.m. After 5:00 p.m. the answering machine is on and people are directed to a dispatcher who is 500 miles away in Fairbanks. The caller then tells the dispatcher what is going on and then they have to wait to see if anyone comes. Too often no one comes, no one is on duty. Our village is fortunate to have two Village Police Officers (VPO) on duty who respond when they are available. Their schedules are better as they split 12:00 p.m. to 8:00 p.m. and 8:00 p.m. to 4:00 a.m. But, often they cannot assist in an emergency because if a prisoner is in jail, they cannot leave them alone.

We had a horrific situation, where a woman who was at an annual dance ran into the hall crying for help. Her boyfriend ran after her and started attacking her. The local men in the dance hall grabbed the young man and tied him to a pole. Once the girl was safe, the men who tied the man to the pole threatened to call the police and have him arrested if he didn't stay away from the girl once they released him. There were no police in the village to respond. Local tribal members risk their lives to protect their women and children. We are the first responders. Of the 13 villages, 18 tribes in our Yup'ik region, 6 villages have no law enforcement, possibly 7 villages have one VPO.

***Recommendations:***

1. OVW and other federal agencies need to give tribes consistent and reliable funding.
  - a. The underfunding of tribal justice systems is a violation of the federal trust responsibility that results in lost lives, and many cannot cope with the trauma. We have high suicide rates. Our young people are dying.
  - b. Because we are a public law 280 state, the state is responsible for providing law enforcement, but they do not value our communities nor do they protect.
2. The Emmonak supports the Alaska Pilot Project and Special Tribal Criminal Jurisdiction which will enable our tribe to address violence against our women and children locally and using cultural values. We offer the following recommendations on implementation of special tribal criminal jurisdiction:
  - a. Provide regular, predictable, and sufficient funding for the implementation of Special Tribal Criminal Jurisdiction pilot projects in Alaska for a comprehensive law enforcement, justice systems, and victim and offender services.
  - b. Fund technical assistance providers for the Alaska Pilot Project similar to how NCAI was funded to support VAWA 2013.
    - i. Funding for the tribal justice systems must allow the Tribes to define how the system functions; it cannot be contingent on a western view.
  - c. Formation and funding on an Alaska intertribal workgroup for all tribes who want to build capacity and be able to be a pilot project tribe whether in the first year or in the future, similar to the ITWG, to help advise and direct the SDVCJ Alaska Pilot Project.

- d. Support for Tribal law enforcement recognition and support, fixing legislation and 25 C.F.R. § 12.21 that authorize Special Law Enforcement Commissions.
- e. Allow the Tribal Reimbursement program to be the least restrictive as possible to tribal governments.
- f. Provide funding for a dedicated Tribal Liaison in the Alaska United States Attorney's Office to carry out statutory duties required under 25 U.S.C. § 2810.
- g. Prioritize and release the Alaska Special Tribal Criminal Jurisdiction Training and Technical Assistance Solicitation for Alaska Tribes designated by the Attorney General as participating tribes in the Alaska Pilot Program immediately.

### **Topic 2: Inadequate Response to the High rates of Missing and Murdered Native Women**

Tribal leaders have consistently raised the fact there is an inadequate response from law enforcement agencies to missing persons reports of Native women. Families in villages who have lost loved ones go months and years with no answers.

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

1. The Not Invisible Act Commission can provide meaningful recommendations and changes needed.
2. The DOJ should withhold funding for states who do not follow the requirements outlined in Savanna's Act to develop a uniform protocol to address the missing and murdered Native Americans.

### **Topic 3: Adequate and Equitable Funding Needed on an Annual Formula Based Program, Not Competitive**

There are countless stories filled with so much pain about Native women who have nowhere to go for safety. In reality, there is no safe place in the village to go. In Native villages, there continues to be no readily available resources, lack of shelter programs, and no law enforcement available for protection. Given the high rates of domestic violence and sexual abuse committed against Native Women, a federal and state set-aside should be required for Alaska Native Tribes to develop, implement and sustain local, culturally relevant solutions to effectively address the health and safety of village residents. The State of Alaska often gets funding for the tribes, but the funds do not get funneled down to the tribal villages.

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

1. We strongly recommend that OVW Tribal Government Grants be changed to non-competitive annual formula-based grants. This change will:
  - a. End the unfair grant process that is based on the English language and ignores that 95% of our villages speak Yup'ik.
  - b. Allow **ALL** Alaska Native villages to receive a grant under this program to address the extremely high rates of violence committed against Alaska Native women.
  - c. End the unfair award process that applies a western approach in the grant application process as well as the administration of the grant.
2. Recognize and respect our traditional culture and values and allow the Village of Emmonak and other Alaska Tribes recipients of funding to spend funding on local cultural workshops and conferences to include food and beverage needs as previously allowed.
3. Allocate separate annual non-competitive funding to Alaska Native Tribes for life-saving services, including, but not limited to, law enforcement, advocacy, transitional housing, community village-based outreach



and education efforts, shelters, and direct victim services, sexual assault forensic examinations in rural villages and Native designed/operated batterer re-education services.

The Emmonak Village looks forward to continuing our work locally and with our important allies on the national and international level to strengthen tribal sovereignty and increase the safety of Native women, children and families. By working together we stand stronger in our advocacy efforts for equal access to justice, local village-based solutions to local village problems, and access to services designed by and for Native women.



## Native Village of Kongiganak / Kongiganak OVC Task Force

Darlene Daniel, Tribal Court Administrator - Authorized Designee (Oral)

*Stephanie John, OVC Victims Coordinator - Authorized Designee (Oral & Written)*

### **Topic 1: The Kongiganak OVC Task Force**

The Kongiganak OVC Task Force was formed in 2019 and has been funded with the core concepts of the Yup'ik culture of Alaska and the guidelines of the OVC. Tribes that are in the lower Kuskokwim Region in Alaska, surrounding Kongiganak, are partners in the Task Force. Along with victim service agencies in the region and throughout Alaska, we hope to be a guiding force for addressing the violent crimes and victims of those crimes in our region.

At 702 miles long, the Yukon-Kuskokwim River is the nation's 9th largest river and is home to the largest Alaska Native cultural tribes, the Yup'ik and Cup'ik speakers of Alaska. This Task Force was formed by the Native Village of Kongiganak's OVC grant they received in 2019 to establish a victim services program. Since that time, the Village has had meetings with the Task Force that involve training sessions, followed by an official meeting of the Task Force. This format has worked well for the group, which grew from three tribes in 2019, to four in 2020, and now six tribes as of August 2022. The group also involves other agencies related to victims of crime, which include, but are not limited to, battered women's' shelters in the region and victim programs throughout the State of Alaska.

Thus far, the Kongiganak OVC Task Force has been trained on data collection, retaining and reporting data, performance measurement, Missing and Murdered Indigenous Persons Alaska Task Force, U.S. Attorney for Alaska Office of Victims and Witnesses of Crime, Violence Against Women Act Reauthorizations 2018 (proposed) and 2022 (enacted), as well as practical procedures for different victim scenarios, including mock trials. Still, today, we see that this region in Alaska, the southern most Southwestern Region of Alaska, holds the highest numbers of domestic violence and sexual assault crimes in the United States. With these high numbers, and with the declaration of rural Alaska as a public emergency crisis, this situation also requires a law enforcement presence, and in particular, a law enforcement presence that will enforce tribal laws in each community.

**Recommendations:**

In order for our tribes to have stronger law enforcement presence that will enforce tribal laws in each community, we have to address the following issues:

1. Funding of tribal police officers.
2. Clarifying the definition of “law trained” judges, prosecutors and public defenders for tribes that have only received “one-time, one-year” tribal court funding since 2016 at the earliest and 2022 at the latest.
3. Defining the jurisdictional boundaries of tribes that have no legally defined “Indian Country” and a U.S. Census Bureau land base only.
4. Writing new laws/codes for the tribes to include criminal codes and jury provisions.
5. Training and ongoing technical assistance to guide tribes during the enhanced prosecution under VAWA.
6. Establishing a collective agreement on the classification of Tribal Police Officers relegated by the Department of Justice with the State of Alaska Department of Public Safety, so that threats that our tribal police officers to be charged with “impersonating a police officer,” under the guise of avoiding a cooperative approach to public safety for all communities, including Alaska Native communities.
7. Lack of children’s and women’s shelters in the region and lack of direct funding.

Storytelling in the Yup’ik culture is just as important as it is for many other tribal cultures. Maria White, a 45-year-old Aniak woman, was murdered in her Native Village of Aniak, Alaska. Maria’s body was found after her and her partner, John Parka, had a night of consuming alcohol despite a court order disallowing him from contacting Maria or being in her home. Her body, “violently beaten and bruised, possibly burned” including other serious injuries, were the topic of Parka’s arraignment hearing in Bethel, Alaska just days after her body was found, and he was held on \$500,000 bail. Aniak is 91.9 air miles from Bethel. For an Alaska State Trooper to reach Aniak, they would either have to travel by river from a nearby village or fly from Bethel to Aniak in order to investigate the death. Fewer than half of the villages in Alaska have a law enforcement presence. This is a significant factor in what types of laws can be enforced in villages and restricts tribes in Alaska to only hearing civil matters and civil misdemeanor matters, due to the active P.L. 83-280 status of Alaska.

All of the tribes that are members of this Task Force do have tribal police officers in their villages. All of the members of this group are also committed to addressing victimization in their villages. All of the tribes here are committed also to working with this Task Force in order to address domestic violence and sexual assault in their communities and the foundation has been laid to regionally address this issue.

**Topic 2: Additional Funding for Judges, Prosecutors and Public Defenders**

This year, in the Kongiganak Village, the Tribal Court has requested additional funding for “law trained” judges, prosecutor and public defender positions through the CTAS Application process and Tribal Court resources. They are also waiting to hear about the CTAS Awards in hopes that a domestic violence liaison officer/LEA will be hired to address the violent crimes in the community and the Task Force partner Tribes. This lays the foundation for Kongiganak to form a regional VAWA court if they are chosen as one of the AK VAWA Pilot Projects. Much groundwork must be done, of course, for tribes to be able to enforce enhanced jurisdiction in their communities as represented herein but Kongiganak, as the oldest and longest running tribal court in Alaska, is ready to take on this task.

The collective Task Force tribes and agencies as members of this Task Force stand ready to put the hard work in and have a strong base built within the last three years of growing the goals and objectives of the OVC Program at Kongiganak. Strong leadership that has been consistent with the tribe and leaders on the Task Force is exemplary of how strong this effort will be.

**Recommendations:**

1. We respectfully request to be considered for the Alaska VAWA Pilot Project and look forward to continuing our efforts to reduce the violent crime in our region, and in particular, to address the high numbers of domestic violence and sexual assault cases in Southwest Alaska.
2. The Kongiganak Village Tribal Court has requested additional funding for “law trained” judges, prosecutor and public defender positions through the CTAS Application process and Tribal Court resources.

**Topic 3: Darlene Daniel Testimony as a Tribal Court Administrator**

I have worked as a tribal court administrator since 2003. In the beginning it was only me and the tribal court planner. A year later, we realized we needed more staff. We ended up with a tribal court administrator, clerk, translator, bailiff, counselors and judges. We have five judges right now. Thanks to the tribal court assessments, we now have funding for this in our annual budget. Our population is roughly 700 people, and one of our main concerns is that a victim may have to live within two blocks of their perpetrator. We have a guy who was arrested, but is still living in the same village. I don't think that is safe. We were thinking if they got incarcerated by Alaska state troopers they would take him out of the community. Instead, they just kept him for two days and then released him in the same village. These victims who have to deal with this are scared, they keep their doors locked day and night. We need something to be done. Another concern I have is tribal police officers. We have a high turnover rate. In fact, for two weeks last spring we had no working officers; they all resigned because they were scared of that person.

**Recommendations:**

1. Our tribal police officers need to feel supported by the community.
2. We need a women's shelter. The shelter in Bethel is over capacity and we are trying to get funding so we can have our own shelter in our region.



**Native Village of Kwigillingok**

*Councilman Roland Andrew, Tribal Council Member - Tribal Leader (Oral)*

*Andrew Beaver, ICWA and Delegated Appointee - Authorized Designee (Oral)*

**Topic 1: Alcohol**

The Native Village of Kwigillingok has laws against drugs and alcohol, but the law itself did not prevent it from coming by air, boat, or ATV into our community. In response, the tribe created and passed a search and seizure policy / ordinance. Since then, the number of domestic and sexual violence cases has been reduced.

**Topic 2: Public Safety Officers**

I would like to touch on funding for our tribal police officers. We used to just depend on AVCP (Association of Village Council Presidents) for the safety of our community. Most of the tribal villages use AVCP and there are times we are short on tribal police officers.

### **Topic 3: Tribal Court Systems / Jurisdiction (Testimony from Andrew Beaver)**

On behalf of my village of Kwigillingok, I work for the tribe as director. Prior to that I worked for the state of Alaska as a social worker for 30 years. When I moved to tribal government, it was different. We have backlogged court cases and too many custody cases piling up. As I read through the information, I realized tribal governments' authority is above other government authority, which I didn't know when I was working for Alaska.

First, I would like to share an example of how my tribe exerted their sovereign authority, and what major issues they faced. We had federal and state law enforcement agents come into our community and tell our tribe that hunting season is closed and we cannot hunt on our lands. Our counsel turned to our elders for help. They are the one government that existed long before the federal government. They were our original government. They have their own custom and laws already in place. Our village elders decided that this community will hunt like their ancestors have been doing. The federal and state agents tried to enforce it, but our elders gave us guidance. They told us to hunt in groups and not to give their names out. The law enforcement agencies tried to enforce it but realized they couldn't. The state is also not following the law. When we tried to make agreements between the tribe and state, they put clauses in there to waive our sovereignty. We are not going to sign or agree to anything that waives our sovereignty. They left. They kept trying to enforce it, but we kept pushing back. A few years back, the federal and state agents finally ended up apologizing and admitted that they were wrong to try and prevent us from eating our natural food.

In 2018, Valerie Davidson became Lieutenant Governor of Alaska and she began to make strides to help tribes. Recently, our current Governor Mike Dunleavy signed a Tribal Recognition Bill (HB 123) to formally recognize Alaska's Indigenous people. The formal recognition through legislation is a step for us to have a successful relationship with the state. Our prayers are answered.

I would like to personally testify about my experience with violence. Like many women in this room, I was a victim too. When I was younger, during berry season, I went hunting alone. It was normal back then to go hunting every day with bow and arrows, eating berries. But, this time, a man abused me. I didn't know what that was. I lived with it. Later, I went to work at a health program in Anchorage. The program set-up counseling sessions for the workers because to fully implement our work and help the families and children in need, we need to fully see ourselves and understand what we needed help with, what we needed to work on. The faith-based program put us in smaller groups with clinicians asking everyone to express what happened in their life. When it came to my turn, I basically said "I am OK. I don't have many problems". On the third day, somebody admitted she was abused as a child. It brought that incident to my mind and I couldn't speak. I cried so hard. I heard my mom speak. Comforting me. It is not your fault. It is not your fault. I started from that. I felt much lighter after that. The director teased me, "Andrew, you're different. You are not like before. Your face, you're different." That program helped me admit what happened to me. I had to let it go. I don't want to let that control me anymore. People who testified during these three days, we have a creator who created us; he built our system. There are two injuries I felt when I was abused. It was physical and mental. Deep inside is the one I never dealt with. But when I dealt with it spiritually, that is when I let everything out. I am free. I can be a normal person now. After that my work became more successful.

In the past, we had social workers in our community with over 30 children enrolled needing help, some of the children were adopted out to non-Native people; they are now disconnected to our tribal community. When I started working as Director, we created a protection team and I asked how we can work with the community, parents and our elders to cut down children removed from our community. We have many workshops each

month, educating our community. We even asked our elders, “How did the ancestors raise their children?” They started laughing. That is a simple question. Encourage your children to do positive things as they grow old. That will be instilled in the child's mind and heart as they grow up to become effective human beings. That is how my dad and mom raised me. It's been 10 years, and the protection team is effective; we have no cases in our community. The state of Alaska has no custody of our children. We have a community that is here to help. The community is revitalizing.



## Native Village of Tuntuliak

*The Honorable Elsie Smith, Judge, Tribal Leader (Written & Oral)*

### **Topic 1: Alcohol & Domestic Crimes in Native Villages**

I am from a small tribe whose population is between 400 and 500 people. In 2019, the DOJ held a listening session that was organized by the DOI. During this listening session in Bethel, Alaska, we heard testimony by a woman from a remote Alaskan Village in the Southwest Alaska Region. Her testimony was echoed by then Assistant Secretary Tara Sweeney, an Alaska Native. Children, in order to remain safe from abuse or sexual assault during house parties in this remote village in Alaska, hide in attics of homes and underneath the homes of neighbors until the house party is over. It's been recently reported that women in Alaska face domestic violence at a rate that is 87% higher than any other race in America. These instances are often alcohol related; in fact 99% of the Alaska Native victims in the Village of Hooper Bay are alcohol related. Children face sexual assault at an equally alarming rate. The children and women in our villages suffer the most. In order to address these issues, we look to OVC, OVW, VAWA, DOJ, DOI, BIA, and Tribal Justice Support Services. We need your help in order to continue making our community safe.

### **Topic 2: Alaska VAWA Pilot Program**

We would like to address the VAWA Alaska Pilot Program. We are concerned about the lack of law enforcement in our villages. In order to enforce orders, we need recognized law enforcement. Our tribal police officers (TPO) are not. We also are concerned that federal agencies still claim that only the Metlakatla Reservation is Alaskan “Indian country”. Recently, several tribes have been putting small parcels of land into a trust or are in the process of receiving trust status. We ask that the map of Alaska tribal lands be updated and that all federal agencies working with tribes be aware of the updates in land statuses for Alaska Native tribes. We also realize that in order to apply for the AK Pilot Program under VAWA our tribe needs to identify our 2010 U.S. Census land description. Our tribal code will also need to be updated to include jury considerations under the enhanced jurisdiction offered through VAWA. We will have to write new codes, address procedures, and offer “law trained” judges, prosecutors, and public defenders. Although we do not feel this is reciprocated when we are on trial in other tribunals, we realize that this is a stepping-stone for us as tribes. We need more explanation on the definition of “Law Trained” as we have heard many differing definitions recently on what constitutes law trained professionals for non-Native defendants. Are our current judges allowed to attend an approved “law trained” certification?

We also want to ask how the funding will be distributed through the new 2022 VAWA Reauthorization. We understand the desire to quickly start the VAWA Alaska Pilot Project, but we have concerns about the timeline and ask that it is afforded time to address the concerns above.

***Recommendations:***

1. The classification of the TPOs in Alaska needs the official authority to work with the State of Alaska Department of Public Safety and other local police.
2. We ask that the map of tribal lands in Alaska be updated and that all federal agencies working with tribes be aware of the updates in land statuses.
3. The VAWA AK Pilot Program needs to explain the definition of “Law Trained”.
4. Before the AK Pilot Program is implemented the federal government needs to take the time to work with the tribes to address all concerns.



## Navajo Nation

Johnathan Nez, President - Tribal Leader (Oral Virtual & Written)

*Eugenia Charles-Newton, Delegate - Tribal Leader (Oral)*

As the largest land-based Native American tribe in the country, the Nation encompasses over 27,000 square-miles extending into three states – Arizona, New Mexico, and Utah – with over 400,000 members, based on our recent enrollment count. The United States entered a treaty with the Nation in 1868, promising health care, education, agricultural assistance, and 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 sacred trust obligation to support the Nation in securing and developing our land and resources to improve the quality of life for our citizens.

### **Topic 1: Alaska Pilot Program**

Federal agency coordination, funding, and technical assistance to effectively support Alaska Tribes will be needed if the DOJ expects to have a successful outcome in the implementation of the proposed pilot program. Since the implementation of Public Law 280 (“PL-280”), communities have been hampered by insufficient resources. PL-280 is an unfunded mandate that has utterly failed and continues to produce the most perilous situations in the nation. Nearly 40 percent of municipalities governed by PL-280 lack regular state law enforcement.

The nation continues to experience and benefit the successful implementation of the pilot program.

***Recommendations:***

1. Improve federal agency coordination, increase funding, and provide technical assistance to effectively support Alaska tribes.
2. Provide consistent and sustained funding, training, and technical assistance to develop standard level infrastructure.

3. Implement cross designation and information sharing agreements with state and federal agencies as necessary.
4. Increase participation by federal agencies in Indian country to address domestic and sexual violence, which must include the BIA, the DOJ OTJ, DOI - BIA Indian Education, Department of Education's Office for Civil Rights, Substance abuse and Mental Health Services.
5. Establish information and data sharing agreements between local, tribal, state, and federal partner, which must include developing a standardized demographic data collection to aggregate data on domestic violence. That includes increased funding for coordinated tribal information management systems with judicial data tracking systems and training.
6. Tribal Court VAWA protection orders must be afforded full faith and credit by state and federal courts to ensure the public safety of tribal members wherever they may be.

## **Topic 2: Tribal Justice and Administering Tribal Funds**

Historically, law enforcement and judicial services have lacked consistent base financing; therefore, the federal government must fulfill its fiduciary duty and provide Indian tribes with consistent funding.

Underfunding tribal judicial systems violates the federal trust responsibility, resulting in fatalities, high rates of criminal victimization, and unresolved trauma for generations of victims. In a recent report to Congress, the BIA stated that \$1 billion is required for tribal law enforcement, \$1 billion is required for tribal courts, and \$222.8 million is required for prisons in order to provide an adequate level of basic funding to all federally recognized tribes. Recent appropriation levels indicate that the BIA routinely funds tribal law enforcement at approximately 20% of projected demand, tribal prisons at approximately 40% of anticipated demand, and tribal courts at a pathetic 3% of anticipated need.

From a law enforcement perspective, the Navajo Police Department (“NPD”) is consistently confronted with use and restricted use of its annual 638 Contract funding received from the Bureau of Indian Affairs-Office of Justice/Law Enforcement Services (“BIA-OJ/LES”), as well as internal issues related to its Tribal financial administration's interpretation of the use of contract dollars. Contradictory information is communicated between the funding source and the Navajo Nation regarding the actual use of the contract funding, i.e., for operational uses in purchasing emergency equipment, sophisticated technology, and/or police package vehicles.

Indian Country needs funding for comprehensive victim services that are designed to meet our needs, as opposed to those that are established by the needs of the non-Indian population in our country. The programs that are already in place do not, in their current iteration, satisfy the requirements of our holistic approach to meeting the needs of the community as a whole. OVC grants are administered in such a way that there is no consideration given to the necessity of going further back in time in order to acknowledge "who is a victim." Common examples of this are those who were affected by the boarding school era.

### ***Recommendations:***

1. Federal and state funding opportunities must be coordinated with tribal communities; in addition, federal agencies must avoid duplication of funding allocation strategies. Rather they should communicate with each other to develop a comprehensive approach to address violence against women across agencies.
2. Funding opportunities should be direct funding to tribal nations and not given to the state to then redistribute to tribes.

3. Funding opportunities must be non-competitive with the flexibility for no cost extensions and exempt reporting requirements as many tribes do not have the capacity or infrastructure in place to meet the strict reporting requirements imposed on the states.
4. Grant requirements should be based on land base and population size. Also, the grant application process should not be a cumbersome process. We call on federal agencies to provide technical assistance and guidance on appropriate grant management processes and software programs.
5. Increase funding for developing and maintaining shelters, and program services such as education, employment, and basic necessities with a focus on connecting impacted members to counseling, social services, housing, education and employment services.
6. Ensure there is consistent and sustained funding, training, and technical assistance to tribes to develop standard level infrastructure.
7. Develop cross-designation and information sharing agreements with state and federal agencies as a necessary step for Alaska Tribes' law enforcement infrastructure.
8. Continue to engage in government-to-government consultations with tribal nations to improve the allocation, management, and administration of tribal set-aside funds and to identify how regulations should be adjusted to meet the specific requirements of tribal communities.
9. Appoint a standing working group of tribal experts to improve the TVSSA program.
10. Apply a tribally-based interpretation of what the law defines as "enhanced support to victims of crime" activities.
11. In order to remedy a long-standing discrepancy between tribal nations, state governments, and territorial governments, Congress created the tribal set-aside. OVC must respect the sovereign right to self-determination of tribal nations just as they do the sovereign right to self-determination of state governments.
12. Extend the grant project period for up to 4 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.
13. Support a permanent tribal set-aside fix to the Victims of Crime Act ("VOCA") tribal funding stream that reflects actual tribal needs and allows for flexible use of funding

### **Topic 3: Correctional Facilities and Funding**

From a corrections perspective, there have been issues with overcrowding and officer shortages. Each year, the Navajo Nation incarcerates around 24,000 individuals. The bulk of inmates are habitual drug and alcohol abusers who pose a harm to themselves and others and have little or no regard for the law. For many of these offenders, incarceration is the only deterrence, and it is only effective while they are behind bars. However, Detention facility officers must be safeguarded by at least eight officers per shift, including two officers at booking, two officers at central control, two officers roaming the facility, and two officers providing transportation to medical and court appointments. When a crisis happens within the facility, these officers require the assistance and support of their colleagues.

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

1. It is recommended the federal government provide annual funding to satisfy the unmet demand for correctional facilities, which is anticipated to be \$7,291,232. The funds would enable the hiring of 122 extra correctional officers.



#### **Topic 4: Indian Tribal Justice Act (ITJA)**

The Indian Tribal Justice Act (ITJA) was enacted in December 1993; yet, it is inexcusable that Congress has not yet appropriated any of the \$58.4 million per year in funding for tribal courts as required by the Act. Unequal treatment of tribal governments and lack of full recognition of tribal governments' sovereign status by state and federal governments, laws, and policies reduce tribal self-determination and negatively impact criminal justice, health, education, housing, and economic outcomes for tribal members. This is a clear violation of treaties, especially the Navajo Treaty of 1868 where the federal government promised to improve the livelihood of our people and to provide the above mentioned services.

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

1. We must have autonomy in order to distribute resources where they are most needed.
2. The federal government must fully fund all tribes including those in PL-280 states.

#### **Topic 5: Victims of Crime Fund**

It is imperative that the federal government examine the Victims of Crime Fund as it relates to Tribal Nations, and work with tribes to delve deeply into the historical issues that have led us to where we are today – disproportionate violence against women, a missing and murdered Indigenous persons crisis, the highest suicide rate, and grossly underfunded justice and supportive services.

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

1. We cannot have the expectation that access to resources will be supplied to us in a manner that prevents us from creating the mechanisms and infrastructure that are essential to the creation of all-encompassing and holistic systems and programs. We need to reevaluate the kinds of expenditures that are allowed and those that are not.
2. The Office for Victims of Crime (“OVC”) needs to acknowledge that tribal nations are in the best position to understand the requirements of their communities and respect the sovereign right of tribal nations to self-determination.
3. We strongly recommend that the DOJ investigate how other government agencies, such as the Bureau of Indian Affairs, manage financing for tribal governments in order to develop grant models that are more effective than the typical DOJ grant model.
4. The unnecessary audit requirements that are placed on tribes with the Crime Victims Funding have resulted in tribes giving up and giving back funding. OVC ought to evaluate the performance of the Tribes in making use of the funding based on the support, services, and strengths that are provided by the OVC staff. In the event that there is a high dropout rate for which no explanation is provided, the programs in question ought to conduct consultations with the Tribes and support legislative and policy changes that are suitable.
5. OVC ought to implement a system that is analogous to the one that is imposed by the BIA for audits and which is familiar to the tribes. Without resorting to punitive measures, audits and assessments must be centered on the development of proposals for how to enhance the delivery of services and the programs.

#### **Topic 6: Improving Federal Responses**

Currently the Nation is unable to address every domestic violence incident reported to Navajo law enforcement due to the pervasive underfunding of tribal law enforcement, coupled with systemic non-investigation and non-prosecution by federal law enforcement. From 2019 through the second quarter of 2022, the federal government has declined to prosecute 231 Navajo Nation cases. Of those declined cases, 75

or 32.5% involve child sexual assault or abuse allegations. Because the Navajo Nation cannot secure accurate case information from federal law enforcement we cannot prosecute most federally declined cases even under VAWA authority.

Too often the Navajo Nation Office of the Prosecutor has been denied access to federal law enforcement case files, thus making tribal prosecution impossible. Among the many instances in which our federal law enforcement partners have failed to honor the sovereignty and jurisdiction of the Nation, none is more egregious than the instance earlier this year when a local Federal Bureau of Investigations ("FBI") office told our Chief Prosecutor that the Nation would have to file a Freedom of Information Act request to access the case file for a major crime committed against a member of the Nation on the Nation's land. The Nation believes the FBI is not adhering to the provision of 25 U.S.C. § 2809(a)(3) which is impeding on our Chief Prosecutors' ability to prosecute cases due to the bureaucratic impediments established by the FBI. Through 25 U.S.C, the federal law pertaining to the transfer of investigative material to the Nation is clear. This type of behavior does not respect the governing powers of tribal nations and promotes lawlessness within our communities. Training for tribal law enforcement is an ongoing need, but training for federal law enforcement is equally important, especially in terms of providing evidence to tribes.

The same challenges may be felt by PL-280 states that depend on the Bureau of Indian Affairs ("BIA") to provide public safety and justice services. The federal government must address the disparities in federal financing for tribal nations in PL-280 states and other similar jurisdictions with greater zeal and urgency.

The DOJ declared a law enforcement emergency in rural Alaska on June 28, 2019, resulting in increased justice resources for the region. Sadly, the majority of the resources and funding went to the state. Tribal nations have the greatest needs yet receive the least aid. The DOJ should build on this declaration and collaborate with the Bureau of Indian Affairs to give direct funds for justice and public safety to Alaska's Indigenous governments.

The statistical differences reported by the National Institute of Justice (NIJ) indicate that the government response to the MMIW/MMIP crisis is a violation of human rights and a breach of the federal responsibility of trust.

The greatest challenges and obstacles for families navigating the MMIW/MMIP crisis on the Nation are a lack of efficient communication, trauma-informed treatment, and accountability to serve and assist the families in finding their loved ones and investigating their cases. A lack of funding for tribal law enforcement is also the cause of many of the problems.

Case management varies significantly based on jurisdictional boundaries. On the reserve, it appears that crimes perpetrated by non-Indians are handled differently than in border towns and cities. Non-Indian perpetrators who perform violent acts against Native Americans are not held accountable, nor is there a program for preventing violence against Indigenous people. Furthermore, state police are typically apathetic and unprepared for the complexities of properly handling a Missing and Murdered case and lack an understanding of cultural values in how we respond to such cases. State police and other external law enforcement agencies must be held accountable for their lack of participation in the MMIP/MMIW crisis response.

**Recommendations:**

1. The Navajo Nation would benefit greatly from recovery services based on traditional Navajo teachings, offered to all communities, and covering issues such as conflict resolution, intergenerational trauma healing, and community relationship building. We must build an Indigenous method of healing that allows us to oppose colonial power systems with our own resilience and strength.
2. Increase funding to develop and build a residential and outpatient treatment program or facility for women with and without children. Women with children may not readily seek treatment services due to lack of childcare or healthy support within the family. The nation does not have a facility for women with or without children to address multiple circumstances.
3. Address the lack of workforce capacity in tribal nations to respond to the safety of women by providing additional funding opportunities to expand staffing. The Navajo Public safety and behavioral health personnel are severely understaffed, impacting the Nation's ability to address public safety.
4. Provide trauma informed training for public safety, behavioral health, and other programs to begin addressing the healing and outcome of safety protocols, advocacy, and behavioral health issues.
5. Acknowledge and support culturally appropriate and evidence-based practices to enhance safety of American Indian/Alaska Native women from domestic violence, dating violence and sexual assaults, homicide, stalking and sex trafficking.
6. Engage appropriate stakeholders to accomplish goals and objectives at the local, state, and federal levels.
7. Support tribal epidemiology centers to engage with local response teams and relevant stakeholders to understand and be informed of crimes and activity related to the safety of women.
8. Consider establishing a partnership with local peacemakers and/or peacemaking programs to provide the traditional expertise of trauma-informed care.
9. 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 on parity with tribes located in non-PL 280 states.
10. 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.
11. 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.
12. Support a funding mechanism that provides DOJ funding to tribes yearly on a non-competitive basis and is sufficient as identified in the Tribal Justice Act, as well as sufficient funding as identified in the Broken Promises Report.
13. To address the effects of the MMIW/MMIP crisis on tribal, federal, and state partners, OVW must collaborate with HHS to form a multi-agency behavioral and mental health workgroup that prioritizes tribal needs.
14. As federal agencies plan for activities to address MMIP, MMIW, and VAWA, we recommend federal authorities send monthly updates (i.e., information that does not jeopardize their cases) to victims' families through their victim services programs; this will assist tribal law enforcement agencies and prevent accusations of concealing investigation information.
15. The Nation strongly urges non-tribal law enforcement partners to be trained on de-escalation tactics.
16. Engage directly with tribal law enforcement during investigations, as language and cultural barriers often limit dialogue between the public and investigative personnel.
17. Federal response includes all agencies involved as a stakeholder of public health initiatives in violence prevention such as CDC and IHS. Cross jurisdiction collaboration is recommended at the federal level.

## Topic 7: Improving Access to Information Systems

Our state and federal partners' data collection on the Navajo Nation's Missing and Murdered Crisis is disorganized and ineffective, and the majority of community members who go missing are not promptly reported to the National Crime Information Center ("NCIC") or the National Missing and Unidentified Persons System ("NamUs"). Frequently, community organizations and individual community advocates are responsible for keeping track of our missing family members without assistance from state or federal officials. Moreover, data inputted by federal or state partners is typically inaccurate or lacks the cultural nuance necessary for identifying and describing Indigenous people.

Data from federal criminal databases and systems are difficult to access due to a lack of technological infrastructure. Data collection, accessibility, and distribution must be improved. We need access to the same information as local, state, and federal law enforcement agencies.

Increased federal funding for a long-term interagency initiative is also needed. The nation would welcome a tribal information management system with the ability to maintain judicial data and provide training. It is proposed that direct funding, which allows for greater flexibility and the retention of employees, be utilized to lessen administrative burdens on programs. Additionally, we must investigate ways to enable tribes to become state-funded bodies capable of resolving the acute budget gap.

Border towns and cities lack solid data on crimes perpetrated against Indigenous people, resulting in inadequate preventive efforts. Typically, requests for assistance from local partners are denied due to a lack of adequate resources, data, or research to justify support.

### ***Recommendations:***

1. Engage in information/data sharing agreements to improve accessibility to information to generate improved results in search and recovery operations.
2. Provide technical assistance and training to tribal law enforcement in interagency search and recovery efforts.
3. Provide federal funding for a long-term inter-agency tribal information management system with judicial data tracking systems and training.
4. Provide funding and technical assistance for a tribal needs assessment to assess the infrastructure and capacity of tribes to connect to critical databases.

(Personal Account by Eugenia Charles- Newton)

GRAPHIC WARNING "I would like to provide a little bit of warning. The testimony provided today will be graphic and for that, please excuse me. The ground was cold, it was dark and quiet. Every move made brought on a sharp pain, something poked her insides. She knew breathing was difficult if she moved. Her wrist and her ankles burned when she pulled her body, as she tried to get into the fetal position to keep warm. She had no clothes on. She tried to open her eyes, but she could not see. Everything was fuzzy. Perhaps it was because she did not have her glasses on. The sound of Red Hot Chili Peppers played in the background. She heard a voice, but it sounded heavy and muffled. She did not know who it was. She could barely lift her head, because it felt like 1000 pounds was holding it down. She felt a tongue and she saw him with her body and suck her breasts. He laid on top of her and thrust himself violently inside of her. Every push hurt and made it difficult for her to breathe. She could not feel the burning that emanated from her wrists as she wrapped her fingers around the chain he used on her. His breathing was heavy, his breath smelled bad. He cursed at her and occasionally pulled her hair while he asked her how it felt. She still could not see, even if she wanted to see his face, she could not. She felt rocks jabbing at her back. She --

he moved faster, but all she felt was pain. He was done. He kissed her, he kissed her body, she cried. She felt ashamed and embarrassed. It was over or she thought. Days went by, but she did not know. She fell in and out of consciousness as he continued to rape and beat her repeatedly. At one moment, he took out a knife and he said he wanted her to remember him for the rest of her life. He started to carve something in her lower abdomen. She screamed, asking him to stop. Begging him as she cried, but she could not feel any tears. She felt that knife slice her skin, but she could not see anything. Something ran warm down her pelvic. She had no more strength. She woke again as he just got finished again. This time, she could see who it was. She called his name and begged him again to stop, but he kept going. The faster he went, the louder she screamed. He punched her again and she could not see. The daylight crept in through the boards that were tightly held together. No dogs barked, no kids playing, no traffic, just silence. She could not remember eating anything or drinking any water. She tried to remember how she got there but could only remember a Coke. She opens her eyes again and finds herself outside. She sees stars, but it is dark. She tries to stand and from a distance, she sees light. She walks toward the light, but it disappears. She keeps walking and notices she has one shoe and no clothes as if anyone could see her, she covers her breasts and keeps walking. She sees another light; it is fuzzy, but she sees it coming. She hears the door open and hears oh my God -- oh, my God. He covers her and she wakes to bright lights. It is then that she realizes her nightmare is just beginning. I wish I could say that this story was taken from the script of a movie. I wish I could say that this description was read from a police report. We were asked to provide testimony today and many of you have shared your stories. Well, I am sharing my story with all of you. This is my account of what happened to me. At least the parts that I remember. In the summer of 1995, just months after graduation, I took a Coke from a man who I knew in my community. I awoke in what appeared to be a shack. I was tied up. And for several days, beaten and raped. Repeatedly. The man who found me was actually the brother of my sister's best friend. He found me walking down the road. He took me to the nearby hospital, where I was questioned and I was blamed for what happened to me. The officer who questioned me, questioned me about my age. He wanted to know if I was really 17 and I remember him saying you look so much older. The man who did this to me had broken a few of my ribs, which is why I could not breathe. When he got on top of me he punched me so hard in both eyes that they swelled and I could not see. He broke one cheek bone, he tied me up. And I could not get in the fetal position to get warm. He tried to carve his initials into my body, so I would always remember him as if to say that is a term of endearment. I am very fortunate that my son replaced that scar when I brought him into this world. The man was never prosecuted, he never spent one day in jail. I knew his name, I told the police his name. I thought that a police report was taken because they took pictures of me, they took pictures of my cuts, of my body, they poked and they prodded inside of me. But no charges were ever brought against him. In fact, there was not even a police report done. Today, this man walks free in my community. He is actually a constituent of mine, a man that I represent in the capacity of being a Council delegate from my community. I see him when I am shopping; I see him in the community. We were asked to provide testimony today and I am mad because my story continues, except it is with different actors."

When the VAWA 2013 law was passed, I was excited. I felt like there was finally going to be some justice brought to our people. I was told that it was great legislation that was going to move our Indian nations in the right direction, give criminal jurisdiction over non-Indians, that special tribal jurisdiction would be expanded to cover more crimes committed against our women and children and that we, as tribes, could exercise sovereign powers to investigate, prosecute, convict, and even sentence both Indians and non-Indians, who commit covered crimes in Indian country against Indian victims. But the grim reality is crime has not stopped. Nor has it been deterred as a result of the passage. In my opinion, protection is offered through words, but not action. Crime continues to occur on our lands among our people. And our children bear witness to this violence.

## **Topic 8: Victim Rights**

Navajo nation has its own criminal code, title 17, and it is currently being amended to include laws that will address drug dealing and alcohol selling. We are also including protection of animals in protection orders. The biggest move that we are making is expanding and making bold our victims rights. This right will be recognized in our Navajo Nation Bill of Rights. We want perpetrators to know that yes, they have rights. But our victims have more rights.

Our nation has implemented the sex offender registration and notification act. The purpose is to protect children and the public from sex offenders by requiring registration of sex offenders and providing notification to communities of the presence of convicted sex offenders.

### ***Recommendations:***

1. We need increased funds for tribal courts, law enforcement, and detention.
2. We need to dedicate funds to assist with mental and behavioral health. We tried to get Indian Health Services (IHS) to provide behavioral health in our jails but IHS refused to offer those services and did not give a reason. They said some of the services could be provided if the prisoners were dropped off at the IHS facility the person is registered to. That means a prisoner has to be transported to the hospital they registered with, not the closest IHS facility.

## **Topic 9: Federal Accountability**

We also need federal accountability for our declination of cases. It would have been nice to have known as a victim that my case was not going to proceed forward and why it would not go forward. It would have been nice to have known that the man that did this to me would be free in my community. The Navajo Nation learned there were over 200 cases declined in 2022 compromising 32.5 percent of all of our cases that were prosecutable. The second most common type of allegation offense was homicide, and 21.6% of the cases were declined by the federal government prosecution. What makes this reporting shocking is that the Major Crimes Act allows two sovereigns to prosecute the same offender for the exact same conduct and does not violate the Double Jeopardy Clause of the fifth amendment to the federal Constitution. However, the Attorney General either did not know this part of Indian law, or they ignored it. I do not know what is worse; in either case it is unacceptable.

## **Topic 10: Tribal Coalitions**

This past year the tribal coalitions' budget decreased across the board. Every single tribal coalition saw a decrease. Our tribal coalitions are doing policy advocacy, training, education and technical assistance and community building. We need year-over-year funding increases from the Department of Justice for our tribal coalitions.

### ***Recommendation:***

1. Tribal coalitions need to be included in the Family Violence Prevention and Services Act.

## **Topic 11: Backlog of Rape Kits**

We need DOJ investigation into the backlog of rape cases from tribal communities that are sitting at Quantico, Virginia. Once those kits leave our communities, we have no oversight or information about where it goes, if it has been processed, and the outcome. As a survivor, I can tell you, that there is no feeling in the world worse than having somebody touch you after you have been raped. To have swabs after swabs and tests run with

the worst part of all of that not knowing what is going to happen to that kit and if it will bring justice to you. That never happened for me. And it's why many of our women find it very difficult to come forward. The Navajo Nation has been pushing to try to hire our own medical examiner for the Navajo Nation because a lot of our cases do not get investigated. They are sent to the medical examiner's office at the state level, and we wait months to hear nothing. In 2020, in the Navajo Nation, there were 740 deaths that occurred, but IHS only reported 516 deaths. Of the 740 cases that were reported, there were only 436 that were referred for medical examinations. What happened to the rest of those cases? We don't know, but we should know.

***Recommendation:***

1. We need to improve communication between the federal agencies and the tribes. And we need proper reporting of data on our behalf.



## Northern Arapaho Tribe

*Chairman Jordan Dresser, NABC Chairman - Tribal Leader (Oral)*

*Chanice Glenmore, Co-Facilitator, Batterer Intervention/Drug Endangered Children - Authorized Designee (Oral)*

The Northern Arapaho tribe is located in central Wyoming on the Wind River Indian Reservation. Our reservation encompasses 2.1 million acres. We are unique because we share the land with the Eastern Shoshone tribe. We are the larger of the two tribes, we have about 10,000 members and they have about 4000 members. This is the first issue I would like to address. We often get treated as one tribe, when we are two separate sovereign nations. Many times when given many it is simply split between the two tribes. We are two separate sovereign nations and we should be treated as such.

### **Topic 1: Updating Our Tribal Laws**

Northern Arapaho is in the middle of updating our laws and policies. This takes a lot of work, time, and money, but it's necessary because it hasn't been updated for years. Our laws were crafted back in the 1950's, 1960's, and 1970's. They are outdated. Once the laws are updated, we will need to look at how they are implemented. This is the first ground-level thing tribes need to do to be proactive, but it would be great to get technical assistance.

***Recommendations:***

1. Tribal communities need funding for resources who can work to update their laws.
  - a. This includes funding for technical assistance to assist tribes in applying for grants.
2. Federal and state funding needs to recognize our tribe as its own sovereignty (not a shared sovereignty with another tribe).

## **Topic 2: Technical Assistance with Grants**

We currently have one grant writer for our tribe and we need technical assistance in helping to facilitate what grants are a good fit for us and how to structure the program to be successful. This is key. This would also help us draft things within our community that are going to help us in the long run.

We were fortunate to have individuals who could help us potentially find housing for tribal members in domestic situations. As a tribal leader, I see these assistance requests every day from individuals who potentially want to escape their perpetrator. We usually start by offering them a hotel room, and then we ask them about obtaining a restraining order, then it goes quiet. A lot of times they are not ready for the restraining order. And with that said, we are bound by the Bureau of Internal Affairs to follow a process and the bureaucratic levels are very ridiculous.

We have been advertising for a victims specialist for two years now, but because it takes about six months to do a background check for the individual, it is hard to fill the position. As soon as we find someone, the process takes so long they decide not to take the job. So we are back to square one.

We do believe in the power of "638". We "638" our clinic, and we see a huge success. It comes down to resources. We not only need victim services, we need services and support for perpetrators. We want to paint this idea that the perpetrators are coming from outside, but a lot of time it's our own people. We have to provide services for the perpetrators as well, in doing this we protect the victims. We all know how the federal prison system works, a lot of times perpetrators don't leave a different person. We have to provide services so hopefully the perpetrators don't continue down the same path. This is very important because, unlike some tribes that can banish a tribal member, banishment would never work for us. We are on 2.1 million acres and there are so many ways to get back into the reservation that it is impossible to control.

## **Topic 3: Violence Against Women**

I have a film that just came out recently called *"Who She Is"* (<https://calderaproductions.com/whosheis>). Often we just hear the missing persons names and when they went missing, but we are missing who they are, what their dreams were, their favorite colors. It's very important that we share their stories as we keep moving forward. The film is about four different women who mostly had terrible endings. But one of them went missing and then was found. We have to share those stories and provide services to victims to heal. I am a survivor of domestic violence as well and I am thankful for resources like the StrongHearts Native helpline. Sometimes it is hard to talk to people within your community and almost better to talk to somebody you don't even know.

### **Chanice Glenmore Testimony**

I work with the perpetrators, but we need to have a victim services program in our community. A lot of victims call our program in need of help and we tell them that we can't provide services to them because we are not a victim service program. We refer them to the Fremont County Alliance, but most of them don't want to go to the county; they want to talk to someone in our tribal community.

### **Recommendations:**

1. The federal government should provide technical support for grant assistance.
2. We need funding for victim services in tribal communities.
3. We all need to encourage tribal members to tell their stories.





## Northern Cheyenne

*Silver Little Eagle, Tribal Council Representative - Authorized Designee (Oral)*

I was elected in 2020 as Tribal Council Representative, which was a historic year because that year all open tribal government positions were filled by Cheyenne women. I am also the youngest tribal councilwoman in history, being elected at 23 years old. Last year (May 2021), I was left bleeding on a hotel bed in Yellowstone County. This leadership duty is personal. It is heartbreaking. And it is a lot of hard work, but this work is worth it.

The Northern Cheyenne reservation is in rural southeastern Montana with approximately 450,000 acres, and 99% tribal ownership. Approximately 5000 tribal members reside on the reservation. The reservation lies within the Big Horn and Rosebud Counties and federal and state highways cross the reservation. Highway 212 is a well known trucker highway. We also have Montana highways 39 and 314. On Highway 212 our tribe has no jurisdiction. The result of no jurisdiction on this highway is reckless speeding and instances of human trafficking. Between 2019 and 2020, reported violent crimes on our reservation increased by 50% and only 50% of those cases have been cleared. Bighorn County and Rosebud County have the highest rate of missing people per capita in the state of Montana. According to the Sovereign Bodies Institute database, there are 440 missing and murdered Indigenous people in Montana. Northern Cheyenne and Crow Nation represent the highest number of cases with 64 each. Blackfeet Nation has a similar number of 53 cases. Over half of these cases occurred on tribal lands. The city of Billings, Montana, a neighboring city to the Crow and Northern Cheyenne reservations, has more cases than the remaining cities and are top-five combined. In Montana, 47% of victims are missing and 17 are status unknown.

To achieve the purposes of safety for Indigenous women, the northern Cheyenne reservation recommends all branches of the government address the following issues:

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

The federal government is responsible for virtually all elements of the criminal law enforcement and justice related services to the Northern Cheyenne reservation. They fund four law enforcement functions: uniformed patrol, criminal investigation, dispatch, and corrections. Staffing is a major concern as the BIA consistently fails to adequately staff the reservation with competent law enforcement personnel. The BIA does not have any data or staffing analysis to support that they are adequately staffing the reservation, and the tribe's attempts to obtain accurate information about officer staffing are frustrating. The BIA issues reports that are misleading and inaccurate. Even when the patrol function is fully staffed, there are usually only two to three police patrol officers on duty at a time who have to service the entire 450,000 acre reservation. The shortage of personnel results in officers not being able to respond to calls.

### **Topic 2: Lack of Detention Facilities**

The Northern Cheyenne tribe does not have a jail facility. The BIA OJS has failed to maintain a detention facility. In 2019 they closed the Lame Deer City Jail, and in 2021 the jail reopened but can only accept up to nine intoxicated individuals at a time and can only hold them for eight hours. On February 1, 2022, BIA informed the tribe there are no plans to renovate or open the facility beyond the temporary hold status for

intoxicated charges. Unless the jail is open beyond its current limitations, it severely hampers our tribal courts function. As of April 2019 the BIA has utilized the Rocky Mountain Regional Detention Facility to house detainees. It currently accepts 100 inmates and serves both the Crow and Northern Cheyenne reservations. The BIA does not have sufficient space to detain those who should be detained on the Northern Cheyenne Reservation. Without a fully operational jail, perpetrators are not arrested and detained, which encourages more crimes. This is a lawless land and it is difficult for Northern Cheyenne girls and women to receive the justice they deserve.

***Recommendations:***

1. The BIA must follow policy and enforcement of federal criminal laws, and especially pertaining to missing persons.
2. The BIA needs to maintain adequate staffing levels for law enforcement on reservations.
3. The BIA must adequately fund and support local and regional detention facilities.
4. The tribe also recommends training of staff, police, and judiciary in cultural competence and best practices.

**Topic 3: Limited Jurisdiction over Non-Indigenous Offenders on Tribal Lands**

The VAWA Reauthorization Act expanded the crime list to include sexual assault, stalking, sex trafficking, violence against children. In order for the Northern Cheyenne tribe and other tribes to have jurisdiction over trafficking, sexual assaults, partner violence, child abuse, and law enforcement in tribal nations, we need to have the court capacity to be able to support this effort.

***Recommendation:***

1. The federal government needs to approve funding to assist all tribal nations to build their court capacity. Many tribes cannot afford the initial costs upfront to accomplish this goal.

**Topic 4: Enhanced Tribal Sentencing Authority**

Section 234 of the Tribal Law and Order Act, provides tribal courts the ability to sentence offenders for two to three years. Although this is an improvement, this maximum sentence falls short of the average sentence of four years for rape in other jurisdictions.

***Recommendation:***

1. Reauthorizing and permanently establishing the prisons pilot project and streamlining the process for the transfer of prisoners.

**Topic 5: Funding for Victim Centered Services**

It is essential that victim needs are met by what they need and are not limited. In the Northern Cheyenne community, transportation is necessary to access basic needs, as our five communities are 20 miles apart. These basic needs include costs such as car repairs, utility bills, resources, shelter, food, clothing, and health care. We need flexibility to design programs and services that are culturally appropriate and address the needs of community members.

***Recommendations:***

1. DOJ/OVC should implement the recommendations regarding the Crime Victim Fund to ensure resources reach victims, survivors, and families.

2. DOJ/OVC should add funding for homeless shelters, domestic violence shelters, and transitional shelters and include support for families of victims, elders, and children.

### **Topic 6: MMIW**

The lack of resources for tribal nations is a continuation of the history of genocide committed against Indigenous people in this country. The federal government has failed to adequately fund tribal services and law enforcement and therefore we do not have enough resources to adequately respond to and prevent abductions and murders. This is critical. In our most recent law enforcement update, the acting chief of police stated that the local BIA does not refer domestic abuse cases, if the victim does not want to sign a complaint. The current code says if a victim does not file a complaint, the officer will be the complainant. BIA should at least refer the report to the Northern Cheyenne prosecution to give the prosecution office a chance to file charges.

The BIA has a 10 page missing person policy in the BIA OJS handbook, but it does not follow this policy. BIA uses tribal resources when instead they should first conduct a preliminary investigation and then call on tribal resources. It is also important to note that BIA does not tell families they have to wait 12 hours to 24 hours to file a missing persons report. It is important for BIA to take these missing persons reports seriously and act on them quickly. The Northern Cheyenne Investigation Services (NCIS) requested assistance with a search. It took days for the agent to respond to the request and by that time they had already located the item they were requesting.

The statistics are high in regards to missing Indigenous women in Yellowstone County, particularly Northern Cheyenne and Crow. For the past two ground searches we had very little assistance from law enforcement, it was just a group of volunteers and family members who conducted the search. The search groups feel unsafe when they have to search dangerous areas without help from law enforcement.

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

1. The BIA/OJS Missing & Murdered Unit (MMU) should communicate more with tribes and allow tribes to have more input in regards to policy and criteria.
2. The MMU should provide updates on its initiatives to the Human Trafficking Task Force in Yellowstone County. MMU's support is critical on reservations and in the urban setting.
3. DOJ should investigate state and local agencies like Montana and local justice officials with a pattern or practice of inadequately responding to cases.



## **Nottawaseppi Huron Band of the Potawatomi (NHBP)**

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

The Nottawaseppi Huron Band of the Potawatomi extends its thanks to the DOJ for working with the tribes to achieve our common goal of eliminating the epidemic of violence in Indian Country.

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

The need for victim resources for AI/AN Women living both on and off of tribal lands is significant and ongoing. Permanent funding for tribes is needed pursuant to both the purposes of the funding sources recommended below in caring for AI/AN victims and pursuant to the United States fulfilling its trust responsibilities to tribes and tribal citizens, will be a great relief for and provide stability to tribes that depend on federal funding each year so that they may offer the traditional culturally honoring care that is most successful for empowering Indigenous victims, and will enable tribes that do not currently have victim service programs to build the systems that will provide the resources, programs, and services essential to empowering victims to leave abusive partners so that they may live with their children in homes free from violence.

Permanent funding for the StrongHearts Native Helpline is also of significant importance to the safety of Indigenous Women. StrongHearts Native Helpline provides support to AI/AN victims while connecting them to the tribal victim service programs so that they have access to the culturally honoring services that best support Indigenous victims. The need for StrongHearts has grown since this Native Helpline was established with an 80% increase in calls, chats, and texts experienced from 2020 to 2021. "In 2020, zero callers chose to transfer to The Hotline for out-of-hours or overnight calls. The Hotline does fabulous work, but the data told us our callers were needing 24-7 Native-centered services," said Lori Jump, Director of StrongHearts Native Helpline. "They would rather wait for a StrongHearts Native advocate during business hours for peer-to-peer support because Native callers preferred to work with a Native-centered organization." (<https://www.acf.hhs.gov/fysb/news/fvpsa-arp-funding-catalyst-stronghearts-expansion>). The permanent funding of StrongHearts Native Helpline is essential to the comprehensive efforts to end violence against Indigenous Women.

We further ask OVW to support an increase in funds for the Family Violence Prevention & Services Act to also support tribal domestic violence shelters. The domestic violence shelters in southwest Michigan are always short on space. The COVID-19 Pandemic has intensified this shortage with the shelter staff trying to protect victims and children from violence through emergency shelters having to implement safety protocols vital to protecting them from COVID-19, such as social distancing, further reducing the number of beds available. Further, as the data from StrongHearts indicates, as well as the success of such traditional, culturally honoring, victim-centered services as those provided by Tribal Service Providers like the NHBP Victim Services Department, culturally centered programs and services provide Indigenous Survivors with the best support for long-term healing. The fact that Michigan – a state within which 12 federally recognized American Indian tribes are located, the largest number east of Mississippi – has only one tribal shelter highlights the desperate need for funding for tribal shelters, as well as continued funding for Tribes to have the capacity to work with mainstream, historically funded shelters to offer culturally honoring services until the extensive need for tribal shelters is fully met, including in southwest Michigan.

### ***Recommendation:***

1. NHBP asks OVW to support a permanent set-aside of Victims of Crimes Act funds for tribes, permanent funding for the StrongHearts Native Helpline, and an increase in funding for the Family Violence Prevention & Services Act (FVPSA) to expand access to culturally-honoring domestic violence shelters for Indigenous victims.

## **Topic 2: Do you have recommendations to enhance the comprehensive training and technical assistance currently available to tribes exercising SDVCJ, which includes the ITWG?**

Since NHBP's implementation of VAWA 2013's restoration of the inherent criminal jurisdiction of Tribes to prosecute non-American Indians who abuse Indigenous women – or men – within the requirements of VAWA 2013, NHBP has made major gains in improving public safety on our tribal lands. The restored criminal jurisdiction of VAWA 2013 exercised in the NHBP Domestic Violence Code has supported the spectrum of efforts required in NHBP's overall commitment to end violence against Indigenous women, which include:

- Prosecution of abusers, including the prosecution of one non-Native defendant who completed requirements of his probation, which included completion of an NHBP Court-mandated 52-week batterer intervention program;
- Issuance and enforcement of Personal Protection Orders by the NHBP Tribal Court and foreign jurisdictions. The NHBP Tribal Court established a direct relationship with the Law Enforcement Information Network (LEIN) to facilitate enforcement of PPOs and other Court Orders, with at least two Michigan jurisdictions holding offenders accountable for violations in their jurisdictions, including sentences of incarceration for especially violent violations;
- Continued involvement with the Intertribal Technical Assistance Working Group (ITWG);
- Continued operation throughout the COVID-19 Pandemic of the NHBP Victim Services Department, the NHBP Tribal Court, and the NHBP Probation Department, accomplished in part with federal funding that assisted with such critical needs as PPE and other services;
- Developing and sustaining relationships with tribal and non-tribal law enforcement agencies, including assisting with training;
- Developing and sustaining relationships with tribal and non-tribal victim service providers, including assisting with training and sharing traditional, culturally honoring services, such as Sacred Medicines to support Survivors; and,
- Educational campaigns about domestic violence, sexual assault, stalking, and human trafficking, including a rally co-hosted with the Gun Lake and Pokagon Potawatomi Tribes to raise awareness for Missing and Murdered Indigenous Women.

NHBP is making a number of other efforts to assist in holding offenders accountable while providing continued support to survivors through traditional, culturally honoring support, advocacy, programs, and services. The process to implement VAWA 2022's newly-restored inherent tribal criminal jurisdiction will be crucial in ending violence against Indigenous women and improve the safety of all NHBP Citizens and visitors to NHBP Tribals.

We are thankful to Congress for taking the recommendations of tribes and passing the much-needed VAWA 2022 provisions, demonstrating Congress's clear and unequivocal recognition of inherent tribal jurisdiction in the context of several crimes. At the same time, we urge Congress to pass legislation to clarify jurisdiction in Indian Country, including a full "Oliphant fix" (reference to 1978 Supreme Court case *Oliphant v. Suquamish Indian Tribe*). In spite of the progress tribes have made with the expanded federal recognition of our inherent criminal jurisdiction, the jurisdictional scheme in Indian Country is as uncertain as it ever was. Comprehensive reform concerning jurisdiction in Indian Country is essential to resolving public safety issues on reservations, and that reform needs to come from Congress.

Whenever the Supreme Court views the current jurisdictional scheme in Indian Country to be dissatisfactory, they have been known to create workarounds. As a result, the jurisdictional scheme, once clear and logically

guided by territorial boundaries, has become increasingly convoluted over the years. Just recently, the Supreme Court upended the nearly 200 years of settled law, holding in the Castro-Huerta decision that states have criminal jurisdiction over crimes committed by non-Indians in Indian Country. In the Court's view, states now have presumptive criminal jurisdiction in Indian Country over non-Indians because Congress did not expressly prohibit it.

The Court's conspicuous lack of legal support for their conclusion is beyond the scope of this testimony. The Court's invention of new contours to jurisdiction in Indian Country is nothing new. Our Tribe will be working closely with the state government to deal with the implications of Castro-Huerta. The point we would like to highlight about the ruling, however, is that Congress's hesitation to afford full recognition of tribal criminal jurisdiction has once again made room for the Supreme Court to bypass the legislative process and make major policy decisions affecting Indian Country without consulting Tribes. The weird jurisdictional overlay as it currently exists - made up of piecemeal legislation and various court opinions - is confusing to law enforcement. Confusion in the critical hours immediately following the commission of a crime can derail an investigation from the very start.

Tribes have been clear and unequivocal about the need for an "Oliphant fix" for nearly fifty years now. We know how to best provide for the safety of our people, and our success with VAWA proves that. Congress is aware of that written and oral success, so it is unclear why an Oliphant fix has not been forthcoming. Although Congress has broadened the array of the types of crimes and defendants that tribes are allowed to prosecute, VAWA 2022 is still incredibly limiting on tribes. There remains a vast array of crimes occurring in Indian Country every day, over which, depending on the identity of the victim and defendant, tribes do not have jurisdiction. Furthermore, tribes remain embarrassingly limited in our sentencing authority – limited to imposing just three years for even the most horrifying felonies.

Certainly, comprehensive reform on anything in Congress is difficult to achieve. However, the absence of a clear and comprehensive "Oliphant fix" is related to the persistent and false belief that tribal courts and tribal justice systems lack fairness and legitimacy. This assumption couldn't be further from the truth. Tribes have been faithfully complying with the due process required under special domestic violence jurisdiction, as well as under their own Constitutions. There is no reason to believe that will change if Congress recognizes full tribal criminal jurisdiction. Many tribes, including NHBP, have robust, well-funded, and competent justice systems which offer due process guarantees equal to or greater than that of the state or federal governments. In fact, all of the police officers at NHBP are cross-deputized with the County, and the NHBP Police Department is the police department for the nearby non-Indian town of Athens. It is time for Congress to re-recognize and clearly affirm the full inherent criminal jurisdiction of tribal governments.

***Recommendation:***

1. Congress needs to clearly affirm the full inherent criminal jurisdiction of tribal governments.

**Topic 3: Strengthening the Federal Response to Such Crimes**

***Recommendations:***

1. There needs to be a concerted effort to educate legislators, legislative staff, state attorneys general, other state and federal leaders, state social services, and law enforcement agencies about the epidemic of violence in Indian Country. These government entities and service providers need to possess a complete understanding of the jurisdictional maze which, if not effectively navigated, prevents perpetrators from

being prosecuted. They also need to be educated about tribal justice systems and the importance of culturally-honoring approaches to services for Native people.

2. 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.



## Oglala Sioux Tribe

*Ms. Cora Whiting Whitehorse, Oglala Sioux Tribe Council Representative - Tribal Leader (Oral)*

### **Topic 1: Adequate Funding for SDVCJ**

The VAWA reauthorization Act of 2022 affirmed tribal criminal jurisdiction over Indian domestic violence perpetrators against our people. This is known as the special domestic violence criminal jurisdiction (SDVCJ). It is important for tribal sovereignty and our ability to protect our people. Unfortunately, our tribe and several tribes have not taken advantage of the SDVCJ because we need funding and resources to build up our court system infrastructure. Our tribe faces a dire lack of resources when it comes to tribal law enforcement, court operations and detention facilities. The United States has failed to provide adequate law enforcement resources to our tribe as well as many other tribes, and this has created an unchecked crisis of crime, human trafficking, drugs, and gang activity on our reservation.

Our reservation is roughly the size of Connecticut and makes up 59 communities. The reservation is roughly 100 miles wide and 68 miles from the north to the south. We have 30 police officers, we are funded for 33, and three are supervisors. We have seven criminal investigators and we do work very closely with our U.S. Attorney Greg Peterson. We have 43,000 people living on our reservation; we have 54,000 people enrolled in our tribe. Not all the people who live on our reservation are tribal members, but when someone lives on our territory, our reservation, we are responsible for their safety. We treat every person on our reservation the same. If you commit a crime you get arrested. Our court system cannot handle hearing all of the cases. Nine times out of 10, if a person can prove that they are not enrolled in any federally recognized tribe, we turned them over to the state.

Last year, our law enforcement dispatch service had 30,155 calls:

- 164 were for domestic violence
- 794 were other types of assault
- 522 were gun related assaults
- 1042 were drug-related
- 541 were missing persons

How do we keep our reservation safe with only 30 police officers? It's not possible. We need to work together to make the resources available for all tribes to be able to take advantage of SDVCJ. If adequate funding is not available, our efforts to protect our people no matter how creative or flexible will fall short. Currently, if we

have three officers on duty and one of the officers is on his way to a domestic violence call that is a long drive away and during the drive he gets a call about a person being held at gunpoint not as far away, does the officer turn around and go to the gun call or do the other two officers go to the call? They have to prioritize. It is not right to choose between a woman who is getting beaten and someone who is being held at gunpoint. Are they going to go to a gun call where they can possibly be shot and possibly not have backup for hours? Or are they going to go to a different call? It is really really a difficult situation that we put our officers in. Especially when you consider that our officers' salaries start at \$15 an hour. The only benefits they get are vision, dental, and a \$75,000 life insurance policy. That is all we can afford to do and it's why we have a high turnover. The officers come to our tribe, get experience and the training they need, and then they go get a real job. They go make more money and have actual benefits.

The United States is not holding up their side of the "trust responsibility". In this peace treaty the United States promised services for seven generations. One generation in our belief is their grandmother, the mother, the child, and the grandchild.

***Recommendation:***

1. The United States must hold up their trust responsibility and provide adequate funding for SDVCJ.

In 2006, our tribe had gotten to the end of every single DOJ grant that was available for law enforcement. When those grants were complete, the BIA promised to pick up those positions. We had at one point 138 law enforcement officers. Within 10 days, we went from 138 to 28 officers. How do you think that affected our tribe? During the first three months after those officers were gone, we had the highest crime rate in the United States. We had one community on our reservation CNN called Murderville. We still do not have enough Law Enforcement Officers. This year from January to June, we have had 49 reports of rape and 19 homicides. We have no law enforcement to stop it.

We urge the DOJ to limit restrictions, conditions, and reporting requirements that it places on the funds that are sent to us. The tribal governments need to have maximum flexibility to manage these funds and not be saddled with undue administrative burdens. An example of this is a COPS Office grant we had where we paid overtime to five police officers, but the grant did not allow for overtime. It took us eight years to get off of the high risk list because a DOJ solicitor did not understand that we had no choice but to pay overtime. There must be more flexibility.

We requested that the DOI provide regular updates on the actions of missing and murdered. This year alone, we have had over 541 for missing people. We have one MMIP officer in Rapid City, South Dakota. We are the closest reservation to them. This year, right before spring, we had a girl go missing. She was drinking at a house party and our police officers were looking all over for her. Our chief of police called the office in Rapid City and left multiple messages over multiple days. It took the MMIP office two weeks to get back to them. By that time the girl had already been found dead in the Badlands, shot. If they had responded sooner, do you think that there could have been a different outcome? None of us will ever know. One officer to cover our whole region is ridiculous.

We cannot stress enough how the funding increases are meaningless if the resources never make it to the tribe. The BIA received an increase last year for law enforcement. Our tribe received none of that funding.



Our court system is understaffed and overworked with one or two people juggling a docket that warrants the work of many more. We have a judge in Pine Ridge and a judge in Kyle and they hear about the same amount of cases. We have a Chief Judge who comes in when one of the judges is related to one of the people. We also have three prosecutors including our Attorney General. They work together to cover for each other when needed.

If we do not have the law enforcement necessary to respond to calls, nor the detention facilities necessary to hold perpetrators, nor a court system that can swiftly deliver justice and protection for victims, how do we protect them? With only 30 police officers how do we enforce a restraining order?

***Recommendations:***

1. The DOJ must fund tribal programs on a recurring non-competitive basis.
2. The DOJ needs to provide funded technical support to tribes particularly with respect to technological and legal issues.
3. We urge the DOJ to limit restrictions, conditions, and reporting requirements that it places on the funds that are sent to us.
4. The DOJ should keep asking for increases to the budget for the tribal jurisdiction program and the DOJ also should ask for increases in the tribal justice support programs.
5. Grants should be expansive and the funding should be flexible.

**Topic 2: Funding for Increased Victim and Family Services**

Family counseling, and culturally based therapy and intervention, may help address systematic violence at its cause. We need funds for this. Our current resources cannot support our entire area. We want to improve our resources to support women and domestic violence shelters and provide support for those seeking housing. Resources for local housing and shelter are particularly important because of the remoteness of our reservation. It is important that our victims maintain a family and community support structure, but at the same time they need to feel safe.

Our housing is mostly tribal housing and has two to three families living in them. We do not have security in our housing but are working on starting a security program in our housing village areas. We are hoping to provide some protection for our people. A permanent security program for housing areas would be great if we cannot have police officers. At least we will have somebody there.

These increased victim and family services should also include funding for food, clothing, personal care, transportation costs, physical and mental health resources, access to education, legal assistance, and resources to support children in the family unit. Many of these services are necessary when removing women and children from abusive relationships. Particularly when the victims are financially dependent on the abuser. On our reservation, when a woman is removed from a home, nine out of 10 times she goes back because she has nowhere else to go. She has no home, no money, and no job. We need to be able to provide resources and services to help.

We also need to provide funding and resources for families of individuals who have gone missing or who have been murdered. These resources are especially vital when it is the family's breadwinner who goes missing or is murdered. Failure to provide necessary support at this time puts the family at risk of homelessness, food insecurity, and many other problems, which can perpetuate the cycle of violence.

**Recommendation:**

1. The DOJ and DOI and federal administration must work together in partnership with tribes to ensure tribal nations have the funds to provide victim services.

**Topic 3: Tribal Criminal Jurisdiction**

We must deal with the aftermath of the Supreme Court's decision in Oklahoma versus Castro-Huerta. This decision must be addressed and rectified. We really appreciate Congress telling us that we have jurisdiction when we already have jurisdiction, but it means nothing without funding. Tribes are mandated by the federal government to provide services for our people, but then they throw a five dollar bill out there and tell us we have to fight over the money. That's not right.

**Recommendations:**

1. The topics of law enforcement and tribal criminal jurisdiction need to be selected as highlighted topics for this year's White House Tribal Nations Conference.
2. The DOJ needs to declare that there is a law enforcement emergency in the Great Plains region as well as Indian Country.
3. With respect to improving the federal response to SDVCJ crimes, the federal government must appropriate funds for our tribal programs.
4. The federal government needs to swiftly respond to our request for technical support and increased funding and attention.
5. Tribal court judgments need to be fully recognized by the state and federal courts. If a tribal court determines someone is a threat to its community, other sovereigns must respect and enforce this assessment.
6. There needs to be a focus on Improving access to local, regional, state, and federal crime information databases and criminal justice information.
7. The federal government needs to guarantee that its prosecutors inform tribes of non-prosecution or deferred prosecution decisions or releases from custody. The tribe can then ensure that there are services to protect the victims and to provide them with the necessary mental health resources.



**Ohogamiut Traditional Council**

*Marina Isaac Marshall, Ohogamiut Traditional Council Member - Tribal Leader (Written)*

The Ohogamiut Traditional Council is located in Marshall, Alaska and has a population of about five hundred people. We have three Village Police Officers (VPOs) and three Health Aides.

Our homes are overcrowded and rotting. We lack housing for new families. The majority of the homes are two bedrooms and house 8 to 9 people. Only six houses have one family residing in it. The remaining houses have at least three generations of families with grandparents, parents, and grandchildren staying in a two- or three-bedroom house. The majority of these homes are not able to withstand the winter weather. The old houses are rotting and most have floors that are falling apart, ceilings that are leaking, and insulation that is molding. Some of the new houses have mold accumulating due to poor insulation or building at the wrong time of the season.

We also need to expand sewer and water lines to build new homes. The Association of Village Council Presidents (AVCP) has only provided three new homes within the last ten years. The three new homes do not have running water or plumbing installed. There is also a lack of lots/land available for people to purchase and own.

We battle with illegal manufactures of homebrew/moonshine and bootlegging of hard liquor. Our community is “damp”, meaning that consumers can order / ship in beer, wine, and hard liquor. Marshall is currently in the process of becoming a “Wet,” community and a liquor store is currently in the process of setting up. With a liquor store in progress, we need a shelter for the community. Unless we get more trained VPOs to serve our community, our only option is to open a shelter that can serve at least eight families or more. Our VPOs are already experiencing burn out from attending calls after calls.

Our community does not have a safe home for women and children that seek safety from domestic disturbances caused by alcohol consumption. With nowhere to go they have no choice but to stay inside. With additional funding, there is an unfinished rec center that could be turned into a shelter for community members to seek shelter from domestic disturbances caused by alcohol consumption. The rec center is large and could shelter at least ten families. Fuel price inflation affects cost of living in rural communities; from grocery prices rising, airfare being extremely high, to the increase in cost to heat homes during the winter. There may be applications for EPA funding/assistance.



## Organized Village of Kake

*Joel Jackson, President - Tribal Leader (Oral & 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 that 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.

### **Topic 1: Tribal Court, Law Enforcement & Pilot Project**

The Keex’Kwaan Tribal Court/Circle Peacemaking Court is well established and 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.

## **Topic 2: Law Enforcement continues to be lacking in our village**

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. Her body lay there for 16 hours. 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.

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. With the pilot project, we have a new opportunity for our communities if you listen to our needs.

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. In many communities a Village Public Safety Officer (VPSO) is on hand to monitor the crimes, We say "monitor" because despite almost identical training to police, they have no real authority to arrest beyond holding a potential defendant. A crime occurs in the village and oftentimes, the village President or Chief must attempt to control the crime scene until law enforcement arrives which could be hours or days. Last spring we had a young person in a mental health crisis that lasted for days; the VPSO would monitor the person during the day, but then the VPSO would release the person when he went off duty and the crisis would escalate.

Last year, we had an active shooter in our village. The defendant broke into the grade school and then went on a shooting spree at the housing project. Law enforcement eventually arrived and he was taken into custody. The community was in terror and lockdown for hours until law enforcement, who had to fly in, had arrived.

We want our rights as United States citizens to include law enforcement. I asked an Alaska state trooper, you go one week without law enforcement in your neighborhood, how would you like that? We live without it everyday. I usually get a call when something serious is going on. I respond to it because there is nobody else. I am sure a lot of tribal people across rural Alaska would say the same thing. We should not have to do this. We should be entitled to protection by the law, no matter where you live, no matter how many people you have. We should not have our people scared, nor should we have to hide from terror.

***Recommendations:***

1. Providing yearly sustainable funding for law enforcement and courts will help build the necessary capacity to address these issues in meaningful ways.
2. DOJ and BIA must get on the same page. Our officers will need training that would go through the BIA Academy. However, the BIA is confused about our land status and their legal authority with the designation of the Village Census area. How will this be addressed? Does DOJ have an academy for tribal law enforcement? We need support for tribal law enforcement recognition and support fixing legislation and 25 C.F.R. § 12.21 that authorizes Special Law Enforcement Commissions.

**Topic 3: Disparities in Funding for Public Law 280 Tribes**

In 2019 Attorney General Barr visited many of the tribes in Alaska and saw how awful the law enforcement infrastructure was in Rural Alaska. They sent \$10 million to the state to help, but our tribe never saw a penny of that money. I have asked tribal leaders across the state if they got anything. Where did the money go? I have asked this question time and time again.

The federal government must address funding disparities for tribes in Public Law 280 States. 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, as compared to 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. The DOJ and BIA should immediately request federal funding and authority to add this funding to tribal compacts to end the disparity in funding between the tribes regardless if concurrent jurisdiction lies with the federal or respective state government.

**Topic 4: Funding for the Alaska Pilot Project**

***Recommendations:***

1. Fund technical assistance (TA) providers for the Alaska Pilot Project immediately similar to how NCAI was funded to support VAWA 2013.
  - a. Funding cannot be contingent on tribal justice systems looking and acting like western courts; tribal justice systems as defined by the tribes must be allowed to develop the systems and their decisions must be recognized.
  - b. Funding cannot be limited, to make up for all the years of being underfunded, and should go to all tribes that want to build infrastructure to address the public safety crisis in our communities.
  - c. The funding should recognize the positives of an Indigenous justice system, which is often more timely, healing, and strengthens families and communities.
  - d. Funding for services to address how to stop the violence should be included for perpetrators (whom we call wrongdoers). They need to heal as well.
2. Historical Trauma needs to be listed as a victim need that can be served in the Tribal Victim Set Aside.
3. Require OVC and DOJ to work towards amendments in the law that serve tribal needs, including infrastructure, court services, and law enforcement.

4. Evaluate past grant victim service programs prior to the Tribal Victim Services Set Aside programs since 2018 and create a comprehensive, increased services formula based program for victims of violence and accountability for those who use violence.
5. Ensure that OVW and OVC are appropriately staffed and understand the challenges of all tribes, to work towards solutions to create safe communities. We should not be talked down to or treated in other disrespectful ways.
6. Establish a standing tribal VOCA advisory committee to guide its decision-making about the implementation of the tribal set aside. Fund a cadre of technical assistance providers who can work with tribal governments to develop multi-year tribal strategic plans for developing crime victims services appropriate for their communities. These technical assistance providers could be organized regionally and should be funded to travel and engage in the communities they serve.
7. Alaska needs TA providers from within the state who understand our needs. The University of Alaska has a Tribal Governance Program and should be looked to for new partnerships as our systems continue to build and support our communities.

By working together we stand stronger in our advocacy efforts for equal access to justice, local village based solutions to local village problems, and access to services and advocacy designed by and for Native women.



## Orutsararmiut Native Council (ONC)

*Gisela Chapa, Self-Governance Director - Authorized Designee (Oral & Written)*

### **Topic 1: Adequate Funding for SDVCJ**

The Orutsararmiut Native Council (ONC) is located in Bethel, AK. ONC has approximately 4,000 members, most of whom live in Bethel, and Anchorage, AK. Bethel is located in southwestern Alaska, approximately 400 air miles west of Anchorage and it is only accessible by air. Situated along the waters of the Kuskokwim River, Bethel serves as the hub city to 56 Villages located throughout the Yukon-Kuskokwim River Delta, which spans across a land mass roughly the size of the state of Oregon. Travel by boat, 4-wheeler, and snowmachine is the main, and most affordable, mode of travel in our region.

The challenges of living in rural Alaska amplify the deficiencies within the current justice system. The people in my community experience extreme hardships and ever-constant food insecurities; the women in my community live in fear of being victims of violent acts against them, and of the threat to their right to live a life without the fears of domestic violence, sexual assault, sex trafficking, and stalking. In Bethel, the issue of domestic violence and sexual assault is on the rise. This grave societal disease is compounded by alcohol and substance abuse in our area. The use of opioids, heroin, and methamphetamines is more prevalent and as a result, younger parent(s) are having their children removed from their care by the State Office of Children's Services. A large number of young adults are either committing suicide or dying from a drug overdose due to lack of services and outreach. These spikes in violence are likely attributed to the "side effects" of mental health issues as a result of COVID-19.

Food insecurity is also an increasing concern in our community. We're seeing the agony of parents worrying about how to feed their children when there's no fish swimming up the waters of the Kuskokwim River. This year we experienced the longest conservation subsistence fishing closures due to crashes of multiple species of salmon. The once abundant stock of chum and coho in our waters continues to decline. With some of the lowest per capita incomes and highest poverty rates in the state, the region is highly dependent on wild foods. The importance of salmon to our Tribe extends beyond nutrition and economy. It ties to our identities. We are salmon people. When our traditional foods are threatened by climate change, wildlife disease, or foreign interests, so is our peace of mind.

Additionally, the cost of living in rural Alaska continues to increase while wages continue to be disproportionately low. It keeps getting harder to make a living and provide food and shelter for our children and elders. Here are a few examples of the cost of everyday needs in Bethel, AK:

- Rent deposit: \$2,000
- Apartment rent (2 bedroom): \$1,400
- Utilities, winter: \$ 300
- Water/sewer, weekly: \$ 150
- Heating, weekly: \$ 150
- Gasoline, per gallon: \$ 6.77
- 18, Grade AA Eggs: \$ 7.99
- 250 oz. of Tide Ultra-Oxi: \$63.99
- 2 lb Beef steak ribeye: \$39.78
- 1 Gallon of milk: \$9.79
- Darigold butter 1 lb: \$7.89
- Russet potato 10 lb bag: \$17.99
- 5 lb mixed bag of Apples & Oranges: \$19.99
- Huggies (174 diapers): \$86.99
- Baby Wipes (100 wipes): \$6.99

To feed nutritious meals to a family of 4, with store-bought groceries, will require almost \$1,000 a month and exponentially increasing when purchasing additional supplies, such as laundry detergent and diapers.

Providing shelter is another source of stress. According to a Bethel Census Area report provided by the Alaska Housing Finance Corporation in 2017, an estimated 35% of households are overcrowded (16%) or severely overcrowded (19%); that is nearly 11 times the national average. This same study suggests that 23% of households are cost-burdened, spending more than 30% of total household income on housing costs, including rent, utilities, and energy.

Mental health, food insecurity, and cost of living are circumstances that speak of the instability in our community and the need to address acts of violence against women from the root causes. For ONC, to enhance the safety of Alaska Native women, we must be prepared to address surges in domestic violence, unaddressed intergenerational trauma, and societal perceptions/practices that dehumanize our women. Our capacity to respond as an organization is thwarted by our inability to secure permanent funds and dependence on seasonal grant funds for which we must compete with 500 other tribal nations. This negatively impacts our ability to retain and recruit staff, at adequate levels to address all the layers of social unrest that

lead to acts of violence against our women. There are layers upon layers of challenges that we must navigate to give resolution to cases stemming from issues that span over generations due to the continued fact that systemic racism still exists today.

We also experience the Internalized Racial Inferiority embedded into the Yup'ik Culture due to the Boarding School era, forced acculturation, and the loss of identity in our youth, stemming within the past 200 years. Our Tribe works to resolve trauma at every level to effect positive change: address personal trauma, address familial and intergenerational issues, give social justice to our women and children, elevate cultural pride, and resolve and advocate for jurisdictional issues outside of our control.

Increases in cases lead to lower responses, and an unsustainable caseload moving through our organization also contributes to more instability. ONC has also experienced turnover in leadership and staffing. Our facilities and infrastructure are inadequate to process cases, provide counseling, provide shelter and intervention, and promote healing and cultural practices for their recovery. How can we build capacity, manage for the future, and create stability within the system if we're always reactive? When we have never been funded to manage our own tribal needs proactively? How can we empower the victims of abuse or assault to rebuild themselves when we can't help them cope, and alcohol, meth, and opioids are so easily accessible?

In order for us to be able to break the vicious cycle of violence, address trauma, and humanize Alaska Native women, we require systemic change from the ground up. We must look at the whole picture, to break the continued intergenerational trauma of this evil.

For ONC to be effective in caring for our women and children, the Office on Violence against Women (OVW) and the Department of Justice (DOJ) must seriously consider providing streamlined and permanent funding to address this societal ill. Our Tribe should be able to receive direct funding from the Federal Government rather than channeling the funding through the State of Alaska and other agencies that are being granted the funds to manage over the Tribe(s). Additionally, the current grant system is designed to treat our issues as "pilots," and our programs as "initiatives" as we have to compete for funds and must consistently ask for more funding to address a very permanent issue threatening our women. Additionally, the current grant requirements are unnecessarily exhaustive, and the work it takes to produce reports for each grant is very time-consuming. As an example, ONC has to manage 20+ grants through 5 different platforms to address the needs of our Tribe within the scope of three of our eight departments. Considering each grant requires at least three levels of personnel to manage the project, review and balance each project's financials, and administrative review and approval, each grant consumes the time of multiple employees simply to manage the administrative aspects of each. Additionally, funds have limits and restrictions on what the tribe can do with the resources. These imposed restrictions fail to account for some cultural components that are vital to healing. We strongly recommend the DOJ look at other existing grant models to help support Tribes. For instance, the Title IV-E Tribal Reimbursement Program under OCS in the State of Alaska.

ONC is also in dire need to help strengthen our tribal courts through resource and personnel stability. Without the ability to offer competitive salaries, we must provide consistent and ongoing training and technical assistance for new staff. Additionally, help is needed for the Tribe to learn and incorporate position(s), beginning with Tribal Court Judge(s), Administrator(s), Court Clerk(s), and all of the positions that are required to have a fully funded, stable tribal court system in place. Additionally, to have a holistic approach, we need to



ensure that mental health concerns and grief issues that have risen are addressed with position(s) that can be created towards Health & Wellness.

There are “bigger” issues that our Tribe needs assistance with from the Federal government. ONC along with other Tribes in our region has acknowledged the fact that our current judicial system as well as local law enforcement has failed the Yupik culture. We have more fish and wildlife officers to monitor hunting and fishing harvests than we have officers responding to DV/SA calls. Why is it that an Alaskan Fish & Wildlife Trooper can respond within hours of an “illegal catch” of a moose or fishing during closures while it takes an Alaskan State Trooper days to respond to a call on a serious domestic violence incident and/or sexual assault case in our community and those surrounding Bethel? The rights of our people are under constant threat.

The ONC requests DOJ and OVW to provide permanent solutions for us to be able to address violence against women. In doing so, the DOJ will help elevate cultural pride, empower our Tribe to enact self-determination, and destabilize colonial systems that have failed our people.

***Recommendations:***

1. The efforts of many produce better results when we work together and when we’re proactive. We need to develop region or area-specific strategic planning to address the needs of Alaska Native women as a whole. Possibly create an Alaskan Native Women’s Commission to address these needs, which will focus on the real issues facing our women, children, and men. Then work on suggestions in areas that need improvement and create jobs that will focus on health and well-being.
2. In this strategic-planning process, we need to evaluate existing infrastructure and barriers to responding to emergencies in the region as a whole. Bethel is the closest hub to many of the 56 Villages in the area. The infrastructure should be in place to support the 30,000 tribal citizens from Bethel, AK.
3. Increase our ability to provide culturally-relevant healing programs for victims of DV/SA to help resolve trauma and Internalized Racial Inferiority. We must do so for the families of victims as well to help break the vicious cycle of domestic violence. We must be able to increase our services as rates of DV/SA increase.
4. Break the cycle of intergenerational trauma by funding work with youth. We need to have ongoing programs for youth to learn to cope with violence, find self-worth and learn about respect for Alaska Native women, through culturally appropriate practices.
5. Elevate Yupik traditional values by teaching the younger generation of parent(s) the traditional lifestyle and values of the Yupik people/culture; revive those values that were taught to rear a child and how to cope with life stressors more appropriately; providing services that will enhance the well-being of the family as a whole.
6. Provide a pathway with Federal oversight and/or technical assistance that can help Tribes navigate jurisdictional issues on cases prosecuting non-Indian offenders. Don’t expect us “to learn as we go.”
7. Grants should serve as pathways to permanent funding. That is, they can be offered to test pilots and startups but Tribes must have access to permanent funding to replicate and expand when our efforts show positive results. An individual who experiences DV/SA has to live with the negative emotional/physical/mental/spiritual side effects for the rest of their lives and learn to cope with the negative effects, i.e., Alcohol use/abuse, and Substance Use/Abuse, loss of Identity, and suicide need resolution through behavioral health providers and programs/services in place to address such needs and takes decades to address.
8. Until permanent funds may be provided to Tribes, grant reporting requirements should be streamlined and managed under one universal platform. The current requirements seem too stringent and time-

consuming to create the reports and submit them on time, with the current platform that can be confusing for tribes that are still in the “learning stage” of grant reporting.

9. While grants are operational, shift away from online platforms to manage them. The Internet in rural Alaska is a barrier. An online task that may take 5 minutes to resolve in the lower 48, might take hours or even days to perform in rural Alaska. In the meantime, find other means to accept grant progress reports.
10. Increase tribal capacity and address infrastructure needs to be able to respond to DV/SA acts against women and prevent staff burnout. This includes adequate and permanent funds to adequately staff tribal courts and social services, be able to offer competitive wages for retention, and have adequate infrastructure.
11. Increase culturally-relevant training, and accountability, within all involved fields--law enforcement, prosecution, advocacy, and the judiciary.



## Pauma Band of Luiseño Indians

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

I would like to tell you how this began, and the fact that it still continues is immeasurable. You can hear stories. The Cheyenne had gone to get the remains of their people from Southern Cheyenne. As the men went in there to recover the bodies, it became clear something was not quite balanced both spiritually and physically. They called the women to come assist. When the women went in, they prepared a tent to wash the bones of the bodies of the remains. They say beautiful people who were brutalized and murdered. In this gathering of cleansing the bones, a young girl came to the woman who was cleaning and asked “what took you so long?” The spirit of the child whom they were cleaning had come and they wept and cried because they were still there. That is true of our sisters. They have been harmed. They are still there.

When we ask for funding in our grants to address this, to give us a cultural practice, to bury our people, do not deny it. If we have to do a gathering, do not deny it. I am asking you, if you listen, we have a language of a nation you represent. We have a trust relationship, and you have that with us. When we look at what's being done, it's extraordinary. There is a unique self-determination in our tribes.

Being on tribal council we were given an extraordinary story. They called the people on the Pacific Ocean the cloud people because of the sails. They asked, what kind of ship uses clouds? We had a feast with them and once it was over the sailors raped the women and grabbed weapons, and the women in turn went up to the men and put their hand on their heart. They said you do not do this. The women took the other young women to the bath and they washed them and clothed them and did their hair. Nine of them looked down, they saw nine centuries, nine nations, nine people, all of us doing the same thing. They saw how many centuries were in the water because they knew they did wrong. The thing is, the elder women said they need nine of us. Nine young warrior women stepped up. They laid out nine blades and each woman took a blade. They went down to the water and they killed every man on the boat.

How many times have you seen those man camps? How many times do you see a perpetrator who knows they've done something wrong? This is something you can relate to. We shouldn't have to be able to relate to this. We are at that burning time. We cannot wait for you to suit up and show up to give us what we need.

### **Topic 1: Grant Funding**

We are asking for our partners to collaborate and help. In the Constitution, it is clear that the order is federal, tribal, and then states. Tribes are before the states. Giving money to the states to support tribal communities must stop - the money needs to go to the tribes directly. I want us to do a good job and in order to succeed, 574 tribes need discretionary and sustainable funding. The funding should not go to anyone else but the tribes. The funding should give flexibility to tribal nations.

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

1. Funds should go directly to the tribes and not be funneled through the state.

When I look at public safety, victim services, and prevention, they are all tied together. One of the greatest examples of the mutilation and rape of our people is in the interpretation of P.L. 280. It is a breach of trust. The majority of all federally recognized Indian tribes are located in P.L. 280 states.

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

1. 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. The same goes with P.L. 102- 477 grant formula. It was intended to work collectively. We are trying to work collaboratively. The money given is not enough to sustain what is being asked of us to provide.

Tribes should not be told what and how to spend it. There should be no approvals. In managing a grant there are too many requirements. "It's like your foot is on our neck", and we asked for maximum flexibility for tribal use of funds, but instead there's a report that you don't realize has some standards that are not applicable to us. They don't make sense, and we're not stupid. That language is statutory. Racism is the way you are taught. When you think of the legislative body who is responding to our needs they are ignorant, because they didn't have the right "Indian 101 class". We need to be able to assist because we know what is best for Indian Country.

When you speak to the institutionalized racism of this country, we have to face that, when we go hire a cop that is not from a tribe. We have to teach them about our tribe, our customs and our traditions. We spend more time educating on how to do it right than how to do the job. "People don't have the credentials to achieve the job on paper. They don't fit the federal scheme of how funding will be done. Let us bridge a little further on how to know all of the tribes out there. We know what we are doing. We know what our people need. Let us help you get there."

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

1. Tribes know best what they need. Approvals, training and restrictions should be removed to allow tribes to respond as needed.
2. Provide flexible funding for tribes to be inclusive of cultural practices and traditions.
3. Include tribes in structured training for law enforcement.

## **Topic 2: Tribal Jurisdiction**

We must work to fully restore tribal nations' jurisdiction over Indians in any offense. These are our tribal lands. That is their trust responsibility. This is the big elephant in the room. I don't understand why the federal government keeps holding onto that. Let it go. Let us do what we need to do. The fact is we have these objectives in legislation and we are finally getting the funding fixes we need. There are 1.9 billion acres in the U.S. - you have a lot of land - leave us alone. Let us do what we need to do with what we've got left.

DOJ EOUSA Director Monty Wilkinson recently stated that the recent Supreme Court ruling this past June does not alter the federal jurisdiction to prosecute crimes in Indian Country. The Director also directed U.S. Attorneys to not alter referral practices without formal consultation with tribes in their districts, bearing in mind the important principles of tribal sovereignty. But, at the same time we are seeing the DOJ pulling resources out of Indian Country. This is a case against the sovereignty of the tribes. There is a statutory law.

### ***Recommendations:***

1. We need your help. Get on the phone with Congress and tell them to be responsible. Tribes must be informed. As a federal government representative, if you do not inform the tribes about what you are doing, you're not doing your job. This ruling affects our collaboration, especially the laws that we are trying to pursue under OVW and OVC.
2. The FBI Director Christopher Wray needs to send a similar memo to FBI agents in Indian Country to stop the FBI retreat from Indian Country.

We need all tribal nations to hold the DOJ and DOI to their federal trust responsibility. Do not give up the fight on trust responsibility. When you look at the evidence on how prosecutions are declining on reservations, even though that is not supposed to be the case, you have a lot to say. Please do it.

Every tribal official must notify the DOJ, their congressman, and everyone who will listen when a U.S. Attorney declines to prosecute a sexual assault or domestic violence case. You must ask them to explain in detail the reason why they are declining the case. They can't decline a case without telling us why. There are laws that guide us in the proper manner and we have to let our people know. Accountability of tribal justice officials is important.

## **Topic 3: Victim Notification**

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. Proper implementation of this provision is critical to the safety of AI/AN women. How many of you get those notices? It is in the law.

## **Topic 4: Creation of a Standing Working Group**

We have to bring all the decision makers to the table. We have to coordinate quickly and not get stuck on the regulatory side of the consultation and make this meeting happen sooner. We can't wait. Our people are being harmed. We are asking the Department of Homeland Security and the Department of Defense to join these discussions. We also want a special consultation to address how the federal government should rectify all unaddressed crime needs identified within the U.S. Commission on Civil Rights 2003 "A Quiet Crisis – Federal Funding and Unmet Needs in Indian Country" <https://www.usccr.gov/pubs/na0703/na0204.pdf> and the follow up document, 2018 "Broken Promises: Continuing Federal Funding Shortfall for Native Americans"

<https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>. Those studies show the failures of what I am discussing today.

There are several topics across the Department of Homeland Security that need to be addressed. I ask tribal leaders to consider being a part of this standing working group that has regional representatives to outline things that work. In doing this, each of our regions could be represented along with an alternate. We are looking for subject matter experts. I look to the DOJ to help to bridge this working group.

“There is no one out there to protect us from all of you, because you're not taught about us. You need to pass that on. They don't know who we are; we are invisible. Many other nations have gone through changes with this country, but we are still here. I want you to understand this is a sacred moment. This is a moment in time so that you cannot be ignored, because we are people who have been here, and it is a sacred moment in which we have to create ceremonies we never thought we would have to do. How do we take the remains of a body that has been put in a cardboard box found in a murder case? That is not part of our way. I want you to seriously look at some of the atrocities that have been done to these nations to receive the remains of their people.”



## Pitkas Point Traditional Council Tribe

*Member June Yupanik, Elder and Village Resource Advocate - Authorized Designee (Oral & Written)*

Pitka's Point Alaska is on the Yukon River below the mouth of the Andraefski River. As a sovereign nation we are responsible for the protection, health, and safety of our tribal members. Pitka's Point has 95 residents in our village and 175 enrolled members. Like many remote Alaskan communities that are not connected to the road system, we do not have the ability to call 911 where we live. When an emergency arises, we are required to call the Saint Mary's Alaska State Trooper post for assistance and hope that someone is there. Oftentimes no one is there and we are required to hang up and call the Fairbanks Trooper dispatch, which is 517 air miles away from Pitka's Point.

We currently do not have stable and reliable infrastructure and transportation to always transport our tribal citizens to the Saint Mary's sub regional clinic when an emergency arises. More often than not, we are required to call the Bethel triage number to get ahold of the Saint Mary's on-call health aides if we need them to come to Pitka's Point and explain what type of help we need. Since Covid-19 started, we are not always able to get help from the tribal offices because caseloads are high. Our health clinic is not open because we do not have health aides in our village. Additionally, we don't have internet or cell phone service most of the time.

In every community, we deal with domestic violence, sexual abuse, child abuse, elder abuse, and disability abuse. Our village does not have a prison cell to hold anyone that may need to go to prison. Because we do not have one, we do not have a village police officer. We rely on our neighboring City of Saint Mary's Alaska State Troopers. At times they may not be available because they may be taking care of different villages. Most of the time our local people are our first responders. Sometimes, response times from the troopers can take days before responding to

any emergencies or requests for assistance. Oftentimes, they do not respond at all. This requires us to rely on our local tribal citizens and community members, who act as first responders. Our village needs funding for housing for out-of-town workers such as health aides and police officers, and funding to build a law enforcement center and holding facilities. We also hope to have a dedicated ICWA worker here in Pitka's Point that can support our children and families, and help navigate the complex state court and child welfare system that Alaska Natives are disproportionately represented in.

### **Topic 1: Framing Paper Consideration - We Recommend Increased and Adequate Tribal Justice Funding**

The underfunding of tribal justice systems and tribal law enforcement has created the problems we see today. The U.S. has a federal trust responsibility that is not being delivered, causing lost and hurt lives. We are a Public Law 280 (PL 280) state, so we have virtually no BIA law enforcement presence or funding in our communities. The state gets monies for public safety, but does not keep us safe. This lack of funding and assistance from both the state and the federal government has created the crisis of violence and trauma.

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

1. We recommend increased and adequate tribal justice funding.
2. We recommend the DOJ and BIA provide federal funding and authority for our public safety and tribal justice using the BIA compacting model.

### **Topic 2: Framing Paper Consideration - Funding for Victim Services and Offender Programs**

If we cannot use OVW funding for our wellness efforts, then we need OVC and VOCA funds to be made more available. OVC funding is a way to achieve this through comprehensive victim services that are based on tribal needs and values of our communities. Cultural programs help to both heal victims' trauma and reduce continual violent behavior within our families and communities, and these programs need to be funded. We know best what will work in our community.

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

1. List historical trauma as a harm that can be served under the Tribal Victim Set Aside; suicide is result of historical trauma and we need help. Our survivors of suicide live in trauma.
2. Require OVC and DOJ to work towards amendments in the law that serve tribal needs, including infrastructure, court services and law enforcement.
3. Create a comprehensive, increased services formula-based program for victims of violence and accountability for those who use violence.
4. Ensure that OVC is appropriately staffed and trained to understand the challenges of all tribes.
5. Have technical assistance providers that have actual knowledge or experience working with tribes in the region they work in. Alaska needs TA providers from within the state who understand our needs.
6. We need flexibility to build our programs as we deem necessary for success. We need to fund law enforcement, court services, perpetrator services, and prevention.

### **Topic 3: Framing Consideration - Better Coordination Among Federal Agencies**

We call upon the U.S. DOJ—OVW and OVC, BIA, HHS, DHS and other agencies for better coordination among federal agencies to meet President Biden's top priority of safety and well-being of all Native Americans. Tribes, who are often understaffed, must jump through the hoops of all the different departments, their programs and requirements. Federal agencies need to coordinate and streamline all available programs so that there is

consistency and ease for the tribes to have a chance. All the various electronic grant platforms, different finance requirements, and different special conditions make the prospect of applying for and managing federal grants seem like an impossible task. The approach should be simplified to enable the administration to work hand in hand with tribal nations and tribal partners to build safe and healthy tribal communities and to support comprehensive law enforcement, prevention, intervention, and support services. Any regulation or requirement that does not assist with the goal of building safe and healthy tribal communities should be eliminated.

***Recommendations:***

1. The DOJ, BIA, HHS, DHS and other federal agencies must coordinate their efforts. There must be a mandate that all federal agencies that provide funding, services, or assistance to tribes collaborate with each other to better streamline funding and grant procedures and regulations, the scheduling of consultations, mandatory grantee conferences, and provide tribal oversight and evaluation of training and technical assistant providers. Right now, all the burdens fall on tribes. This is paternalism at its worst.
2. In addition, we need OVW staff and contractors who are assigned to Alaska to work these grants during Alaska hours! They call us in the wee hours of the morning and when we need them during all business hours, they are not there! tribal staff assigned to specific regions should be working the hours of the region.



## Ponca Nation

*Deborah Margerum, IHS Director - Authorized Designee (Oral)*

Ponca Nation is located in Oklahoma. I recently learned about OVW in a council meeting. Our program director for victim services gave us a three month update on how the program was going and what they were doing for the victims that came to the office. These services included getting them jobs, renting homes for abused women and their children, and assisting with obtaining a driver's license. I was surprised to hear that they didn't receive mental health services and I was told it was because we can't require the victims to use these services - it has to be under their power, their choice and their control. People don't like to go to counseling. No they don't. There is nothing easy about exposing yourself to that level of vulnerability. It takes time. What if this is their only chance?

There is not anyone in the trenches with these people. We need professionals that are willing to connect to people, share their stories with them. That makes them more trusting. I am an alcoholic and I got sober in 1987. I have been in recovery for 36 years. My daughter who is also an alcoholic is in recovery. When she was 16 she was gang raped. My sister at eight years old was sexually molested by a family member who to this day she will not name. I do not push that boundary with her. We are all vulnerable. We have to have mental health services in these programs or our clients, whom we are giving the physical resources to be successful, will circle back to being victims. Why are they back? They are back because we have not worked with them to deal with the mental health side to compassionately help their spirit. We need professional people in those offices that can sit with them.

In 2008, I returned to Oklahoma and started working with adolescents in the substance abuse program. I was sitting with five girls that were between the ages of 14 and 15 years old. It took one of them to say I was sexually molested when I was six years old to get them to all open up. All five of them had been sexually assaulted

repeatedly by someone that was drunk at a house party at which their parents were in attendance. We cried together, their power and choice had been taken away at six years old, eight years old, and nine years old.

I am appalled that the DOJ would have this kind of program and not institute mental health as a requirement. It is a spiritual transformation we need on our reservations, villages, and federal agencies. Our clients are carrying this pain. At some point in time, they are going to need relief. It is either going to come through going back to that relationship, gambling, substance abuse, etc. The book "The Body Keeps the Score" is about trauma and how there are studies that show how heart disease and autoimmune diseases can be linked to internalized trauma. The body keeps score. It does not go away because we get rid of the perpetrator. It does not go away because I live in a nice home or my children are going to college. It doesn't go away. It stays in the body. And we are sick. We need to require victims to be treated for mental health issues in our victims services programs.



## Pueblo of Santa Ana

*Governor Joey Sanchez - Tribal Leader (Oral & Written)*

### **Topic 1: Challenges that the Santa Ana Pueblo Tribe Faces**

The Tamaya (Santa Ana Pueblo) tribe is located in New Mexico with a population of over 1000 tribal citizens. We have a traditional form of government, where my position of Governor along with the other 22 tribal officials are appointed by a traditional leader. Native American women are disproportionately impacted by domestic violence, and this is true in my own community. We face the same issues, problems, lack of funding, support as all the other tribal nations. Our women underestimate the danger they find themselves in:

- A small push, a small slap, telling a person they are useless. These are small impacting actions that build a lifetime of trauma and guilt for a woman/man. This guilt can carry on for generations.
- Words do hurt and the trauma carries on for generations. Why are we labeled as drunks, drug users, runaways? We are humans. We all bleed the same color.

A Native woman was found dead in a ditch 100 feet from our border. This woman was from another pueblo and due to the area where she was found, jurisdiction was in the hands of the neighboring town. This woman was treated as if she didn't matter. There were many mistakes made during her investigation and to this date no justice has come to the family. One thing that we noted was her backpack and her cell phone were found on the reservation. We gave this to the investigators and eventually learned that all the police did was turn it over to the family. They never did any type of forensics on the phone or backpack. This is just one of many incidents. The local town doesn't treat us as citizens and they assume that the young lady was either drunk or a drug abuser. That is a continuous stereotype we face every single day.

Survivors in our tribal communities are facing multiple violence and inequities. And we must be clear, one of the inequities our communities face is violence. We face daily gaps in access to healthcare, food, water, and technology and safety. We are faced with a lack of behavioral health services in our state in general, but particularly in Native communities.



- In Tamaya, children who have witnessed extreme acts of domestic violence are experiencing months-long waiting lists for counseling and treatment. Statistics show that 49% of children who witness abuse also experience abuse. The long term impact is these children will grow up to become a victim or perpetrator of abuse;
- In our tribal communities, there is a shortage of counseling services for children;
- When the world transitioned to telehealth, it required and assumed we had access to universal broadband. Many of our communities do not have that access;
- During the height of the global pandemic, Indian Health Service closed a tribal health clinic in New Mexico. To take away our only medical point-of-service is a human rights violation. Where is the trust responsibility of the federal government?;
- IHS lacks the funding and staff to provide the behavior health services that our community needs;
- Our land is constantly under attack. In New Mexico, our sacred sites fail to be included in federal protection legislation. Chaco Canyon, a place of emergence for Pueblo People, continues to be threatened by extractive industries. Extractive industries funnel significant amounts of transient workers into our lands and have created opportunities for traffickers to enter our communities and border-towns to target our women, girls, trans, and LGBTQ2S+ relatives. This is one of the root causes of MMIW; and,
- We house two of this country's national science labs in New Mexico. These national labs have contributed to the destruction of our land, our air, water and wildlife. Our people are still recovering from the effects of extraction and the continued mining of natural resources continues to poison our people who in turn develop cancer, respiratory issues, birth defects, and other expansive health issues.

These are just some of the issues we are working against that affect violence against our women, children and community. We are carrying all of this when we are thinking about protection and safety.

Our police need training on how to respond to DV calls. We also need better quality healthcare, sexual assault services, livable wages, transportation, and housing. We also need to share data and partner with federal and state governments. We border a large town in which many of our citizens live and we have no idea what is happening to those survivors. Survivors who experience violence also experience emotional abuse which often leads to attempted suicide. In New Mexico, 22% of Native American victims of DV thought about suicide, and 14% attempted suicide. So how do we build services that meet the complexity of their needs? Right now, Native women are more likely to need services but are less likely to have access to actual services. This is a failure on the part of the federal government and systems that are meant to keep us safe. You have a trust responsibility to uphold. We should not have to come here, year over year, and speak about the disparities, but we will keep coming and demand better systems for our survivors.

***Recommendations:***

1. Tribal communities need dedicated and supportive funding to provide counseling services and other behavioral health for children. This funding needs to be allocated with continued increased funding year after year. We need to educate our people, we need to educate our young ones to understand what a healthy and unhealthy relationship is. If they continue to not know, they continue to feed into what they believe in their own mind is a healthy relationship.
2. The federal government must plan for funding increases each year in the area of Domestic Violence. This funding should account for population growth as well as cost of living.
3. The federal government should explore combating extractive industries on Native lands.

4. The federal government and state government need to communicate with tribal nations and share a database that captures incidence of reported victimization of tribal citizens. If the state and federal systems can find ways to communicate, why can't they bring tribes into that data sharing?
5. Tribes need funding to support data collection and integration with the larger systems that exist.
6. IHS needs increased funding and staff to improve their behavioral health services.



## Quinault

*Chelsea Capoeman, Court Support Advocate - Authorized Designee (Oral)*

*Royalty Violette Capoeman, Miss Quinault Indian Nation - Tribal Leader (Oral)*

### **Topic 1: Violette Capoeman's Introduction to Her Testimony**

I attend a boarding school for girls in Tacoma, Washington. My friends come from various backgrounds such as Korean, African-American, and Caucasian. I am the only Native American in my class and I believe in my entire school. My friends walk freely around the city, unbothered by the people that exist that could lurk around every corner. My fear and anxiety of being a target for potential abduction to sex trafficking or other violent crimes does not rest with them. I am always looking over my shoulder and it feels like it is not fair to live in such fear. I sometimes even fear to acknowledge my heritage by wearing anything that may give me away.

As a young Indigenous woman, my testimony is to help all of you understand that the playing field is not the same for minors. As my generation enters the dating world where our demographic becomes one of the highest risks, one can only hope to advocate for a safety net, how to prevent horrific incidents when we enter adulthood. There is a saying. I know you may be listening, but do you truly hear me? My heart and spirit tells me today that my voice is heard. And a quote of resilience, you disrespect yourself when you say yes when you want to say no. And I remind myself all the time that you also disrespect yourself when you keep yourself around people who do not respect your boundaries, and who do not listen to you.

### **Topic 2: Chelsea Capoeman's Introduction to Violette's Testimony**

I am the mother of this incredibly remarkable, kindhearted child, who is going to lead our nation, hopefully, into great depths of hope and inspiration in years to come. When we made our travels here, we faced every barrier you would hope you would not encounter, and I thought to myself, not today, Satan, we are going to get there.

I have been a victim of sexual assault and domestic violence a majority of my life, having grown up in a very isolated village on my reservation. For my daughter to come forward to share her voice is incredibly humbling to me, because I have not had the courage to do so myself. It brings me immense pride as a mother for her to share her testimony with you today. There were three components of her testimony that did not make it into the video that I want to acknowledge, that I feel are very important for the panel to understand.

- Our protection order was not put into the database, not in the tribal database and not in the state database. When our perpetrator had violated the order on multiple occasions, there was nothing we

could do about it, because the order was not put through the system, even though it was honored and put into effect by the court;

- We did not receive a certified order, which is part of our rights of being a victim, and the family that suffers with the victim. We had to call, plead and travel outside the boundaries of the reservation just to get a copy of the certified order; and,
- The outside law enforcement uses tribal police and their assistance when they request help with domestic violence cases. This includes when our perpetrator broke the back of his elderly mother and beat both of his sisters. They will have our tribal police come to their aid, but when we call to ask for help, they will not come and see us. Not in all of the years. It was just a simple phone call, and their phone call and purpose and intent as law enforcement was to tell us what our place was. But I tell you, we did not conform. We held our ground. And that is how we got our protection order.

In giving this testimony we hope to bring to light the issues that our minors who are entering adulthood are faced with. They have fewer rights and the ability for them to get protection orders is harder because of circumstantial things such as age, or maybe the child is in foster care, does not have a guardian willing to do what it takes to get the order in place.

### **Topic 3: Violette Capoeman's Testimony**

My name is Violette Capoeman. I am 17 years old and I am from Quinault. "I am here today to share my personal story with you. I am a victim of stalking and harassment. When I was just 14 years old I did not know my perpetrator even existed. I never had any conversations with him, never any interactions with him. Growing up, I had always loved to play basketball, ride bikes and hang out with my brother in the neighborhood I grew up in and have always felt safe. I would be riding my bike or going for a walk, and there he would be, coming out of the bushes with his bloodshot red eyes. He would find any reason just to talk to me. It seemed like every corner, anywhere I went, he was there. Even now, I could be anywhere in the world and I just feel like he could be there.

Fast forward a few years, things got even more weird. But it just seemed like anywhere that we went for help, we were told, you can't judge someone for being weird. As I was entering my junior year of high school I was 16 years old and it became very apparent that my stalker had become confident enough to act on his impulses. Impulses such as leaving chocolates on my front door, pacing and walking outside of my house to see me outside for even a moment, confessing his obsession to my mother, writing me love letters, sneaking by my window, having fantasy conversations with himself in his yard, waiting for me to come home at all hours of the night. So we did what any family would do. We called the police, who are there to serve and protect, right? But they did not do anything to protect us. I feel they made matters worse. They would say the most atrocious things to me. They would say, are you sure you are not having an intimate relationship with him? Well, do you have no trespassing signs on your lawn? Or else, he can technically do whatever he wants, as long as he is not breaking and damaging property. The police would make snide remarks such as, well, he is a drug addict, that is what they do. Or, we can't arrest someone for just being weird.

Unfortunately, I was not able to get protection through my tribe because neither of us lived on the reservation and also because the abuse had not happened on the reservation. My family and I tried to file a protection order through the state court and we were straight up denied. They did not even try to hear our case out. As a last resort, my family and I went to the Municipal Court and they tried to deny us, but my mom begged and pleaded. A compassionate judge, Judge Valentine, granted us a temporary order, but had to send it back to the state. Judge Valentine informed us there was a small loophole to grant a protection order, and we were so

thankful she was able to do that. My case finally got transferred to the state court and my mother and I faced our perpetrator in court. I was given the option to file by myself or file with my mother. We went with me filing under my mother to spare me any further testimony. Even though the judge honored our final protection order, he still stated we should have filed with them first.

As an Indigenous woman, I come from a long line of victims. My mother was a victim of domestic violence, as was my great and my great-great-grandmother. When I was seven years old, I had to help my mom escape her abuser. Her eyes were swollen shut from the three days of abuse and torture she endured. I had to help guide her through the streets with her hand by hand. It is hard, my mom is a survivor, and I admire her for her bravery and strength. It is only because of her by my side that I am able to get through this. I guess you could say now it is her turn to hold my hand. If we could come together and hold hands, we would be stronger together. As a tribal youth ambassador and tribal leader, I have some things I need to convey to you. Based-off my past experiences, I feel court clerks, court administrators, and policemen need more in-depth training. The training should emphasize sensitivity to these victims' circumstances. I feel it is imperative that court clerks and court administrators should be more educated on current laws so no one ever will be turned away. Lastly, these court systems and police departments need to ensure that these court cases are being respected with full faith and credit.”

***Recommendations:***

1. Court clerks, court administrators, and policemen need more in-depth training. The training should emphasize sensitivity to the victims' circumstances and they should also be educated on current laws.
2. These court systems and police departments need to ensure that these court cases are being respected with full faith and credit.



## Santa Clara Pueblo

*Lt Governor James Naranjo, Lt Governor - Tribal Leader (Written & Oral)*

Santa Clara Pueblo is located about 100 miles north of Albuquerque, NM and 35 miles north of Sante Fe, NM. We live on the western banks of the Rio Grande. We are one of the leading communities in the nation for heroin overdoses. We have issues regarding drugs and domestic violence.

Santa Clara Pueblo's commitment to implementing VAWA and the VAWA 2022 reauthorization: For the past 10 years, Santa Clara Pueblo has been an active participant in implementing VAWA 2013 protections and in expanding the protections in VAWA 2022. The teamwork between the DOJ OVW and Santa Clara Pueblo has been superb.

### **Topic 1: Program Funding**

DOJ/OVW's financial support in funding VAWA implementation was crucial. As long as VAWA implementation is funded, Santa Clara Pueblo will do its part in ensuring the protection of victims. Foundationally, Santa Clara Pueblo could not implement VAWA without financial support. After reviewing the requirements to implement VAWA, the Tribal Council passed Resolution 2013-53 and Resolution 2015-36. The Resolutions supported VAWA implementation, requested Congress to fund VAWA implementation, and pledged the commitment of

Santa Clara Pueblo to continue VAWA implementation as long as the VAWA implementation was adequately funded.

**DOJ has fully funded:**

- In 2016, Santa Clara Pueblo received \$1,998,406 for a new courthouse and equipment to meet federal standards for implementation (Award 2016-IP-BX-0013);
- In April 2018, the courthouse was finished;
- In 2016, Santa Clara Pueblo received \$239,074 from OVW to implement SDVCJ (2016- SD-AX-K001). Most of the \$239,074 has not been spent as it is earmarked for prosecution and defense attorneys. Due mainly to the pandemic, the grant has been graciously extended;
- In July 2020, Santa Clara Pueblo was approved by DOJ and DOI to assert VAWA 2013 criminal jurisdiction over non-Natives; and,
- In October 2021, Santa Clara Pueblo was included, as a tribe exercising VAWA 2013 jurisdiction, to apply for supplemental funds to continue to exercise jurisdiction. The funding was received.

**Santa Clara Pueblo continues to meet its commitments to the federal government:**

- In July 2020, Santa Clara Pueblo met the federal requirements to assert criminal jurisdiction over non-Indians when the SDVCJ Code was approved by the DOJ and DOI. Santa Clara Pueblo was then authorized, by law, to assert jurisdiction;
- Santa Clara Pueblo supported the reauthorization passage of VAWA 2022 through Congressional testimony;
- Santa Clara Pueblo was especially active in supporting one of the VAWA 2022 covered crimes protecting law enforcement personnel when responding to domestic violence allegations; and,
- As of today, the Santa Clara Pueblo VAWA Steering Committee has drafted initial provisions of a VAWA 2022 SDVCJ Code.

**Topic 2: Criminal Jurisdiction**

Santa Clara Pueblo has not only implemented VAWA criminal jurisdiction, but has also implemented other protocols to protect the community. To regulate non-members from living within the Pueblo, licensing by the Pueblo's Non-Member Residence Committee is required. This licensing protects the community by requiring that the applicant must have a Pueblo sponsor to teach the customs and traditions of the Pueblo prior to the applicant living within the Pueblo and the applicant must accept the jurisdiction of the Pueblo.

***Recommendation:***

1. Santa Clara Pueblo requests the continuing financial and technical support of the Federal government to protect the community from domestic violence.

**Topic 3: Lt Governor James Naranjo Oral Testimony**

I have worked in law enforcement for over 20 years. I have worked on missing children cases, hit and run accidents, etc. The first two hours are the most crucial. I used to have two dogs. I worked with U.S. customs, the Texas Rangers, and the FBI to do murder for hire searches. I had everything I needed and the support was there. Whatever my dogs and I needed to complete the search was given to me. Because I worked for the state, I never could search on reservations even though I was a registered member of a tribe. I went to different states to do different searches. I retired in 2008 and got involved with VAWA through my tribe. A judge at our council wanted to protect our people and our children. It has been a rocky road for us; we needed

that funding in 2016. We had a courthouse that was a double-wide trailer and really didn't have room for anyone. The funding helped us get a new building and as of 2018 we now have one of the best courthouses in New Mexico tribal lands.

The issue is there are five tribes from Alaska that are being part of this pilot project and many more across the country. We have implemented this code to protect not only tribal officials, women, children, but all of us. We need that continued funding of these programs. If we do not get this continued funding, what are we going to do with our brand-new courthouse? We need the continuing funding, we need the training. We have four, maybe five officers now.

There are only 1300 Santa Clara people left in this world. We are fighting the fight our ancestors fought years ago. That is why I am here. To protect my grandchildren. To protect her grandchildren. To protect the unborn. Our creator put us here and we have to respect that. But we need help from the responsibility of our government. We have lost a lot of people to cancer from a federal laboratory. There is a 20 year age gap from my father's age to other men in our tribe because so many men died of cancer from the plutonium plumes.

I pray that we can all work together for a successful outcome for all of the tribes to establish VAWA. Our officers, court administrators need training. We are our own sovereign government. You are either a member or you are a nonmember. My wife is a nonmember, my mother is a nonmember. She has to have a nonresident ID in order to live there. My sister is married to a nonmember and he has to have an ID in order to reside in our village. He has to perform community service as if he were a tribal man like us. If you do not have that ID, you are not allowed into our village. Each nonmember has to have a sponsor from our village. That sponsor is responsible for your behavior. We can banish you for life from our village because we do not want those kinds of people lurking around our village anymore. It took us many years of seeing the violence and victims before our council put their foot down and enforced this policy. Our community is a lot safer. We know who is driving up and down our streets.



## Sault Ste. Marie Tribe of Chippewa Indians

*Kimberly Lee, Director - Tribal Leader (Oral & Written)*

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.

### **Topic 1: Introduction**

We are wearing a ribbon skirt in honor of what traditionally it represents - resilience, survival, strength, and protection of ALL Anishinaabekwe. I wear red, representing the rising number of Indigenous Women who have been victims of violence. For the ones who didn't have a voice because they were forced to walk their journey too soon at the hands of violence. For the survivors as they have had to experience trauma and abuse and then learn how to live with fear haunting them day in and day out for the remainder of their lives. The Red is for the blood beating through our women's bodies as her heart is pounding so hard in her chest, terrified of what will happen next, while being beaten, stalked, raped, or murdered.

The tribe reiterates what we have said many times in the past on this issue: Indian Country is disproportionately impacted by violence and the federal government has not lived up to its trust responsibility to protect Native Americans, nor has it sufficiently supported tribes in their efforts to ensure this protection. The tribe ceded 500 million acres of land with the agreement that the federal government is obligated under the Treaty and Trust responsibility to ensure the “health, education and social welfare” of the Tribe and its members into perpetuity. This responsibility must be met. The NIJ conducted a study that found over 84% of Indigenous women have experienced violence, including 56.1% who have experienced sexual violence, 55.5% who have experienced physical violence by an intimate partner, 48.8% who have experienced stalking, and 66.4% who have experienced psychological aggression. Often, this kind of violence leads to murder. And, in fact, murder is the third leading cause of death of AI/AN women.

In addition to Native American women, it is imperative that these efforts include Native American children and men. Information from Amber Alerts in Indian Country reports more than 7,000 Native American youth were indicated as missing during 2020 in the United States.

The statistics are alarming, especially when one considers the long history of insufficient data collection methods leaving violence against Native Americans and Alaska Natives under reported. Although the tribes and federal agencies continue to reiterate these statistics, not enough is being done to address this issue through real action, funding, and support. While the tribe appreciates the acknowledgment of the epidemic facing Indian Country, without real action our people will continue to be the victims of this tragic violence. The tribe has worked hard to do what is in its power to address this issue and utilized the various means available. But, we need additional support to protect our people and ensure justice. Many services are backward looking, helping tribes to address the violence that has occurred, but we must tackle the underlying contributing factors as well and ensure a strong preventive approach is being fostered simultaneously, so that we may stop these crimes from occurring in the first place. It is critical that future policy and program development have at its very foundation addressing the root causes of violence in our communities, so that Tribes can better address this generational crisis.

We provide specific comments on the four topics for which the department seeks recommendations with a particular focus on addressing Missing or Murdered Indigenous People (“MMIP”). While we are thankful that the federal government has increased its response to the MMIP epidemic following the enactment of the Not Invisible Act and Savanna’s Act, the federal government continues to breach the federal trust responsibility in addressing this crisis.

## **Topic 2: Administering Tribal Funds and Programs**

The greatest deficiency in administering funding for tribal programs is that there is simply not sufficient funding being dedicated to this issue. The MMIP epidemic is a human rights violation as reflected in the statistical disparities documented by the NIJ. In 2018, the DOJ noted in their report to Congress that “[i]t is the Department’s position that prioritization of initiatives in Indian Country, including the effort to build capacity in tribal courts, will lead to enhanced public safety for Native Americans.”

Nevertheless, there continues to be a lack of resources to address this crisis. MMIPs continue to receive little to no response from law enforcement. The lack of response is exacerbated by the federal government’s failure to adequately fund tribal Courts, tribal prosecutors, tribal law enforcement and tribal MMIP activities.

***Recommendation:***

1. The tribe strongly recommends the federal government rectify all unaddressed crime needs identified within the U.S. Commission on Civil Rights 2003 “A Quiet Crisis – Federal Funding and Unmet Needs in Indian Country” <https://www.usccr.gov/pubs/na0703/na0204.pdf> and the follow up document, 2018 “Broken Promises: Continuing Federal Funding Shortfall for Native Americans” <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>. This funding must additionally support the attainment of federal, state, and tribal personnel and associated expenses necessary to combat internet crimes against children.

**Topic 3: Enhancing the Safety of Indian Women from Domestic Violence, Dating Violence, Sexual Assault, Homicide, Stalking, and Sex Trafficking**

A critical component to enhancing the safety of Indian women is securing resources to address the needs of victims and perpetrators. This includes providing behavioral health services, sustained substance abuse services, as well as facilities to provide holistic services, including not only substance abuse, but crisis intervention, as well as resources to help victims of trafficking and runaways.

**Topic 4: Strengthening the Federal Response to Such Crimes**

A barrier to federal response to the crimes is the failure of the federal government to comply with its own directives and federal law. For example, on November 22, 2019, then Attorney General, William P. Barr, announced the launch of a national strategy to address the MMIP epidemic. This “AG’s MMIP Initiative” authorized the hiring of 11 MMIP Coordinator positions, which were located within U.S. Attorney offices across the nation and were intended to further strengthen the federal, state, and tribal law enforcement response to these continuing problems. Of these 11 MMIP Coordinator positions, only 5 remain within U.S. Attorney offices located in Michigan, Washington, Oregon, Alaska and Arizona.

Moreover, the federal government has not complied with the requirements of the Tribal Law and Order Act (TLOA). TLOA requires U.S. Attorney Districts containing Indian Country to develop Operational Plans in consultation with tribal governments. However, in Michigan, this Operational Plan was created solely by the U.S. Attorney’s office without consultation with Michigan tribes as defined by the DOJ’s consultation guidelines. Furthermore, the Operational Plan, as presented, does not comply with the requirements of Savanna’s Act, which mandates that the U.S. Attorney District offices create regionally appropriate guidelines to respond to cases of missing or murdered Indians.

***Recommendations:***

1. MMIP incidents are not isolated to only tribal lands. MMIP incidents occur everywhere. If the federal government was truly committed to ending the MMIP crisis they would honor their trust responsibility with the following recommendations:
  - a. Return the 6 MMIP Coordinator positions that were eliminated;
  - b. Sustain the 5 existing MMIP Coordinator positions; and,
  - c. Create MMIP Coordinator positions within every U.S. Attorney District office across the United States.
    - i. All MMIP Coordinator positions must be 100% dedicated to tasks specific to the MMIP Initiative.



2. The tribe recommends federal agencies immediately review, revise, and create law enforcement and justice MMIP protocols and operational plans, in formal consultation with tribal governments, to address interjurisdictional issues as required by federal law.

### **Topic 5: Improving Access to Local, Regional, State and Federal Crime Information Databases and Criminal Justice Information Systems**

In our experience, the federal government does not keep track of most crimes in Indian Country let alone collect data on crimes committed against tribal citizens occurring off tribal land. Tribes do attempt to keep track of MMIP incidents involving their tribal citizens, but with little help from the federal government, they often have little success in obtaining data. “The National Crime Information Center shows 5,712 reports of missing Native American women in 2016 alone – yet, reliable, comprehensive data on the problem are still almost impossible to come by.”

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

1. The tribe strongly recommends the federal government prioritize the development and implementation of recommendations for tracking and reporting data on all instances of MMIPs both on and off tribal land.
2. The tribe recommends that a Data Collection Task Force be created that includes federal, state and tribal governments tasked with reviewing the variations between various data collection sets mandated by each federal and state agency tasked with criminal justice activities and make recommendations to create a one-stop and comprehensive data collection system.
3. In addition, we recommend that a uniform data collection interface, that includes clear data definitions, be created which will enable federal, state, and tribal partners access to a one-stop, easy to read and access data system. Once data regarding a victim or perpetrator’s race and specific tribal affiliation is collected, the information should be immediately reported to the relevant tribal governments. Tribal governments may be able to provide increased services to the families and community members, such as counseling for the family and children, burial assistance and healing ceremonies, or know of available resources within the community where the crime occurred. It is equally important for tribal governments to be informed of a tribal member’s violent criminal behavior.
4. We ask that the DOJ join with tribes and seek an amendment to the Stored Communications Act (SCA) to include “Tribal Courts” in its definition of “courts of competent jurisdiction.” For example, Snapchat has made it difficult for tribal law enforcement to access investigative information necessary to ensure a swift and comprehensive response to Missing and Murdered Indigenous Persons (MMIP) complaints. Without recognition as courts of competent jurisdiction, tribal courts will lose access to information necessary to protect victims of violent crimes. The federal government, which recognizes the legitimacy of tribal courts, must send a clear message recognizing tribal sovereignty and the powers of tribal courts. Otherwise, tribal law enforcement will remain unable to access investigative information from social media platforms.
5. Related to databases and criminal justice information is the need to have resources to identify unidentified human remains, which also involves the United States’ obligations under the Native Graves Protection and Repatriation Act.
6. Currently, the DOI is responsible for implementing the Not Invisible Act Commission, who is tasked with formulating recommendations to the DOI and the DOJ intended to improve intergovernmental coordination and to establish best practices for federal, state, and tribal law enforcement responses to MMIPs. The Tribe recommends that the Not Invisible Act Commission prioritize the creation of a MMIP Unidentified Human Remains Taskforce that will collect and create a database of all unidentified human

remains in the possession of universities and museums across the United States and that federal funding be allocated annually as necessary to conduct DNA testing of all listed unidentified human remains. It is additionally recommended that this Task Force publish an annual report to Congress outlining findings and future recommendations.

7. The Native American Graves Protection and Repatriation Act (NAGPRA) processes do not take into consideration the possibility of unidentified human remains that may in fact be MMIPs. It is recommended that the MMIP Unidentified Human Remains Taskforce review NAGPRA to explore the possible expansion of the NAGPRA legislation to outline what should occur with unidentified human remains that are not repatriated that will ensure they are not those of an unidentified MMIP.



## Tangirnaq Native Village (Woody Island) - Alaska Native Justice Center (ANJC)

*President, Alex Cleghorn, Senior Legal and Policy Director, ANJC - Tribal Leader (Written)*

The Alaska Native Justice Center (ANJC) is an Alaska Native Tribal organization that serves as the primary provider of justice and victims services for Alaska Native and American Indian people in Anchorage, Alaska.

The Office on Violence Against Women (OVW) has put forth a framing paper regarding the implementation of special jurisdiction in Alaska under the VAWA amendments. ANJC applauds DOJ for its response to and implementation of improvements to 1) the solicitation and award process for OVW's Tribal Jurisdiction Program; and 2) a new pilot program that would allow recipients to provide financial assistance directly to survivors based on consultation comments from 2021. These changes will make a significant difference in tribes' ability to respond appropriately and locally to their needs.

We fully support the OVW's efforts to consult with Tribes to strengthen its administration of tribal funds and programs, to enhance the safety of Native women, and identify criminal justice policy issues and tribal priorities in order to improve its support for tribal justice strategies through the Alaska Native Claims Settlement Act and recognized under Section 4(b) of the Indian Self-Determination and Education Assistance Act (PL 93-638, 25 U.S.C. 450b). Additionally, ANJC partners with Alaska Tribes to strengthen self-determination and sovereignty to serve tribal citizens.

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. Today, our mission continues to be Justice for Alaska Native people. The sobering fact and unacceptable truth of the matter is that violence in Alaska, and particularly violence against Alaska Native women, is at an epidemic level. Eighty percent of Alaska Native women will experience violence in their lifetimes with 55.6% of Alaska's sexual assault victims being Alaska Native people. Additionally, we know that an overwhelming number of sex offense cases reported in Alaska are not prosecuted. In fact, the Alaska Department of Public Safety reports that in 2018-2019, only 322 of the 621 sex offense cases referred to the Department of Law for prosecution were actually accepted for prosecution. This is unacceptable. Alaska Native women deserve better.

We also know that Alaska Native youth are disproportionately affected by human trafficking. According to a ten-city study of labor and sex trafficking among homeless youth conducted by Covenant House between 2014 and 2016, homeless youth in Anchorage were being trafficked at a rate of 28% - a rate higher than any other city studied - including New York City and New Orleans. Of the Anchorage trafficked youth identified, 42% were Alaska Native, where the percentage of Alaska Native youth in Anchorage is under 20%.

However, these stark numbers do not fully capture the real situation for two reasons. First, the numbers recorded represent only those cases actually reported and do not reflect unreported offenses. Second, the numbers do not consider the impact that these offenses have on families, siblings, children, parents, and spouses, who are also 'victims' and directly harmed by such offenses. While supporting the government to government relationship of the federally recognized Tribes and the needs on reservations, we have previously urged OVW and the Department to include Alaska Native and American Indian 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, recognizing that tribes and tribal organizations offer holistic approaches not limited to law enforcement or the court system. We continue to urge our federal partners to do so.

### **Topic 1: Enhancing the safety of American Indian and Alaska Native Women from Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking; and Strengthening the Federal Response to the Crimes of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Sex Trafficking**

ANJC can reliably point to 40 years of reports and data collection regarding public safety in Alaska that offer recommendations on how to address the crisis. Years of written and oral testimony should also serve to provide a critical foundation for understanding the magnitude of the crisis of violence against Native women and what can be done. Many aspects of this crisis are well documented. However, the maze of injustice remains for Native women who are victims of violence.

Numerous federally established commissions have recommended the removal of the barriers that currently inhibit the ability of Alaska Tribes to exercise criminal jurisdiction and utilize criminal remedies when confronting the highest rates of violent crime in the country. The enactment of VAWA 2022 addressed many of the barriers previously identified.

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

1. ANJC recommends that the topic of Enhancing the safety of American Indian and Alaska Native Women is prioritized as a research focus area.
2. The 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. ANJC renews our recommendation for an in-depth review of prosecutorial charging, bail and plea or sentencing decisions.
3. ANJC urges DOJ to keep the Alaska Pilot Program as open and flexible as possible, including allowing participation of Alaska Tribes not currently ready to exercise special criminal jurisdiction.
4. We further encourage the DOJ to forego complex processes developed in Lower 48 reservations when implementing the program in Alaska.

### **Topic 2: Administering Tribal Funds and Programs**

In addition to the statutorily mandated consultation area 3, the Office on Violence Against Women (OVW) put forward two framing papers regarding OVW's administration of funding: the Tribal Jurisdiction Program; and a

proposed pilot program that allows recipients to provide financial assistance directly to survivors that may be used to achieve safety, stability, and healing.

First, ANJC supports requests for the Department to explore compacting authority and provide dedicated, annual, noncompetitive base funding for Alaska Tribes. In this way, federal agencies and tribes can innovate together. Through compacting, tribes have been successful. In Alaska, Tribes and tribal consortia have compacted to provide the highest quality healthcare and social services and have found ways to overcome vast distances, lacking infrastructure, and staffing issues. Indian Health Services compacting in Alaska has resulted in coordinated, innovative health care models duplicated around the world. As another example, the Tribal 477 Initiative allows Tribes to consolidate employment and training programs and related services to reach the maximum number of tribal participants in a streamlined, holistic approach and has been very successful. The same can be done for 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.

Further, we encourage the Department and OVW to 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. Changes implemented in the last year based on 2021 consultation are excellent steps in the right direction, including shortening and reducing the documentary requirements for application and making administrative funds to prepare for special jurisdiction allowable. Several areas, however, were not addressed. These include the necessity of special conditions for all grants. Many grants require numerous special conditions and approvals not only prior to starting work, but throughout the lifetime of the grant, which become burdensome obstacles to performing our work and represent a gross overreach by the department. And training requirements for all grantees to complete special conditions, such as 40 hours of financial training which may be helpful and necessary for smaller tribes or those that are still developing their capacity; however they may not be helpful for tribes that have already developed that expertise. Special conditions and requirements should allow room for adjustment for each specific and unique tribal grantee.

We also request remediation of JustGrants user issues. The launch of JustGrants has failed to make the 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. This diverts countless hours to staff time away from other projects and responsibilities. During this year's annual Government to Government Violence Against Women Act Consultations, organizers dedicated a portion of the consultation to addressing JustGrants issues. We reiterate the issues many Tribes have already raised and request that fixes to the JustGrants system be made a high priority.

***Recommendations:***

1. ANJC supports requests for the Department to explore compacting authority and provide dedicated, annual, noncompetitive base funding for Alaska Tribes. In this way, federal agencies and Tribes can innovate together.
2. We request that OVW examine the necessity of special conditions for all grants and recommend that they be removed or relaxed based on the expertise of the grantee.
3. We encourage the Department and OVW to 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.

4. We ask that the OVW examine and relax the number of staff and frequency of mandatory annual training requirements, and moving forward, continue to make such training available through distance options.
5. We request remediation of JustGrants user issues.

### **Topic 3: Response to OVW's Tribal Consultation Framing Paper on Financial Assistance for Victims**

ANJC appreciates the ways in which OVW responded to the recommendations on how to structure a proposed OVW pilot program to allow funding recipients to provide financial assistance directly to survivors that may be used to achieve safety, stability, and healing. Many of our comments regarding administration of funds and programs are also responsive to the questions posed in this framing paper.

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

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

1. The framing paper poses several questions about whether and what type of restrictions should be placed upon distribution of this financial assistance. ANJC believes that such 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. Given the diversity of expertise and service offerings provided by Tribal Victim Service Providers, we recommend OVW allow funding recipients discretion in when and how funds will be disbursed. The financial need and expenses in an extremely rural Alaska village accessible only by plane, boat, or snowmachine will be vastly different than a victim living on a reservation in the lower 48 or in southern California.
3. Regarding 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 where "Indian tribe" means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), 43 USC §§ 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
4. ANJC also recommends that OVW utilize 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 to improve services for survivors, as well as programs and activities to develop, enhance, or sustain survivor assistance and services. Distributing less than the tribal set-aside based on the assessment that applications did not meet the requirements defeats the very purpose of the set-aside process. Any unissued funds should be diverted to other tribal programs.

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

Consistent and accessible data about both victims and defendants is essential to the implementation of responsive tribal justice systems.

**Recommendation:**

1. ANJC has long advocated for accessible filing of domestic violence restraining orders from tribal justice systems in Alaska so that they can be given full faith and credit in Alaska state courts and by Alaska state law enforcement. The complicated jurisdictional issues presented by states, tribes, and federal enforcement require a complete shift in the sharing of information in order to address the urgent public safety needs in Native communities.

We recognize the Department's efforts to consult on these issues and the ways in which the DOJ has demonstrated that it has listened and changed some practices in response to previous consultations. ANJC is dedicated to providing services to victims and support to Alaska Tribes. We stand ready, willing, and able to partner with the Department to further support these efforts and to create more equity in the outcomes of crimes committed against Alaska Native and American Indian women.



## Traditional Village of Togiak

*Vice President Peter Lockuk, Sr., Vice President - Tribal Leader (Written)*

*Margie Coopchiak, President, City of Togiak & Tribal Member - Authorized Designee (Written)*

*Helen Gregorio, Project Coordinator, City of Togiak Victim Services - Authorized Designee (Written)*

### Topic 1: Domestic Violence

Togiak is the largest Yupik community in the Bristol Bay region, with a tribal membership of about 1,200 members. We are strong in our Yugtun ways but declining in Yugtun language speakers. Our people have hunted, gathered and lived in the area for thousands of years. We are taught our traumatic history of colonization and taught to learn to live in love and harmony for the survival of our people. Due to the introduction of alcohol, and more recently drugs, we are facing hardships within our community as a whole. Interpersonal violence is a big concern in the community, but treated as hidden because it's "shameful and embarrassing". It's like a ticking bomb nobody talks about and many cases are never reported. If it's bad, they report to the police, but nobody talks about it; they protect the abuser. Domestic violence is ignored, it happens when someone is drinking in the home. In the past, we talked about a safe house where people could get treatment for addictions that cause domestic violence. Families try to resolve violence within their own family but they are not equipped; there's no safe place to go.

There are statewide services for victims, but nothing readily accessible in the community. There are only the troopers and police to turn to and when the abuser is released from jail, there is fear. We need people that will intervene. The VPSO and troopers can enforce protective orders, but many question their effectiveness. Some feel there is no help.

*"We're missing the part of why they do what they do, crumble them and throw it in the trash, we can't keep doing that. If we had people who truly love approach them and help them recognize the wrong, it would be good". (Elder)*

*We have good people but when they drink, things come back, there's fighting. When they act it out, there's crime. I know because I was there". (Elder)*

The use of alcohol and drugs seem to be the main reason for domestic violence. The person may be dealing with past abuse. Families are not trained to deal with alcohol and violence. There is no shelter, no counseling place where the users can be assessed for treatment, and no place to help them separate from alcohol and drugs.

When someone needs help, there are no services available locally; help is miles away. Having something here would be tremendous and would help our tribe get the situation under control more quickly. Our overall message is recognizing where we are presently and making efforts to move toward healing and wellness individually and as a community, strengthening and utilizing our own Yugtun ways.

**Recommendations:**

1. Families need training on domestic violence to resolve family conflict;
2. Victims need a place where their basic needs are met and where they feel safe. We need funding for a shelter that is staffed by someone dependable 24/7. The shelter should include a holistic approach that focuses on healing and wellness;
3. We need a building with resources that would help the community, someone to help the children who witness domestic violence. It's better to get them help when they're younger. Teaching cultural values is needed, especially to be taught to the younger generation, young people with kids. Wellness: Circle of Life needs to be taught from home and school. Cultural roots can help us navigate through the complex blending of society to find who we are. It's important to incorporate traditional customs and cultural values into everything we do to keep our culture alive.

*"We were taught to love and care for others, but because of alcohol, there is often abuse. That is not a part of our culture". (Elder)*

*"It's very important to bring our culture back and it starts with us leaders. As leaders, if we stand by and do nothing, drugs and alcohol will be our culture". (Community Leader)*

*"My brother was in treatment where they taught Yugtun ways, he learned a lot of traditional ways he uses in his life". (Community Member)*

**Topic 2: Data Sharing**

Our first priority of concern is sharing missing and murdered data between State Troopers and tribal members. The State of Alaska needs to recognize tribal sovereignty and begin a working relationship to benefit both entities. In 2019 a young girl was found on the beach below our airport, obviously sexually molested and murdered. Today neither the family nor the community knows what happened to her or where the case is with troopers. In the last five years, we have lost several young men to drug overdoses and alcohol related deaths in Togiak. No information on whether investigations are being conducted concerning the deaths has been shared with the families or community. These are our sons and daughters, there is no closure and with no closure, healing cannot take place.

**Recommendations:**

1. We ask that the State of Alaska be mandated to notify the tribal government, whenever a tribal member is victimized, wherever the crime happened. The tribal government should also be included in the data collection for integrity and proper identification. The tribe should be included in the interviews with victims to ensure it's done in a humanitarian way.
2. Tribes should be fully funded at the same level as our state counterparts for personnel capacity building and training for data collection systems used.

### **Topic 3: Law Enforcement**

Togiak needs local law enforcement, training and consistent funding to protect our community and vulnerable populations. The Togiak Police Department employs two Village Police Officers (VPO) and houses a Village Public Safety Officer (VPSO) employed by the regional non-profit, Bristol Bay Native Association. An itinerant Alaska State Trooper is stationed in Togiak for two weeks, unless family or work obligations don't allow for their presence in Togiak at their scheduled time. Upon hire, the VPO has to wait months or years to attend a six months training course, which is hundreds of miles away from home and family. In critical emergencies, such as gun or domestic violence situations, there is no back-up when immediate response is critical. The tribe at one time employed a tribal police officer, but due to lack of funding, the position is not available anymore. We need trained police officers with salaries and benefits comparable to others.

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

1. We are requesting that COPS grants be made continuous and non-competitive. Oftentimes, our small communities do not have grant writers who can meet all the requirements in the grant application process;
2. Alaska needs to recognize tribal law enforcement and that federal funding for tribes go directly to tribes to support development of law enforcement infrastructure in the villages;
3. A law enforcement training facility in Alaska is needed, including training provided by indigenous people who know and have experienced life in Alaska.

### **Topic 4: Improvement in Laws, Policies and Regulations for VAWA and VOCA Funding That Allows for Funding Services and Departments Tied to Victim Services**

We need flexibility to build our programs as we deem necessary. For example, when it comes to mental and behavioral health services, our ancestors had their ways of counseling, mentoring and basic care for hurting individuals in the community. We need the flexibility to utilize our own Yugtun ways to implement into our programs, which are proven among our people for healing and wellness. Another area is sharing of food and ceremony. Whenever there is a loss in the community, the people come together with food to share - this is an integral part to our healing and wellness. In the last two years, food prices have increased exponentially. A 25-pound bag of flour which cost \$22 a couple years ago, is now \$30. Yupik law states “neqeqaq-gguq ilakuyutnguuq”, which means food builds and maintains relationships.

Recognizing and utilizing our Yugtun ways, we are in the process of opening an emergency shelter to provide immediate local services for our people experiencing domestic violence, sexual assault and abuse. Our people's strength is in the language and teaching of Yuuyaraq, which is everything to do with living an honorable life through the teachings. This knowledge is in our people, but because of colonization and trauma experienced by our parents and grandparents, it has been eroded and some practices have been lost.

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



1. We are requesting that funding for Indigenous mental and behavioral health services be funded to include personnel, training and implementation of Yugtun ways;
2. That our funding will be flexible to include the purchase of food for healing and ceremony and consistent funding to meet the infrastructure, capacity building and local service needs for our people, by our people;
3. We need consistent funding to build capacity for personnel, training and operational needs for the emergency shelter.



## Washoe Tribe of Nevada and California

*Chairman Smokey Serrell, Tribal Chairman - Tribal Leader (Oral)*

*Jim Irvin, Chairman of Woodfords California - Authorized Designee (Oral)*

### **Topic 1: Systematic Change**

How did we get here? This issue has been plaguing our communities and people for a long time. We are being reactive to something that has happened so often throughout the years that it has become almost commonplace. There was so much violence growing up that I became desensitized to it. Somebody was bloodied every week and at every function. It occurred so often that comedians even used to make jokes about it. And we would just let it happen. Now, we are finally taking action. We are in a time of change. And that is a good thing.

The Washoe tribe is taking a systematic change from the ground up. For example, the Washoe tribe has been in a fight for over 20 years over a ski resort. Our lands are all around our sacred body of water, better known as Lake Tahoe. There is a ski resort up there once called Squaw Valley Ski resort. It is located close to one of the biggest archaeological sites for the Washoe people. We fought the name of the resort for many, many years. I can proudly say, just over a year ago, we got the resort to change its name. We are changing the names of every street, town, building, and geographic location around the surrounding area.

I bring this up for a couple reasons. The word squaw is an offensive term directed to our Indigenous women. I want to give simple facts. Throughout history the American military has used words and derogatory terms to describe their enemies. This dehumanizes their enemies and makes it easier to abuse and take advantage of them. The other reason I bring this up is because, what we have been able to accomplish is a small victory and a stepping stone to what we are trying to accomplish within the Washoe tribe. Tribes have political power and we need to use it. There has always been fear of repercussions, and tribal members were scared that something was going to happen to the tribe politically. There was this fear that the President would take away our funding or the state would not allow us to shop within the stores in the counties. These fears are still there. So we had to break that cycle; we had to do something that proved we have a voice and we can make the change.

Another reason I bring this up is foreboding. November is coming around really soon. During the last presidential election we know that tribes held key voting populations all across the nation. We have a bigger voice than we've been using for a long time.

## **Topic 2: Grant Process**

The grants process is not working for everybody, especially small tribes. The state of Nevada has mostly small tribes, some very rural. Distribution and the processes make it difficult to even apply for these grants. There are too many regulations because we need non discretionary funding. Recently during COVID the federal government has shortened the timelines for some grant notifications in order for tribes to get the funding sooner. I am sure it was well intentioned, but for smaller tribes, we cannot meet the deadlines. We completely miss out when timelines are shortened.

This also leads me to capacity. Many of our smaller tribes do not have the capacity of even accepting more programs. I read that there is a funding opportunity for capacity building. We cannot meet that criteria. Tribes are having to return grants and funding even if they do get awarded, because they do not have the people or capacity to carry out the responsibilities stated in the guidelines within the funding opportunities. That makes the programs worthless because they cannot be used. All programs that are available should be truly available to everyone.

When I talk about being behind in everything, that is not our fault. We as Indigenous people, have not yet been American citizens for 100 years. That makes our governments even younger. Yet, we are expected to be right up to par with the federal government and everything the federal government pushes down to us.

### ***Recommendation:***

1. Funding needs to be applied to our cultural practices and in taking care of our people. We need funding to fit our own needs and each tribe is different.

## **Topic 3: Law Enforcement Officers (LEO)**

There is a nationwide shortage of law enforcement officers, not just in the tribes. Funding is required, but we also need to get to the root of the problem of why we are not able to recruit qualified candidates and applicants as well. If it is a national issue, hard for federal, state, and local agencies, then it is even worse for tribes because the statistical fact is that by population, tribes always have a higher percentage. If there is drug abuse, tribes will be worse in population. Suicide, tribes are worse by population.

The Washoe tribe is located in both Nevada and California, but we do not have one giant land-base to call our reservation. We consist of four colonies and our residents are spread throughout six different counties in Nevada and California. We have five tribal police officers that are supposed to be working 24 hours policing our areas. This is not possible, so we do what we can. We are doing a disservice to our people right now and we are not providing them the safety that they need and that they should be getting.

The Washoe tribe pays almost a million dollars to have county officers respond to emergencies because we do not have the services ourselves. We have to come up with the funding every single year. That money could be helping the people directly. We need more opportunities. Also, where do we hold inmates when they are actually arrested? The Washoe tribe started a MOU with the county to be able to hold prisoners/inmates while they are waiting for court for no longer than one week. It has been pretty successful so far. Before that,

our officers would have to drive an average of 3 hours round trip and that is time they were not policing the communities. There are more rural tribes that took even longer. This is a common issue that we are dealing with especially in the state of Nevada.

We also need more programs and funding to help with off reservation membership. Creditors and criminals target off reservation members. For years, we have heard stories about tribal members being stalked off reservation. There has been a belief among criminals that if a crime happens off reservation against an Indigenous person, they will not serve as much time in jail if they are caught because they will get leniency in the court. The court track record proves this happens.

***Recommendations:***

1. We need funding for law enforcement.
2. We need the authority to prosecute anyone for any crime, including crimes outside of our borders.
3. We need to have non discretionary funding for trauma. Trauma is a huge reason why we were forcefully put into situations of our upbringings. It was said over and over again that violence is not part of our culture. And it's not. It was created for us.
4. We need to be able to use funding for outside services, outsourcing.
5. We need more programs and funding to help with off reservation membership.

**Topic 4: Data Sharing**

We must have funding for data programs. Data not only increases our chances of receiving funding, but it shows us what we need to do to move forward and better ourselves. We also need to be able to collaborate with all surrounding entities. If we can't do that, then we will have people that jump from reservation to reservation and commit the same crimes. This has happened numerous times.

***Recommendation:***

1. We need full funding to meet the tribe's needs. We are not talking about a specific dollar amount for a program, but we are talking about funding that truly meets the needs of each tribe. Federal, state, and local entities get their funding, but tribes still have to compete for it.

**Topic 5: Government Accountability**

Why is it that tribes are excluded from every bill that comes through our federal government including state and local entities. If you are a tribal leader and you see that, stand up and make sure they include tribes. We started doing that with the Washoe tribe for the last four years, and it is now in a lot of our recent bills, laws and regulations. Indigenous people must hold the government accountable through their voting power and other means available.

We have to do that because as we strive for sovereignty we are reminded that the federal government defines us as Domestic Dependent Nations, which means that the government needs to uphold that trust responsibility. We need education for everyone on where does trust responsibility end? What authority does the local and state government have? It is not clear and creates confusion. Communication has to be both ways. We need to work together.

**Topic 6: Tribal Jurisdiction and Law and Order**

Changing law and order codes is tough. It took our tribe three years to pass a law and order code that actually was a process for changing law and order codes. It seemed so simple, but it's not. Tribes need help with that. Not just guidance, but resources as well. In one of our more rural communities, there was a murder; a young man was shot in the middle of the street. He crawled to the nearest house and died on their doorstep. The cops were called immediately right after the shooting happened and that kid lay there for five hours before an officer showed up. Nobody wanted to touch him, nobody wanted to go outside, because the person who shot him was still out there. The response time is terrible, especially for tribes that are directly under the BIA who don't have their own law enforcement officers. Just recently, there was a burning vehicle on a very busy interstate I-80 right outside of Reno, Nevada. Once they put the fire out, there was a body of a young mother from a tribe up the road.

Since this happened off reservation, there was no urgency put to it - all we got was, this happens all the time and we will start an investigation. Just about a week after that, a young white lady went missing from the town right outside of the Pyramid Lake reservation. The response was completely different. It was headline news, every hour. There were numerous interviews going on, trying to find out if anybody knew anything, saw anything. They were using tracking through phone companies to get her last location. They got a lot of information. They had someone arrested within two weeks. I am bringing up this response because of how quickly the law enforcement reacted with the white lady. Whereas that young mother who was a member of the reservation, her incident is still under investigation. Another incident that just recently happened was on a school bus right outside our Carson Colony in Carson City. The bus was transporting our Washoe children when the bus driver stopped and let a white man carrying a gun on the bus. The man threatened the kids and the bus driver did nothing. It took three weeks for an arrest to be made because it became a jurisdiction issue with Carson City because it was outside the jurisdiction of the tribe. The only thing separating that jurisdiction was the curb on the street. When the kids are waiting for the bus they are on reservation land, but once they board the bus, now it is the jurisdiction of the city. We cannot even protect our own youth within a few inches of the border. That is a huge issue.

***(Jim Irvin Testimony)***

Twenty years, and we are still stuck in a position of requests. You guys are my relatives, and it is a sad situation that year after year, we have to make these asks to our leadership in the government that don't have the common decency to show themselves. Our forefathers, our ancestors were so strong, so powerful, and we didn't have the best relationships, but we got along. It's just sad, the things that we learned at the hands of the people that took over our mother Earth and our homelands, the things we have learned, our perpetrators. They are not innocent. These things are learned, but what can you expect from historic and generational trauma, where a man has been taken and beaten down so far, so low to where he is not even feeling like a man. Everything stripped from him. Everything taken from him, and yet we are supposed to carry ourselves. I hear it in the Council, the boards I sit on. I've heard it from directors of social services. How come you don't just get over it? It is sick. Our California tribes are striving for unity because if we put our voices together we can make a difference. We encourage all of you to do the same. I don't want to hear 10 to 15 years down the road, these same requests over and over and over again. Our women and children need to be protected.

Let's come together on this, because we can. We can come together, we can accomplish anything. We need to be the change. The time is now. For our tribal leaders, just a reminder, use your authority. Don't be scared. You are a sovereign nation. Let's remove that domestic dependent nation way of thinking and let's hold people accountable. We need to move forward, we need to take the fight to the front lines. The time is now.



## Closing Comments

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

Allison thanked everyone again for the incredibly powerful time spent together and asked for a moment of silence for those who are missing and for everyone who has suffered trauma. She thanked them for honoring the consultation with their incredible resistance, their incredible stories, and an amazing ceremony. Allison stated the federal partners will do their best to go back and serve tribal communities.

***Sherriann C. Moore, Deputy Director, Department of Justice, Office on Violence Against Women***

Sherriann closed consultation with a recap of the historic commitment of participation at the event. She acknowledged the friendships and relationships she has built with so many in attendance over the years and her personal passion as she continues to do the work as OVW's tribal deputy director. Sherriann thanked all of the tribal leaders for taking time to provide important testimony to address topics that need to be worked on and to share their personal stories. She had Allison Randall share the announcement that next year's consultation will take place in Tulsa, Oklahoma and thanked all federal representatives who participated throughout the last three days. She reinforced the commitment to making progress together.

Sherriann then introduced Gloria Burns from the Ketchikan Indian Community to provide a traditional travel song. Following the song, Elizabeth Sonnyboy, Yupik' Elder, provided a closing prayer.

## Appendix 1: Federal Presentation

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### Working Lunch & Presentation "NamUs: A Resource for Missing American Indian/Alaska Native Cases"

**Thursday, September 22nd from 12:15 PM - 1:00 PM (In-person)**

*Chuck Heurich, M.F.S., Senior Physical Scientist, Department of Justice, Office of Justice Programs (In-person)*

*Jessica Hager, Regional Program Specialist, National Missing and Unidentified Persons System (In-person)*

#### **Chuck Heurich**

It is an honor to be here with you all and to share with you how NIJ can help you. We are here to show you how the system works to help resolve cases and find people. That is our mission. NIJ is one of only two science agencies in the DOJ. We fund research and development, and are dedicated to improving knowledge and justice through science. In 2005 NamUs was created to form a nationwide database of missing person cases specifically for long-term missing adults. We educate law enforcement and medical examiners and coroners about this mission and its importance. We have two offices, the Office of Research and Technology which does physical science, and the Office of Forensic Science where we house crime solutions and evaluations of evidence. I have been to 18 tribal events since 2017, and somebody from the NamUs program has been to a total of 60 tribal meetings or conferences to try and meet the needs of stakeholders that are invested in this mission. An average of 100,000 people are reported missing in the U.S. every day and this does not account for those who are never reported. I've heard 3 key things that are needed while here at consultation: better communication, education and training, and solutions. NamUs can be a liaison to assist with communication between family members, law enforcement, medical examiners, coroners, and anyone involved in missing Indigenous persons cases. We are also focused on improving education and training. Our law enforcement agencies know about our database but they do not always use it. We need to do a better job of educating the public and law enforcement about our resources available. We also understand the challenges of connectivity in tribal lands, which with NamUs being a web-based tool we want to help work towards improving connectivity for you. We do have people that will come to your reservations or activity centers and train people how to use NamUs or conduct virtual training as well. As for solutions, NamUs is a solution. We understand there is some mistrust of the data that goes into creating the database in how cases are reported, but we have many success stories with NamUs where people have been found alive and it is because of the quick reactions of those involved and agencies using the system.

We also want to work with you on Forensic Services. We offer support services and free forensic services including DNA analysis. We understand the spiritual sensitivities that come from someone taking a portion of human remains and doing tests on them. Spiritually and traditionally we recognize that is not something you are used to. We want to work to bridge that gap to find a common place where we can help in the needs of finding people but also respecting your customs and spirituality.

NamUs is not mandated by any federal law that people have to use it. It is a limitation we are working on, but we do have legislation in 13 states that mandate law enforcement agencies or medical examiners and

coroners enter and use NamUs. We want people to use us, we want all the accurate, correct data and the real numbers because they are greater than what we have. Having those numbers will institute change, funding, and many other positive changes. For me, everyone matters, or no one matters. That is how I live and manage this program. The NamUs system, technology, program and support services that we can offer can help bring your people home.

I am also pleased to announce that on October 1, 2022 we will have our first tribal liaison. She will work with our regional program specialist around the country to help with tribal cases, to go to tribal lands and to do training. She is multi-generational Navajo, worked with the Navajo law enforcement, and was twice a coroner for the Navajo Nation. She has not only tribal experience, law enforcement, and medical examiner-coroner experience, but she is also a citizen of the Navajo Nation. And because of the unique circumstances I have heard from the Alaska Natives here, I will return to Washington and advocate for a second Alaskan Native liaison and put in the application process that they must be an Alaska Native and reside in Alaska.

### **Jessica Hager**

Our goal at NamUs is that by bringing people information, technology, and the sciences together we can find more missing, and solve unidentified and missing persons cases across the U.S. Our services are free of charge forensic services, nationwide information clearinghouse, and investigative support for law enforcement agencies, and we are continually conducting research so we can identify missing and unidentified cases. I want to make sure you know how to find the website, enter a case, and use our advanced search tools.

*(A demo of the NamUs system was shared along with a question and answer period for attendees.)*

## Appendix 2: Consultation Agenda

Wednesday, September 21st Consultation - Day 1	
TIME	EVENT
8:30 a.m. - 9:00 a.m.	<p><b>Call to Order, Traditional Opening, Posting of the Colors, and Qaspeq Ceremony</b></p> <p><u>Call to Order</u>  <b>Sherrriann C. Moore</b>, Deputy Director, Department of Justice, Office on Violence Against Women, Tribal Affairs Division</p> <p><u>Opening Prayer</u>  <b>Elizabeth Sonnyboy</b>, Yupik' Elder</p> <p><u>Posting of the Colors</u>  <b>West High School Air Force JROTC</b></p> <p><u>Qaspeq Ceremony</u>  <b>Paul Crane</b>, Vice President Yupik Women's Coalition/Emmonak Women's Shelter, Elder, Drummer and Singer  <b>Travis Bird</b>, Drummer and Singer, Financial Clerk, Emmonak Women's Shelter  <b>Lenora "Lynn" Hootch</b>, Executive Director, Yupi'k Women's Coalition  <b>Joann Horn</b>, Executive Director, Emmonak Women's Shelter  <b>Kandace Kameroff</b>, Board President, Yupik Women's Coalition/Emmonak Women's Shelter  <b>Priscilla Kameroff</b>, Rural Outreach Coordinator, Yupi'k Women's Coalition  <b>Janet Aketachunak</b>, Board Member, Yupik Women's Coalition/Emmonak Women's Shelter  <b>Tasha Paukan</b>, Resources Coordinator, Emmonak Women's Shelter  <b>Tami Truett Jerue</b>, Executive Director, Alaska Native Women's Resource Center  <b>Janelle Chapin</b>, Program Specialist Coordinator, Alaska Native Women's Resource Center  <b>Tiana Teter</b>, Program Specialist, Alaska Native Women's Resource Center</p>
9:00 a.m. - 10:00 a.m.	<p><b>Opening Remarks &amp; Introductions</b></p> <p><b>Sherrriann 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>Merrick B. Garland</b>, Attorney General, Department of Justice, Office of the Attorney General</p>
10:00 a.m. - 10:45 a.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>
10:45 a.m. - 11:00 a.m.	<p><b>Break</b></p>
11:00 a.m. - 11:45 a.m.	<p><b>Government-to-Government Tribal Leader Testimony</b></p> <p><b>Royalty Violette Capoeman</b>, Miss Quinault Indian Nation, Quinault  <b>Vice Chair Loni Greninger</b>, Vice Chairwoman/Director of Social Services Jamestown S'Klallam Tribe  <b>President Joel Jackson</b>, President, Organized Village of Kake</p>



11:45 a.m. - 12:00 p.m.	<b>Break</b>
12:00 p.m. - 1:00 p.m.	<b>Lunch Presentation</b> (Working Lunch from 12:15 PM - 1:00 PM) <b>Rosie Hidalgo</b> , Special Assistant to the President , Senior Advisor, White House Gender Policy Council <b>S. Lane Tucker</b> , U.S. Attorney, District of Alaska
1:00 p.m. - 1:15 p.m.	<b>Break</b>
1:15 p.m. - 3:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> <b>Governor Lenora Hootch</b> , Tribal Leader, Native Village of Emmonak, Alaska <b>Governor Joey Sanchez</b> , Governor, Pueblo of Santa Ana <b>Chief Kenneth Meshigaud</b> , Tribal Chairperson, Hannahville Indian Community <b>Rod Kaskalla</b> , Domestic Violence Prevention Coordinator, Zuni Pueblo <b>Lt Governor James Naranjo</b> , Lt. Governor, Santa Clara Pueblo <b>Ms. Cora Whiting</b> , Oglala Sioux Tribe Council Representative, Oglala Sioux Tribe
3:00 p.m. - 3:15 p.m.	<b>Break</b>
3:15 p.m. - 5:00 p.m.	<b>Government-to-Government Tribal Leader Testimony</b> <b>Councilor Pamela Johnson</b> , Tribal Councilor, Little River Band <b>Gisela Chapa</b> , Self-Governance Director, Orutsararmut Native Council <b>Chairwoman Norma Contreras</b> , Chairwoman, La Jolla Band of Luiseño Indians <b>Silver Little Eagle</b> , Tribal Council Representative, Northern Cheyenne

## Thursday, September 22nd

Consultation - Day 2

TIME	EVENT
8:30 a.m. - 9:00 a.m.	<b>Day 2 Call to Order</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>Lisa O. Monaco</b> , Deputy Attorney General, Department of Justice, Office of the Deputy Attorney General
9:00 a.m. - 10:15 a.m.	<b>Government-to-Government Tribal Leader Testimony</b> <b>Council Denise Harvey</b> , Tribal Council, Confederated Tribes of Grand Ronde <b>Timothy Nuvangyaoma</b> , Chairman, Hopi <b>Chairwoman Frances Charles</b> , Chairwoman, Business Committee, Lower Elwha Klallam Tribe <b>Rhonda Pitka</b> , Chief, Beaver Village Council <b>Keely Linton</b> , Executive Director, Mesa Grande Band <b>Edmond Tilousi</b> , Vice Chairman, Havasupai <b>Bernita Paya</b> , Director of Domestic Violence Program, Havasupai

	<p><b>Council Marilyn Stanislaus</b>, Village Resource Advocate, Alakanuk Tribe  <b>Keely Linton</b>, Executive Director, Mesa Grande Band  <b>Geri Wisner</b>, Attorney General, Muscogee (Creek) Nation</p>
10:15 a.m. - 10:30 a.m.	<b>Break</b>
10:30 a.m. - 11:30 a.m.	<p><b>Government-to-Government Tribal Leader Testimony</b>  <b>Robert Walker</b>, Tribal Chief, Anvik Tribal Council  <b>Delegate Eugenia Charles-Newton</b>, Council Delegate, Navajo  <b>Serrell Smokey</b>, Chairman, Washoe Tribe of Nevada and California  <b>2nd Chief Gloria George</b>, Council Member, Asa'carsarmiut Tribal Council  <b>Mavis Beans</b>, OVC Assistant, Asa'carsarmiut Tribal Council  <b>Denise Peterson</b>, Tribal Justice Coordinator, Asa'carsarmiut Tribal Council</p>
11:30 a.m. - 11:45 a.m.	<b>Break</b>
11:45 a.m. - 1:00 p.m.	<p><b>Working Lunch &amp; Presentation "NamUs: A Resource for Missing American Indian/Alaska Native Cases"</b>  <i>(Working lunch presentation from 12:15 PM - 1:00 PM)</i></p> <p><b>Chuck Heurich, M.F.S.</b>, Senior Physical Scientist, Department of Justice, Office of Justice Programs</p>
1:00 p.m. - 1:15 p.m.	<b>Break</b>
1:15 p.m. - 3:15 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b>  <b>Gloria Burns</b>, Elected Tribal Council Member, Ketchikan Indian Community</p>
3:15 p.m. - 3:30 p.m.	<b>Break</b>
3:30 p.m. - 5:30 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b>  <b>Catherine Edwards</b>, Vice President, Central Council of Tlingit &amp; Haida Indian Tribes of Alaska  <b>Chief Gary Harrison</b>, Traditional Chief/Council Chairman, Chickaloon</p>

<b>Friday, September 23rd</b> Consultation - Day 3	
TIME	EVENT
8:30 a.m. - 8:45 a.m.	<p><b>Day 3 Call to Order</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>Vanita Gupta</b>, Associate Attorney General, Department of Justice, Office of the Associate Attorney General</p>

8:45 a.m. - 12:00 p.m.	<p><b>Government-to-Government Tribal Leader Testimony</b>  <b>Council Theresa Prince</b>, Council Member, Kotlik Traditional Council  <b>Member June Yupanik</b>, Village Resource Advocate, Pitkas Point Tribe  <b>Chair Bernadine Atchison</b>, Tribal Council Chair, Kenaitze Indian Tribe  <b>Kimberly Lee</b>, Director, Sault Ste. Marie Tribe of Chippewa Indians  <b>Roland Andrew</b>, Tribal Leader, Native Village of Kwigillingok  <b>Darlene Daniel</b>, Tribal Court Administrator, Native Village of Kongiganak  <b>The Honorable Elsie Smith</b>, Judge, Native Village of Tuntuliak  <b>Deborah Margerum</b>, IHS Director, Authorized Designee, Ponca Nation  <b>Dr. Juana Majel-Dixon</b>, Tribal Justice Intertribal Court &amp; SART, Pauma Yuima Band of Luiseno Indians</p>
12:00 p.m. - 12:30 p.m.	<p><b>Traditional Closing</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</p> <p><u>Closing Prayer</u>  <b>Elizabeth Sonnyboy</b>, Yupik' Elder</p>

<b>Virtual (Recorded) Testimony</b>	
<b>TIME</b>	<b>EVENT</b>
	<p><b>Government-to-Government Tribal Leader Testimony</b>  <b>President Jonathan Nez</b>, Navajo Nation  <b>Chief Michael Williams</b>, Akiak Native Community  <b>Samantha Thornsberry</b>, Program Director, Cahuilla Band of Indians  <b>Danielle Vigil-Masten</b>, Manager/Advocate, Office of DV/SA/MMIWG Prevention Program, Hoopa Valley Tribe  <b>Vivian Korthius</b>, Chief Executive Officer, Association of Village Council Presidents</p>

## Appendix 3: 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
DHS	Department of Homeland Security
DHHS	Department of Health and Human Services
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