

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE ON VIOLENCE AGAINST WOMEN

2015 TRIBAL CONSULTATION



REPORT

WORKING TOGETHER TO END THE VIOLENCE

SQUAXIN ISLAND
SHELTON, WA

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Acronyms and Definitions

Acronym	Definition
ANCSA	Alaska Native Claims Settlement Act
BIA	Bureau of Indian Affairs
BJA	Bureau of Justice Assistance
COPS	Community Oriented Policing Services
CTAS	Coordinated Tribal Assistance Solicitation
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FVPSA	Family Violence Prevention and Services Act
ITWG	Intertribal Technical Assistance Work Group
MOU	Memorandum of Understanding
NCAI	National Congress of American Indians
NCIC	National Crime Information Center
OVC	Office for Victims of Crime
OWW	Office on Violence Against Women
SAUSA	Special Assistant United States Attorney
SDVCJ	Special Domestic Violence Criminal Jurisdiction
SORNA	Sex Offender Registration and Notification Act
STOP	Services, Training, Officers, Prosecutors
SURVIVE	Securing Urgent Resources Vital to Indian Victim Empowerment Act, S. 1704
TAP	DOJ's Tribal Access Program for National Crime Information
TLOA	Tribal Law and Order Act
VAWA	Violence Against Women Act
VOCA	Victims of Crime Act
VPSO	Village Public Safety Officers

Introduction

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

- ◆ administering tribal funds and programs;
- ◆ enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
- ◆ strengthening the federal response to such violent crimes.

Testimony from tribal leaders and other representatives summarized in this report was given at the 2015 annual consultation event hosted by the United States Department of Justice (DOJ) pursuant to this legislation.

Government-to-Government Consultation Event

The Tenth Annual Government-to-Government Violence Against Women Consultation was held Wednesday, November 4, 2015, at the Little Creek Resort, Squaxin Island Reservation, in Shelton, WA. In addition, on November 3, DOJ held two training sessions. The first was led by the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division, highlighting national criminal justice information services managed by this FBI division and discussing the legal authorities that tribal governments can use to access FBI criminal history record information. The second session was a training on DOJ's Tribal Access Program for National Crime Information, an effort to provide federally recognized tribes with access to national crime information databases for civil and criminal purposes. Information about these meetings can be found in Appendix 2.

Welcome and Introductory Activities

On November 4, the consultation opened with Lorraine Edmo (Shoshone-Bannock), Deputy Director for Tribal Affairs at the Office on Violence Against Women (OVW), welcoming the assembled attendees. An opening song was performed by Marcus Red-Thunder (Ojibwe and Northern Cheyenne). Joann Horn from the Traditional Village of Emmonak, AK, gave a traditional opening.

The Shawl Ceremony was presented by Washington State Native American Coalition Against Domestic Violence and Sexual Assault and led by Dee Koester (Lower Elwha Klallam), the coalition's executive director. Shawls were placed on four empty chairs at the center of the room to represent victims of domestic violence; victims of sexual assault; murdered, missing, and unborn Native women; and men who are offenders.

Welcoming Remarks

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

Dave Lopeman, Squaxin Island Tribe, Chairman

Dave Lopeman welcomed tribal and federal government representatives to Washington State and thanked them for their participation in this year's consultation. He reminded the group that, in Native traditional understandings, women are respected as sacred and as the givers of life. Teaching children the importance of having respect for women should begin at a young age.

At the conclusion of Mr. Lopeman's remarks, Ms. Edmo introduced Dawn Duran of the DOJ Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Ms. Duran presented Mr. Lopeman with a letter recognizing that Squaxin Island Tribe had substantially implemented provisions of the Sex Offender Registration and Notification Act.

Ye-Ting Woo, Assistant U.S. Attorney and Tribal Liaison, U.S. Attorney's Office for the Western District of Washington

Ye-Ting Woo welcomed participants to Washington State and thanked the 25 federally recognized tribes in the Western District of Washington for the privilege of working with them. Last year, Ms. Woo and her partner Tate London (also a tribal liaison with the Western District) visited each of the 25 tribes in the district to hear from tribal leaders about crime trends, gaps in services, tribes' additional needs in federal prosecutions, and needed supports for services to Native women and children. This collaboration will continue in three regional meetings with tribes in the Western District during the year.

An important part of pursuing justice is restoration, and Ms. Woo explained that working with tribal communities had expanded her view of justice beyond the court system or the prosecutor's office. For survivors, the post-sentencing phase of recovery and restoration is just as important, if not more important, than the trial. It is in this phase that resource networks, community services, and the work of advocacy groups and tribal coalitions become especially important in providing options and a feeling of safety for women and children.

Introduction of Federal Partners

Ms. Edmo introduced the other federal partners participating in the consultation. Additional representatives from DOJ included:

- Bea Hanson, Principal Deputy Director, OVW
- Marcia Hurd, Counsel for the Director, Office of Tribal Justice
- Eugenia Tyner-Dawson (Sac and Fox Nation), Senior Advisor to the Assistant Attorney General for Tribal Affairs and Executive Director of the Justice Programs Council on Native American Affairs, Office of Justice Programs

- Marilyn Roberts, Deputy Director, Office for Victims of Crime, Office of Justice Programs

As mandated in VAWA 2013¹ the consultation was attended by officials representing the Secretary of Health and Human Services and the Secretary of the Interior. Representatives of these agencies included:

- Dr. Beverly Cotton (Mississippi Band of Choctaw Indians), Director, Division of Behavioral Health, Indian Health Service, Department of Health and Human Services
- Ken Noyes, J.D., Senior Program Specialist, Family Violence Prevention and Services Program, Administration for Children and Families, Department of Health and Human Services
- Gaynell Real Bird (Shoshone-Bannock Tribes), National Family Advocate and Prevention Coordinator, Division of Human Services, Bureau of Indian Affairs
- Bryan Hudson, Attorney, Office of the Solicitor, Department of Interior

Consultation Opening Remarks

Bea Hanson, Principal Deputy Director, OVW, gave opening remarks and offered a summary of OVW's efforts on tribal recommendations since the previous year's consultation.

Update from Last Consultation

The full report on OVW's activities on tribal issues since the 2014 consultation, titled "2015 Update on the Status of Tribal Recommendations," is available at <http://ovwconsultation.org/documents/2015-Update-on-the-Status-of-Tribal-Consultation-Recommendations.pdf>.

In commemoration of VAWA's twentieth anniversary, OVW launched a national tour, beginning in October 2014, in which Ms. Hanson and other OVW leadership and staff visited more than 50 communities in more than 20 states across the country. The tour included visits, with Ms. Edmo and other OVW tribal unit staff, to tribal communities in five states, including five Alaska Native villages, and tribal meetings at tribal round tables in Oklahoma, Maine, Mississippi, Minnesota, and Nevada. During the visits, best practices and lessons learned in prosecution, law enforcement, and victim services were discussed. A report on the national tour and findings as distributed in June 2016 and is available on the OVW website.

In 2015, OVW awarded over \$43 million to 89 different tribal governments, tribal consortia, and tribal non-profit organizations. OVW is also continuing to implement the tribal provisions of VAWA 2005 and VAWA 2013 and has taken specific steps to address concerns raised by tribes in the 2014 consultation.

Tribes have repeatedly explained their barriers to accessing and entering information into national crime databases. In August 2015, DOJ began the initial phase of the Tribal Access Program for National Crime Information, an initiative to provide federally recognized tribes with access to these databases for civil and

¹ (Public Law 113-4 Violence Against Women Reauthorization Act of 2013, 2013)

criminal purposes. This initiative will support the exchange of information between tribal, state, and federal law enforcement.

In the 2014 consultation, tribal leaders strongly called for the repeal of Section 910 of VAWA 2013², which prevented all but one of the 229 Alaska Native villages from exercising the special domestic violence criminal jurisdiction that had been restored to other tribes. DOJ supported that repeal, and President Obama signed it into law as of December 18, 2014.

Tribal leaders also raised concerns about law enforcement in Alaska not recognizing or enforcing tribal court protection orders and requiring that tribal orders be registered with the Alaska court system. In July 2014, DOJ sent a letter to the Attorney General of Alaska stating that these practices were inconsistent with federal law, which requires enforcement of a tribal order, regardless of whether it was previously filed or registered in a state court. In July 2015, the Alaska Attorney General published a formal opinion concluding that the federal law preempts this Alaska registration law and that local and state law enforcement can and must enforce tribal orders.

Another concern raised in the 2014 consultation was that state agencies administering VAWA grants under the Services, Training, Officers, Prosecutors (STOP) Violence Against Women Formula Grant Program had not consulted with tribes or that their consultation had been inadequate. VAWA 2013 created the requirement that state STOP administrators consult with all tribes in their state regarding the use of these funds, and tribes expressed concern about states where such consultations were not happening. In response to concerns raised at the consultation, OVW staff contacted the state administrators in states where inadequate consultation issues had been identified. In addition, OVW staff discussed the requirement to consult with all tribes in the state at the annual meeting of state STOP administrators in April 2015. At the meeting, OVW invited tribal leaders and tribal coalitions from states with positive relationships between the STOP program and tribes to share best practices for conducting consultations and build the relationship between STOP programs and tribes. OVW is also providing ongoing technical assistance to state STOP administrators to support consultation and ensure mechanisms are in place to consult with all tribes in a state.

Finally, Ms. Hanson discussed the Special Domestic Violence Criminal Jurisdiction (SDVCJ) pilot project which has been underway since February 2014. She announced that a lunch presentation on the SDVCJ pilot project will include information from the three original tribes involved in the pilot project regarding challenges and lessons learned; and an update on the Intertribal Technical Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG), which was formed during the pilot project, with 45 tribes participating. The ITWG remains active and other tribes interested in exercising SDVCJ are encouraged to join this working group.

For more information on the SDVCJ pilot project and ITWG, see the summary of the lunch presentation on [page 62](#).

² (Public Law 113-4 Violence Against Women Reauthorization Act of 2013, 2013)

Summary of DOJ Consultation Topics

After summarizing the previous year's activities, Ms. Hanson introduced the topics and consultation questions for the 2015 consultation.

To read the complete framing papers that accompany the consultation questions introduced below and provide additional background information, please see Appendix 4, titled "Consultation Framing Papers," beginning on [page 79](#).

SDVCJ Grant Program

1. Should OVW and the Bureau of Justice Assistance (BJA), in the absence of a fiscal year (FY) 2016 Congressional appropriation, set aside funds from OVW's Grants to Indian Tribal Governments Program (CTAS Purpose Area 5) and BJA's Indian Assistance funding (CTAS Purpose Areas 3 and 4) to support tribes that wish to exercise special domestic violence criminal jurisdiction (SDVCJ)?
2. If so, how much funding should be set aside from OVW's Tribal Governments' Program and BJA's Indian Assistance funding for this SDVCJ program?
3. Given that there may be very limited funding available in FY 2016, should there be any restrictions on which federally recognized tribes may apply for this SDVCJ program? For example, should eligibility be limited to tribes with Indian Country? To those with law enforcement? To those with tribal courts? To those ready to or that already have implemented SDVCJ? To those participating in the Intertribal Technical Assistance Working Group on SDVCJ?
4. What activities should be funded through this SDVCJ program?
5. If available, would your tribe be interested in seeking a grant to help exercise SDVCJ? If so, what additional steps would your tribe need to take to be ready to begin exercising SDVCJ? Or has your tribe already implemented SDVCJ?

Family Violence Prevention & Services Program

6. Should the allocation formula for Family Violence Prevention and Services Act (FVPSA) tribal grants be adjusted to establish a base funding? What funding level would be sufficient for a minimum award?
 7. Should the FVPSA program phase in increased minimum funding levels when there is an increase in funding to prevent reductions in funding for current grantees with larger populations? Are there other considerations in recalculating the tribal formula that tribal leaders would have us consider and address?
-

Tribal Leader Testimony

After the introduction of consultation topics, tribal leaders shared oral and written testimony.

Most written testimony provided by tribes during the consultation is included below, immediately after each tribe's oral comments. Because written testimony from Alaska Native tribal governments expressed many shared themes, Alaska written testimonies have been summarized together, beginning on page 47.

Pascua Yaqui Tribe, Tucson, Arizona

(Raymond Buelna, Councilman oral and written testimony)

Mr. Buelna answered DOJ consultation questions in both his oral and written testimony. For ease of reading, his testimonies were combined and summarized below.

We would like to share some of the struggles our tribe faces in implementing VAWA SDVCJ, as well as advise DOJ about the difficulty of providing basic victim services to crime victims on our reservation. We will begin with some case data. Since our tribe began exercising SDVCJ, the Pascua Yaqui Tribe has a total of 22 SDVCJ arrests involving non-Indian males and one non-Indian female. These cases represent 17 separate offenders, resulting in 6 guilty pleas, 4 referrals for federal prosecution, 1 acquittal by trial, and 10 dismissals. There are currently four active tribal cases. Three SDVCJ offenders are wanted on tribal warrants, and one of them has been released on bail pending future proceedings. Thirteen of the cases involve children in the home. A total of 18 children were present during the incidents. All of the children were under the age of 11. In four of the incidents, the children belonged to the non-Indian offender. In many cases, the children exposed were victims or reported the crime while in progress. Three tribal dependency cases are open where the children were removed due to violence surrounding the incident.

Historically, the Pascua Yaqui people have always had some form of law enforcement and dispute resolution, most notably through our ceremonial societies. Pascua Yaqui was chosen for the VAWA SDVCJ pilot project, in part, because our leaders felt it was important to provide protection to our community members.

The Pascua Yaqui Reservation is approximately 60 miles north of the United States-Mexico international border. The influx of illegal drugs, guns, and wrongdoers from surrounding communities is a major issue. In 1988, unsatisfied with the services provided by Bureau of Indian Affairs (BIA), the tribe took over the judicial system through a 638 contract. The tribe currently employs 26 uniformed patrol officers certified by Arizona as state officers, and most are federal Special Law Enforcement Commission certified. The tribe has agreements with state and federal agencies for access to criminal information databases, evidence processing, and emergency service communications.

On February 14, 2014, the Pascua Yaqui Tribe was one of three tribes across the United States to begin exercising SDVCJ over non-Indian perpetrators of domestic violence. Since the tribe joined the VAWA 2013 pilot project, the impact was substantial both to protecting the immediate victims of domestic violence and for protecting the children who were also victims and witnessed the violence.

Domestic violence charges account for a significant majority of all criminal case filings, including aggravated assault, assault, disorderly conduct, and trespass cases in which domestic violence is a factor. VAWA

implementation has helped to raise awareness of domestic violence in our community. Recently, after the tribe started to exercise SDVCJ, a survey by the Prosecutor's Office was filled out by community members. Of the 220 people surveyed, 130 respondents thought that domestic violence or family disputes were a big problem. Thirty-six people knew someone who was a victim of domestic violence and the perpetrator was a non-Indian. Twenty-five had been victims of domestic violence; of those, six were victims of non-Indian perpetrators. One hundred and forty respondents had heard of VAWA, and 155 had heard of the tribe having VAWA jurisdiction. The data collected will help the tribe develop targeted efforts to identify our most vulnerable citizens and develop a comprehensive prevention program.

There have been challenges during Pascua Yaqui's VAWA SDVCJ implementation. For example, the Supreme Court decision in *United States v. Castleman*³ had an immediate impact on the tribe's criminal charging decisions when evaluating arrests under SDVCJ authority. The federal definition of a misdemeanor crime of domestic violence will likely be used by federal and tribal courts to establish the charging boundaries under VAWA. The tribe, like many other jurisdictions, commonly charges crimes that arise early in the cycle of domestic violence relationships that may not include "offensive touching," but are nonetheless violent and dangerous. Such crimes can include trespassing, threatening and intimidation, tampering with communications, burglary, breaking and entering, stalking, disorderly conduct, unlawful imprisonment, harassment, endangerment, custodial interference, and malicious mischief.

In regard to VAWA funding, the Pascua Yaqui Tribe requests that Congress or DOJ make sufficient funds directly available to tribes to implement and sustain into the future VAWA, the Sex Offender Registration and Notification Act, and the Tribal Law and Order Act, during and beyond the SDVCJ implementation phase. Tribes need permanent funding and access to resources and services that are available to state, county, and municipal governments. Having designated funding for tribal communities is crucial in addressing the high rate of victimization on tribal lands. The Pascua Yaqui community and the victims of crime that reside in our community would benefit greatly from long-term, dedicated, and direct funding.

For many years, Pascua Yaqui Victim Services have applied for CTAS funding under the Office for Victims of Crime grant funding purpose area. It has been unsuccessful due to the very limited amount of awards dispersed and limited funding. The application process is very competitive, with very limited awards given to tribal communities. Fortunately, the Pascua Yaqui Victim Services program does have grant funding to assist victims of intimate partner domestic violence, teen dating violence, sexual assault, and stalking under OVW, but the grant funding is limited and not guaranteed for the future. Crime can leave a devastating and lasting impact on the lives of victims. We cannot erase the traumatic experience, but our Victim Services program would like to ease the healing and recovery process by eliminating stressors that can contribute to delaying emotional and financial stability. The program does not have the funding to consistently meet even the most basic needs of our crime victims.

Pascua Yaqui Tribe's Answers to Questions on the SDVCJ Program

- Question 1: Regarding SDVCJ funds, although there is a great need for implementation funds, if there is no FY 2016 Congressional appropriation for VAWA SDVCJ implementation, OVW and BJA should not set aside funds from the annual CTAS funding for Purpose Areas 3 and 5. If CTAS funding has not increased overall, setting aside funds from existing purpose areas will negatively impact tribes that seek

³ The *United States v. Castleman* case (2014) defined "domestic violence" as requiring "the use or attempted use of physical force," with the requirement of physical force being "satisfied by even the slightest offensive touching."

CTAS funding on an annual basis. If there is an increase in funding, a separate purpose area should be created to help fund VAWA SDVCJ efforts.

- Question 2: Regarding the amount of funds to set aside, again, if there is no increase in funding, money should not be reallocated from the current CTAS process. A separate source should be identified and the mandates of the law should be followed and appropriated accordingly. Funding should go directly to the tribes to support their identified needs as they implement. If there is an increase in funding, a separate purpose area should be created. This purpose area could be divided into subcategories for the tribes who have implemented SDVCJ.
- Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, there should be some basic considerations when the overall purpose of the law and a tribe's ability to implement are taken into account. But it should be a formula that considers the funding amount, the best use given the priority of the law, and a tribe's proposed use as determined by where they are in the process (such as planning, building, code development, implementing, and assessments). We should also consider proposed programs and the overall benefits they will have to Indian Country as a whole. No matter what amount is available for FY 2016, money should be allocated for these purposes. This program is too valuable not to fund.
- Question 4: Regarding which activities should be funded under the SDVCJ program, given that funding may be limited in FY 2016 and beyond, DOJ should get creative. Programs like the ITWG, the Tribal Access Program for National Crime Information, and Purpose Code X have been effective (tribes helping tribes). Without doing what the law contemplates, DOJ can award grants and one-time funding for pilot projects to technical assistance providers and for key personnel (judges, law enforcement, attorneys) to be hired throughout Indian Country to facilitate implementation state-by-state or by region, who are tasked to work for a specific tribe. DOJ can fund regional training programs, law enforcement training, and tribally created prevention programs. DOJ could award funding for tribes to help create system models, data platforms, and checklists. The key would be to capture the data so it can be widely shared. DOJ could also fund programs or groups that create innovative ways to address VAWA SDVCJ implementation, groups that prevent violence, or groups that assess tribal systems and identify ways to address common problems. Data, reports, and information should also be collected to inform future change and ongoing improvements.
- Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, we would be interested in seeking any funds that are made available for SDVCJ implementation. The Pascua Yaqui Tribe is a pilot tribe and we have fully implemented SDVCJ. However, there is still a great need for supplemental funding to improve our systems, bolster our cases, and protect our victims. Through this process, we have identified several areas not contemplated by VAWA 2013. Most challenges we have encountered cannot be addressed without additional funding, such as detention costs, health care for non-Indians while in tribal custody, the need for interpreters, the need for additional police training, the requirements of additional court-related costs, the need for greater access and use of the National Crime Information Center (NCIC), or the development of a post-arrest and post-conviction process (extradition agreements, IGAs, probation monitoring in the state, etc.).

Shoshone-Bannock Tribes, Fort Hall, Idaho

Audrey Jim, Domestic Abuse Program Manager

Mitzi Sabori, Tribal Council Member (oral testimony)

I've been working with our program for about 9 years, and it's very competitive in regards to funding. It would be nice to have a flat rate, because it is stressful determining whether your programs will be operating this year,

or if only half of your programs can operate. I would support the distribution of funds in a manner where the funds are more available.

We have consulted a contract judge who hears our domestic cases. Hopefully, our funding will be released so we can continue to contract with him. Right now, we are unable to use our judge because our funding is still being approved by the financial department. Other than that, our program is very grateful for the funds received by OVW.

As far as our family violence grant, I know that we receive funding from the state, but we never know how much we are going to get. It seems to keep going down each year. When I first started, it was around \$56,000, and now we're receiving \$36,000. I am not familiar with how the percentages are calculated, but I would like to see them more fairly distributed to the tribes in Idaho.

Aroostook Band of Micmacs, Presque Isle, Maine

Jennifer Kiandoli, Vice Chief (oral testimony)

Our tribe is located in Northern Maine, a rural area on the New Brunswick Canadian border. We have a tribal enrollment of 1,339 members, so we are one of the small tribes. Our service area is Aroostook County, which is approximately 6,500 square miles, and it is larger than the states of Connecticut and Rhode Island combined. It's an economically depressed country, which makes finding affordable housing, transportation, and employment very difficult.

We received our first CTAS award from OVW in 2012 and in September of this year, we received notification that we have again received OVW funding for the next 3 years. This program has opened a gateway to education, awareness, and prevention for our community. It has given a focus to the staff to spread the word that violence is historically not a part of our culture and tradition. It has also provided women with much-needed shelter and advocacy and, now, with the new award, we will be able to provide legal and transitional housing services.

As we work toward the next reauthorization of VAWA, we ask that you make changes that would include tribes in settlement states, such as Maine, to ensure that all victims and all American Indian and Alaska Native communities have the protections and services afforded by VAWA.

Jennifer Kiandoli, Vice Chief (written testimony)

Points in Ms. Kiandoli's written testimony that were not addressed in her oral testimony are summarized here.

Thanks to Principal Deputy Director Bea Hanson and Deputy Director Lorraine Edmo for including the Aroostook Band of Micmacs, as well as the four other Wabanaki communities, in their 20th Anniversary of VAWA tour. One cannot truly appreciate the vastness of the state of Maine or Aroostook County until they have traveled it.

Aroostook Band of Micmacs' Answers to Questions from DOJ

1. VAWA 2005 Section 905(b) Sex Offender and Protection Order Registries: The Aroostook Band of Micmacs does not currently have our own tribal criminal justice system in place. However, we do support OVW in funding a training and technical assistance provider to work with tribal criminal justice systems to increase the number of tribal court protection orders entered into the NCIC Protection Order File, as well as to work with local and state officials to ensure tribal orders will be properly coded.

STOP Violence Against Women Program State Consultation with Tribes: To be a true consultation, the state would not only have to invite tribes to the table, but would then respectfully listen and consider tribal opinions. Too often, tribal people are invited to the table, then overlooked, disregarded, or dismissed. Communication is key to any relationship, and there is a significant lack of communication between the state and tribes. If the state and tribes are going to work together, we have to come together in a good way where all opinions are valued and respected. A first step may include the state administrator reaching out to tribes personally through phone calls and site visits, rather than through emails or letters. Once a relationship is established, invite tribes to the table. Then it would be up to the tribes to decide whether they will participate.

Settlement States Left Out of VAWA 2013: At this time, the Aroostook Band of Micmacs does not have a criminal justice system. If we did implement our own criminal justice system in the future, we would not be able to exercise the VAWA 2013 tribal authorities, because tribes in Maine are residing in a settlement state. The state of Maine has denied tribes the ability to exercise the special provisions in VAWA. Therefore, we ask DOJ to amend VAWA to include tribes in settlement states.

OVW CTAS 5 Awards: Receiving the CTAS award from OVW has changed the caliber of work our staff has been able to provide. Our government and our people appreciate having this life-changing opportunity. I humbly submit some concerns with the processes behind having this opportunity. We received our first award notification in September 2012. However, we did not receive funding until late January 2013. This put the goals and objectives behind by 4 months. It also delayed opening our emergency shelter by 9 months. There has been a significant overturn in OVW staff since 2012, and we are currently on our fourth program point of contact. This inconsistency has led to confusion and a breakdown in communication. In September of this year, we were blessed to receive notification of being awarded for an additional 3 years. That said, we are anticipating a long wait before we will receive funds. I would humbly ask that the process of approving and releasing funds be looked at so we can offer services nearer the time of the award.

Aroostook Band of Micmacs' Answers to Questions on the SDVCJ Grant Program

- Question 1: Regarding whether OVW and BJA should use funds from existing programs to support tribes implementing SDVCJ, no, OVW should not take money from CTAS Purpose Area 5. This funding is designated for victim services and is highly competitive. Allocating these funds for other projects would decrease the amount applied toward victim services. While SDVCJ is an important program, Congress should appropriate separate funding for it, so our domestic and sexual violence program funding is not put in jeopardy.
- Question 2: Regarding how much funding should be set aside for an SDVCJ program, no funding should be set aside
- Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, we believe eligibility should be limited to tribes that are within Indian Country, that have law enforcement and tribal courts, and that are ready to implement SDVCJ.
- Question 4: Regarding which activities should be funded under the SDVCJ program, all activities that are allowable by law and that are consistent with the implementation of SDVCJ should be funded.
- Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, we would not, because the Aroostook Band of Micmacs does not have its own criminal justice system.

Aroostook Band of Micmacs' Answers to Questions on the FVPSA Program

- Question 1: Regarding the FVPSA funding formula, yes, the allocation formula for FVPSA Tribal Grants should be adjusted to establish base funding. If an applicant has significant funding from another source, such as OVW, to run a complete advocacy program, we would agree to the baseline amount of \$25,000 plus.

If a tribe only has FVPSA funding, the minimum amount should be \$42,000 to cover the salary of one advocate. Prior to receiving OVW funding, we only had FVPSA funding that has varied over the years from approximately \$26,000 to as low as \$13,000. This amount was not enough to fund a full-time salary, so we had to combine grants with differing interests to compensate one position. If there is a baseline that minimally covers a salary, advocacy could be the primary focus and, through that advocacy, a search for alternate resources could be done to assist in meeting victim needs.

- Question 2: In 2012, our FVPSA funding was cut nearly in half with no notice or consultation. Should a decision be made to go with a baseline funding formula based on this consultation, FVPSA should send notice out now, outlining the potential cutback to offer time for programs to make a contingency plan.

Another suggestion would be to simplify the way FVPSA awards funds to grantees. We have received three award letters that award different amounts of funding but overlap in the time period they cover. Even though the award letters cover a 2-year period, funding requests have to be made on an annual basis. This system is confusing and leaves our programs unsure of what their funding actually is from one year to the next.

Lummi Nation, Bellingham, Washington

*Julie Finkbonner, Tribal Council, and Nikki Finkbonner, Domestic Violence Director
(oral testimony)*

The Lummi Nation, as well as the Washington State Native American Women Spirit Coalition, would like to talk about the instability and lack of funding, which creates an unstable environment and further endangers victims and their families when victim services are not provided on a consistent basis. Often, tribes and tribal programs cannot guarantee programs will be around the next year. Many small tribes do not have the infrastructure or the general funds to carry a program without additional state or federal dollars. There are also delays in the release of the grant funds for up to 5 or 6 months. Why do states receive their funds by October 1, while tribal funds are delayed for so long? These delays cause hardship for our victims of crime offices and harm their abilities to provide services and even employ people to help our communities.

Regarding funding streams through the Department of Commerce, Office on Victims of Crime, Department of Health and Human Services, and FPSVA, these dollars have not adequately reached tribes. Tribes have been ineligible to apply for state pass-through dollars. The small number of tribes that received funds from federal pass-through dollars are required to adhere to policies that may be foreign to them. Finally, meaningful consultation with tribal governments must be required for all state departments receiving pass-through dollars, federal funds, or claiming to serve our tribes.

We recommend a 10% set aside in Victims of Crime Act (VOCA) funds for tribes. In addition, there is currently no requirement that federal or state governments consult with tribes on the allocation of VOCA funds, which we find very alarming and concerning.

We also recommend a 2.5% set aside for tribal coalitions under FVPSA, so tribal coalitions can be included alongside state coalitions in the reauthorization of FVPSA. Tribal coalitions provide the critical resources of training, consultation, and technical assistance for tribal victim service programs.

We opened our shelter program in 2004 in a small modular home with three bedrooms and about 16 beds. We recently moved to a larger facility with 32 beds and every week we are still turning women away because we do not have room. There are 21 women and 23 children in this shelter. Are there funds for construction costs for tribes that are trying to implement shelters for their women and children?

Our tribal protection orders are still not being recognized. Whenever we ask for full faith credit, we have to have the county court number for any other county to recognize our protection orders. Every second we are trying to get this county number delays our response in protecting our women and children.

We are at 2,700 intakes for domestic violence, sexual assault, child abuse, and elder abuse in our shelter, and the majority are Lummi. The tribe has 4,500 enrolled members. Women and children at our shelter self-sabotage because they do not know what it means to be treated well. They can have so much going well for them—they are ready to get their children back from Child Protective Services; they are ready to move into their own place. But it is too normalized to have chaos in their lives, so they create drama. When are we going to stop accepting violence as a culture in our lives?

We need to find more ways to educate, provide shelter, and promote accountability. Finally, when we do receive DOJ funding, trust that we are going to find the right way to accomplish what we put in our proposal. Do not tell us, “This is inappropriate,” or, “You can’t use the dollars for this or that.” We know what works for our people.

Houlton Band of Maliseet Indians, Houlton, Maine

Brenda Commander, Tribal Chief (written testimony)

Written testimony by Brenda Commander, Tribal Chief, was read into the record by Jane Root, Executive Director of Wabanaki Women’s Coalition, during her oral testimony at the consultation event.

During my first term in office, we applied for and were awarded our first grant from DOJ in the form of a FY 1998 STOP Violence Against Indian Women discretionary grant, and we established our domestic violence response program that same year. During my five terms as tribal chief, our victim services program has grown from a one-person cubbyhole office to a fully staffed domestic and sexual violence advocacy center and emergency shelter. It was through the establishment of OVW as a federal office, the increased funding for tribes, and the reauthorization of VAWA 2005 that we were able to expand services to include a shelter for women and their children, legal representation, transitional housing assistance, and sexual assault services to support victims of sexual violence. Our domestic and sexual violence advocacy center has greatly increased our tribe’s ability to keep victims safe. Since establishing our center and offering essential services, we have seen a dramatic reduction in the number of victims returning to their abusive relationships.

We were honored to be included with the four other Wabanaki communities in DOJ’s 20th Anniversary of VAWA tour. I also thank OVW for honoring our plea to not schedule this consultation during the same week as the United South and Eastern Tribes Annual Meeting, as has been done in past years.

Houlton Band of Maliseet Indians' Answers to Questions from DOJ

VAWA 2005 Section 905(b) Sex Offender and Protection Order Registries: The Houlton Band of Maliseets do not currently operate tribal police or tribal court. However, we do support OVW funding a training and technical assistance provider to work with tribal law enforcement and tribal courts, to increase the number of tribal court protection orders entered into the NCIC Protection Order File, and to work with local and state officials to ensure 100% of tribal court protection orders are properly entered and coded in a timely manner.

STOP Violence Against Women Program State Consultation with Tribes: It is not acceptable for a state to produce their plan (after consulting with many entities, not including the state's tribes) and then ask the tribes to give it their blessing. Truly meaningful consultation would include a tribal representative from each tribe in the state at the beginning of the process so they can play an instrumental role in the formulation of the plan. If the state has a tribal coalition, the coalition should also be invited to the table at the onset of the planning process. If state coalitions are key players in the formulation of the plan, why are tribal coalitions not part of the process? DOJ must ensure that tribes are fully involved in the planning process and properly consulted throughout, prior to awarding funding to any state.

There is not good communication between the state of Maine and the tribes in Maine. The current state STOP funding process is a mystery. When is the request for proposals released? Who receives timely notice of the release? It would behoove the state administrator to visit each tribal leader to explain the STOP Violence funding process and ask the tribal leader to appoint someone to represent their tribe on the planning committee. It would then be the tribe's decision whether or not to participate.

Settlement States Left Out of VAWA 2013: As a tribe in a restrictive settlement state, we were left out of the benefits fought for in the VAWA 2013 reauthorization. At the time, we did not fully understand that these positive changes were reserved only for tribes in certain states. Once again, we are held hostage by the Maine Indian Claims Settlement Act of 1980, which specifically denies the Houlton Band of Maliseets certain sovereign rights, such as having tribal court and police. This issue was resolved through state legislation, however, the sovereign right to put the special provisions of VAWA 2013 into practice have been blocked by the state of Maine. We ask that DOJ remedy this injustice by taking a stand in favor of the applicability of VAWA and all federal Indian law to all tribes, regardless of settlement act agreements.

OVW CTAS 5 Awards: Currently, all of the grants awarded by OVW go through a budget approval process after the award. It is appalling that it can take anywhere from 1 to 10 months to be able to access awarded funds. This is an intolerable situation that must be remedied immediately. Victim services are being severely impacted by this practice.

We are pleased to learn that OVW is adding staff to address situations where no one is responding to questions, submitted Grant Adjustment Notices, and requests for assistance. Grantees have been instructed to write a Grant Adjustment Notice when one is not required, just to keep their program manager informed. What exactly happens to these notices? They sit in limbo, holding up a program's ability to function. This situation cannot be tolerated. OVW needs to fill staffing vacancies quickly and work to reduce turnover to improve the effectiveness of these programs.

Houlton Band of Maliseet Indians' Answers to Questions on the SDVCJ Grant Program

- Question 1: Regarding whether OVW and BJA should use funds from existing programs to support tribes implementing SDVCJ, OVW should not take money from CTAS Purpose Area 5. Those funds are already inadequate to meet the needs for victim services in Indian Country. Funding for SDVCJ needs to be a

separate appropriation by Congress, as written in the President's budget. At no time should cutting victim services funds ever be supported by tribes or by OVW.

- Question 2: Regarding how much funding should be set aside for an SDVCJ program, no funding should be set aside from these sources to support SDVCJ programs. Funding needs to come from a separate appropriation by Congress.
- Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, tribes in Indian Country that have law enforcement, tribal courts, and are ready to implement SDVCJ should be eligible for this funding.
- Question 4: Regarding which activities should be funded under the SDVCJ program, all activities that are allowable by law and are consistent with the implementation of the SDVCJ should be allowed. A high level of flexibility should be provided to tribes, as they are best positioned to determine the need of their communities.
- Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, we are unable to implement an SDVCJ program due to our restrictive settlement act. However, grants to support this work should be made available.

We commend the OVW Tribal Unit for their steadfast dedication in assisting tribes with their programs. Lorraine Edmo, Deputy Director for Tribal Affairs, has always been very responsive to our requests for assistance and guidance. Over the past 16 plus years that we have been an OVW grantee, we have seen tremendous changes.

Jane Root, Executive Director of Wabanaki Women's Coalition (additional comments)

Regarding FVPSA funding, we have spoken out in the Wabanaki Tribes for several years about the FVPSA formula and how, in 2013, without warning, our funding was halved. And it was not much to begin with, but to go from \$26,000 to \$13,000 without advance warning is hard. And the funding schedule means you start the year before the funding. If you spent all your money from the year before, you would be in trouble.

The \$25,000 base is inadequate, because you cannot hire a staff person. You can hardly even hire a half-time position. This forces tribes to put the money into a program that is not an advocacy program, so it is directed by someone under a different umbrella. To have true advocacy, you need an advocacy program. So \$25,000, in the estimation of all the Wabanaki tribes, is still inadequate.

As far as VOCA funding, we would like to send the message to Congress through this consultation that there needs to be a 10% set aside for tribes, because this is the only true avenue for tribes to access VOCA money. We are not accessing it through the states, or most states anyway. So the only true parity would be to have a set-aside for tribal programs, since non-Native domestic violence programs get VOCA funds, and have for years and years.

Kewa Pueblo (Pueblo of Santo Domingo), Sandoval County, New Mexico

Kerwin Tenorio, Tribal Official (oral testimony)

We give recognition to those seven or eight tribes who are exercising SDVCJ by prosecuting non-Indians who have committed domestic violence crimes. Regarding Question 1, about whether OVW and BJA should use funds from existing programs to support tribes implementing SDVCJ, we question whether funds should be set aside from the OVW Grants to Indian Tribal Governments program. It is already difficult for tribes to receive a grant

under this program because of the competitive application process. It has been 2 years since VAWA was reauthorized in 2013, and only a handful—7 or 8 out of 567 federally recognized Indian tribes—are exercising SDVCJ over non-Indians. Many tribal nations are still at the beginning stages of raising awareness about domestic violence and sexual assault. These nations need resources in training tribal leaders and law enforcement on how to respond to these crimes on an ongoing basis.

Many tribes are struggling to find resources to address domestic violence-related crimes committed by Indians within their communities, and do not have issues of non-Indians committing domestic violence crimes against Indians. If funding is taken from the OVW grant program, then the amount of funding available to those tribes that are struggling at the grassroots level to end these crimes and provide advocacy and shelter services will be reduced. Why should tribes that are not all ready to exercise this limited criminal jurisdiction be placed in a position to have more of their resources go to meet the needs of a very few? There are over 500 federally recognized tribes who will not benefit from taking funding out of the OVW program.

How is DOJ working with BIA to seek increased funding for the development of tribal courts? Why should Indian nations change their current court systems to exercise SDVCJ over a very limited, select number of non-Indians who meet their criteria for prosecution? SDVCJ is not interested in the root cause of violence. The small number of non-Indian abusers who meet the limited criteria to be prosecuted is disheartening and should not be considered a victory. The real victory will be celebrating the day when Indian nations have full criminal jurisdiction over any non-Indian who commits crimes of domestic violence, sexual assault, stalking, dating violence, and sex trafficking in Indian Country.

Kevin Coriz, Tribal Official (oral testimony)

In response to Question 2 about how much funding should be set aside for SDVCJ, we again question the proposal to set aside funding from OVW's Tribal Governments program for the SDVCJ program at all. If funding is set aside from BIA's Indian Assistance funding, we believe no more than 1% should be set aside for the SDVCJ program until a needs assessment has been completed to determine how many tribes need this type of funding, what they need funding for, and how much funding those tribes estimate they will need to exercise SDVCJ. We know how funding works. A small amount of funding is made available, a number of tribes apply, and only a few are selected. Any amount of set-aside funding will never be enough to meet the needs for prosecuting non-Indian offenders in Indian Country. Where is the funding that addresses the root cause of violence against Native women?

Why do federal programs keep adding money to what they call “an emergent issue,” which is not emergent and not even a new issue? For example, human trafficking—human trafficking has been going on in this country ever since the first Spaniards and other colonizers came to our part of the world. We have been surrounded by human trafficking for over 500 years. We do our best to address this issue within our communities, yet, now, this has become an “emergent issue.” It appears that federal agencies have started diverting resources away from the grassroots means of tribal communities to address this “emergent issue.” Each year, we come together to look at the issues of domestic violence, sexual assault, stalking, dating violence, and other forms of violence perpetrated against the women and children of our tribal communities.

Daniel Coriz, Governor, and Kenneth Aguilar, Lt. Governor (written testimony)

Points in the written testimony from Kewa Pueblo that were not addressed in Mr. Tenorio's or Mr. Coriz's oral testimonies are summarized here.

Each year, we ask DOJ and other federal agencies to do right by tribal nations, which is why we are here again this year. Federal laws are passed that move tribal nations toward adopting justice systems that resemble non-Indian justice systems, because of misguided perceptions that tribal justice is unfair, and non-Indians' due process rights will not be provided by tribal court.

Who are we to tell the people in our community that our tribal laws are not good enough, that our values, which are gifted to us when we entered into this world, are not fair and just? Who is to say that all of our answers to addressing violence against women lie within the criminal justice system? VAWA was passed in 1994, so, for the past 21 years, we have gradually moved away from the grassroots needs in tribal communities to addressing national issues identified by a few policy advisors or so-called experts in the field of violence against women from national technical assistance organizations, and then tribal communities continue to stay stuck in the quagmire of trying to find ways to keep Native women and children safe in their tribal communities.

It is time to move forward, in true collaboration and in recognition of the government-to-government relationship between tribal nations and the United States, taking into consideration that not all tribal nations are the same, that the needs in tribal nations vary, and that we are here today because we share common goals: to restore peace in our tribal communities, to ensure the safety of Native women and children, and to support offender accountability.

Pueblo of Santa Clara, Rio Arriba County, New Mexico

Frank Demolli, Chief Judge (oral testimony)

We have contacted the congressional delegation, requesting that \$5 million be allocated for the implementation of SDVCJ among Indian tribes, and we have given you the tribal council resolution.

It is tribal abuse that we are forced to compete with each other over these funds to implement VAWA. During our meetings, I took to heart many of the things that were said by the victims and advocates. I would like to personally apologize to any victim advocate who has suffered because the courts are seeking to support the DOJ initiative to shift these funds [from direct services for victims to implementation of SDVCJ].

I have heard exactly 217 domestic violence cases over my 20 years as a judge, and we have to stop the offenders. This is the reason we stand in support of the DOJ initiative. We realize in Santa Clara that none of these funds are sustainable. We would like to start a foundation for the implementation of VAWA. We want to show the community that non-Native offenders can be prosecuted and that justice is reached for the victims. And then the community itself, once they see the value of prosecution that brings the offenders to justice, will support it with their own money.

J. Michael Chavarria, Governor (written testimony)

Points in Mr. Chavarria's written testimony that were not addressed in Mr. Demolli's oral testimony are summarized here.

Santa Clara Pueblo supports the initiative to set aside OVW and BJA funds to support tribes that wish to exercise special domestic violence jurisdiction.

As background, Santa Clara Pueblo has made a conscious, focused effort to prepare for special domestic violence jurisdiction. We have actively participated in ITWG and DOJ's VAWA pilot project. We continue working to meet the federal requirements for the eventual exercise of SDVCJ.

We are pleased that OVW has come to the same conclusion that our tribal council reached in 2013: For most tribes, the requirements to exercise special domestic violence jurisdiction will require funding. In this regard, we are attaching Tribal Council Resolution 2013-53 and 2015-36 (summarized below), which outline our concerns about funding. We are also attaching information about our progress in meeting the requirements for exercising SDVCJ. We hope that Santa Clara Pueblo's experience will be helpful in OVW's decision on how to provide funding.

Pueblo of Santa Clara's Answers to Questions on the SDVCJ Grant Program

- Question 1: Regarding funds for implementing SDVCJ, Santa Clara Pueblo supports the OVW-BJA initiative to help tribes exercise SDVCJ. Funds should be set aside from OVW's Grants to Indian Tribal Governments program (CTAS Purpose Area 5) and BJA's Indian Assistance funding (CTAS Purpose Areas 3 and 4) to support tribes that wish to exercise special domestic violence jurisdiction.

By placing the funds under one umbrella, OVW and BJA may help certain tribes, such as Santa Clara Pueblo, get over the financial hump. A review of CTAS Purpose Areas 3, 4, and 5 indicates an overlap between those areas and meeting the requirements to exercise SDVCJ. Purpose Area 3 (justice systems and alcohol and substance abuse), Purpose Area 4 (corrections and correctional alternatives), and Purpose Area 5 (violence against women) are areas required by VAWA. Purpose Area 3 correlates with the requirements that judges presiding over VAWA proceedings have sufficient legal training, the judges are licensed to practice, the tribal court maintains records of the proceedings, and the tribal court has facilities to hold jury trials. Purpose Area 4 correlates with the requirement that offenders are sentenced to facilities passing BIA jail standards. Purpose Area 5's correlation with the exercising of special domestic violence jurisdiction is obvious.

- Question 2: Regarding how much funding should be set aside for an SDVCJ program, Santa Clara Pueblo can only estimate how much funding will be required to meet the SDVCJ requirements for Santa Clara Pueblo. September 2015 progress in implementing the Tribal Law and Order Act and VAWA reflects the costs or technical assistance required to meet each federal statutory requirement.
- Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, Santa Clara Pueblo recommends that there should be restrictions for tribes to apply for SDVCJ funds. Eligibility should be limited to those tribes that are members of the ITWG and that have participated in the pilot project. While this limitation may be seen as self-serving, the tribes that have participated have shown a commitment in time, energy, and funds to exercising SDVCJ. OVW and BJA should be aware that an increase in tribes exercising SDVCJ will strengthen VAWA's goals.

As a practical matter, Santa Clara Pueblo recommends that OVW and BJA develop a chart listing the VAWA due process requirements. Applicants could then list their compliance, partial compliance, or plan of action in meeting those requirements. Applicants would also list their monetary requests to address unmet requirements. Applicants could then attach supporting documentation for each met requirement or request. OVW and BJA could then weigh the needs of the applicants along with the costs, determine how close the tribes are to meeting the due process requirements, and then decide who should receive funding.

- Question 4: Regarding which activities should be funded under the SDVCJ program, Santa Clara Pueblo believes that any activity needed to meet the due process requirements to exercise SDVCJ should be eligible for funding.
- Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, Santa Clara Pueblo will immediately apply for funding to help exercise SDVCJ. The attached document, Santa Clara Pueblo

September 2015 Progress in Implementing the Tribal Law and Order Act and VAWA, outlines the steps we have taken to implement SDVCJ.

Summary of Pueblo of Santa Clara Tribal Council Resolution No. 2015-36

The resolution recognizes that, while Pueblo of Santa Clara has done everything in its power to implement the provisions of the Tribal Law and Order Act and VAWA 2013, funding to support these efforts remains the major barrier to full implementation. Funding has been authorized under both the Tribal Law and Order Act (\$50 million per year) and VAWA 2013 (\$5 million per year in FY 2014 through 2018), but this funding has never been appropriated by Congress. Because of this, Santa Clara formally requests that the Congress of the United States, all federal executive agencies, and the President of the United States do everything within their power to appropriate the funds to implement the Tribal Law and Order Act and VAWA 2013. The resolution was approved by the Santa Clara Tribal Council on June 5, 2015.

Crow Nation, Crow Agency, Montana

Melissa Holds the Enemy, Lead Counsel (oral testimony)

As survivor of domestic abuse myself, I ended up in a shelter with my two young children that was 1,500 miles from where I grew up. When you have had to utilize these services, it brings a whole new understanding to what victim advocates do and what domestic violence is.

I want to talk about some of the day-to-day issues that I deal with. I preside over five other attorneys that are in-house, including the assistant prosecutor, prosecutor, and Indian Child Welfare Act attorney, so I have a full plate. Our domestic violence program has recently received a CTAS award, and it is very exciting for us.

There are, however, some realities in implementing CTAS funding. There is competition amongst tribes to receive this funding. That, in itself, creates barriers. For now, we have funding at our disposal, but in reality, the shelf life of that funding is only 3 years. Although we are being creative and collaborating with other agencies in our area, there is still the reality that we have to operate within a shelf life of product we know is going to expire.

The other reality is the Crow Reservation is in a rural area. We have 14,000 enrolled tribal citizens. Our reservation spans 2.2 million acres, and we only have seven law enforcement officers. If you have domestic violence victims who need to go to the other side of the reservation, it could be a 3- to 4-hour drive, and our single domestic violence advocate would transport the victims herself. We recently had a situation like this, where all of our law enforcement officers were involved in a murder case. In the same hour, our domestic violence advocate was transporting a woman and her children to that part of the reservation. Our law enforcement was wrapped up in one situation, and our domestic violence advocate did not have anyone to assist her in transporting a woman and child to safety. In any given 24-hour period, our domestic violence coordinator could be transporting a family or providing temporary housing, and usually all on her own. Only recently were we able to lobby our tribal officials to get a vehicle for her to do this. Otherwise, she was using her own vehicle.

We are hoping to get a law-trained attorney to help our domestic violence victims maneuver through the court process. We also cannot forget the children. Even though they are very resilient, they have emotional and physical memories of what happened to their family. Right now, all we can offer is temporary shelter.

Finally, more services are needed for abusers. Many times, they are in a perpetual cycle that they cannot get out of without help.

We would like to thank The Native Women's Society of the Great Plains. Without this coalition, we would not be able to provide the services we are currently providing.

Iqurmiut Traditional Council, Russian Mission, Alaska

Theodore Stephanoff, Councilman (oral testimony)

The Iqurmiut Tribe of Russian Mission, AK, has a population of about 350, and our enrolled tribal members are up to 542, which includes tribal members who have moved away. I wanted to speak on the topic of law enforcement in rural Alaska, or the lack thereof.

Alaska state troopers still do not honor tribal protective orders. For example, there was a protective order filed against a man who would get drunk and shoot guns in town, resulting in his arrest and detainment. We learned that the state should be honoring tribal protective orders if the orders meet certain conditions. With this order, we made sure we did everything right and submitted all the correct paperwork. But, when we learned this individual was flying back into town and we contacted the state troopers, they told us there was nothing they could do about it, because it was just a tribal protection order.

Another issue we face is a lack of housing, which means Village Public Safety Officers (VPSOs) do not want to come work for the village because there is no place to stay. We do have one VPSO now who is still in training is not fully authorized. He is currently enforcing curfew and other things of that nature. We are working to find housing for him, possibly in our old tribal office, but we do not have the funding or matching funding. Another barrier is alcoholism and drug abuse. Recently, heroin use has increased in the bush, and there are a lot of pills and a lot of alcohol.

Many perpetrators get away with abusing loved ones or children. When they abuse and do not see any repercussions, they continue to abuse, knowing law enforcement are unable to make any arrests. My biggest concerns for our rural areas are the lack of law enforcement and the lack of support from the Alaska state troopers.

Standing Rock Sioux Tribe, Fort Yates, North Dakota

Oliver Beatty, Tribal Special Assistant U.S. Attorney (oral testimony)

Standing Rock is a decent-sized land mass, roughly the size of Connecticut. We straddle North and South Dakota and we have 15 to 20 domestic violence cases every month. I have had four since my arrival at this event.

I serve and assist the tribe through the OVW Tribal Special Assistant U.S. Attorney pilot program. This unique partnership allows me and the tribe to combat jurisdictional issues commonly faced in prosecuting domestic violence in rural jurisdictions, like Standing Rock. I serve as a direct liaison to DOJ, informing them of new cases, victims, and more. This arrangement is different than where a U.S attorney reports to a tribe. I am at Standing Rock every day, and I am with cases from start to finish. I am also able to direct federal resources from the view of the tribe, which goes a long way in improving relations, especially in our area of the country.

I am proud to testify that this pilot program has been a success at Standing Rock. We are resolving domestic violence cases more expediently, allowing survivors to find shelter and safe residences, and actively empowering the community as part of the process. Many times in the past, there was a perfect storm of danger for Native victims of rape, domestic violence, and sexual assault. Overwhelmed tribal prosecutors, understaffed tribal police,

and no community involvement result in Native women feeling doomed amid an ocean of violence. With the partnership between OVW and our tribe, we have started building bridges of hope for the victims, at least in Standing Rock.

My position as both tribal prosecutor and Special Assistant U.S. Attorney allows me to provide more resources to victims. Often, the same day the arrest occurs, I am calling the local shelter or other organizations. I can call the victim's family, or anyone I can find to help her get away from the situation, especially if an offender's friends are trying to interfere with her against the case. If it is a habitual offender and he has prior arrests, I call the U.S. Attorney's Office to figure out if this is a case that can be federally indicted, or if we should leave this to the tribal court.

And in rural jurisdictions like ours, you cannot even remove the offender from the community. The same offenders come back to the same community. Our probation services offer a more traditional domestic violence course in which elders teach and have the offender, male or female, stand in a circle and explain their actions. They try to restore the harmony lost during colonization.

The Tribal Special Assistant U.S. Attorneys pilot program has had two strong benefits. First, it validates the power of the tribal court system. Most offenders, whether they are part of a community or outside of it, view the tribal court system as a joke or a process to manipulate. This program is a strong signal that this is not the case anymore. Second, it allows me to work with federal prosecutors. Historically, federal resources have been denied or misappropriated when it comes to tribal communities. Now, I have the opportunity to assess a case and let federal prosecutors know if it is something that exceeds the reach of our tribal court and more resources are necessary. I am quite proud to say that I keep 98% of our cases in tribal court, resolving things locally and keeping fewer people in federal custody. I invite federal involvement in only the very worst cases where justice literally cannot be served by Standing Rock tribal court.

We would be very interested in grants of assistance to implement SDVCJ. We are working to bring our laws into alignment with requirements for exercising SDVCJ, and that has required a significant overhaul of our current system.

We have been lucky to not have any non-Indian offenders so far, but we are near the Bakken oil fields of North Dakota, and our people have been used by Mexican cartels and various traffickers to feed the frenzy of the oil patch. We feel that a tidal wave of SDVCJ crimes is coming, and that the best offense is a good defense. By implementing SDVCJ, we will send a signal that this is not a playground to commit crimes and get away with it. It is our belief that when survivors of domestic violence in Indian Country risk their lives by coming forward, they will have solace in knowing they will have a special prosecutor working their cases, a shelter to reach safely, and a protection order that will exist wherever they go in life, regardless of the reservation or state they go to. And for offenders, even when they are convicted, they will receive traditional education about the harmonic roles that Native American women and men had far before colonization. Then, we will know we are making strides in this epidemic.

Native Village of Anvik, Anvik, Alaska

Carl Jerue, First Chief (oral testimony)

I have been thinking about the tribes from all over Indian Country that are not here today. What do we do for them? They need help with many of the same problems we all face. We need to come up with a project to address their needs, especially for Alaska where there are no roads and there are so many small tribes. By Anvik, there are tribes 20, 30, and 40 miles away from us that are not here today. I would like to start brainstorming on a project that would include them, combining our resources together to help each other.

I have seen this all of my life, where children are the first responders. I remember one day, there was a pregnant woman and her husband was drunk, beating on her. My sister and I had to jump on him and we were about 12 years old. We had no law enforcement then, and today, it is still the same.

Tami Truett Jerue, Tribal Official (oral testimony)

We are a very small tribe, but we do serve tribal members outside of our community. At this point, we do not have law enforcement in Anvik. We did have a position for a VPSO that is funded through the State of Alaska, but the price of oil is down, and Alaska has cut back on all public safety. Oftentimes, when Alaska has budget cuts, they cut back in rural Alaska, which is mostly tribal communities.

We are grateful for our Community Oriented Policing Services (COPS) program, and there are a handful of us in Alaska that have COPS-funded officers. Unfortunately, our police officer resigned in direct response to a domestic violence situation that went terribly wrong. Fortunately, no one was killed; however, there was no backup. Carl and I responded as that tribal officer's backup. He resigned because of the fallout from the call, and he was concerned for the safety of his own children. We are now back to Carl receiving many of the calls that come into the community.

I am not sure if you are familiar with Alaska, but only three or four troopers are responsible for protecting between 56 and 115 villages. When a call is received, they use criteria to rate whether they will come into your community. If there is a death, you will not get a very fast response. We also do not have 911. We had a suicide just a few months ago, and we called three different posts in three different communities to get a response. I and two others had to stand over the body for 5 hours to keep others from disturbing the scene. The troopers arrived only after responding to calls in Emmonak, which is several hundred miles away from us. This is not uncommon.

Again, we do not have 911. If you do not have a phone and the numbers you must call at hand, you may not get a live voice on the other end. Our only hope, as of now, is through COPS funding, if we can rehire. This is one of our issues with CTAS funding. Anvik, as well as our brothers in Russian Mission, do not have trained and active law enforcement. Many of the other tribes not only have trained and active law enforcement, but are able to call 911 to get assistance. If we had that in our communities, we might be able to resolve some of the crises that are occurring. Of course, then we might need to have additional victim responses that we do not currently have. Anvik is fortunate that we currently have CTAS funding through BJA and OVW. We get very confused when we have conditions, 60 or more, put on us to access that funding. When we first received the CTAS grant in 2011, we were not able to implement it until February 2012 because of the special conditions. Oftentimes the special conditions do not apply to the small Alaska Native villages.

We would also like to talk about the severity of where we live and the lack of resources—medically, with law enforcement, judicial, and many, many other types of resources where Anvik is fortunate. They have always had a traditional tribal court. Our judges are not law-trained. We do not allow attorneys as part of our proceedings. We have active cases at any given time, child protection cases, misdemeanor cases that we are able to address through codes we have in place. Some issues include that we are not only citizens of the state of Alaska, but we

are citizens of our tribe. In recent months, they have tried to work with tribal communities, mostly to compound resources for the sake of their troopers and any kind of victim services that might be available.

In recent months, the state of Alaska has recently tried to increase its collaboration with tribal courts and tribal communities, but one issue that keeps coming up if any tribal community tries to enter into a collaborative relationship with the state regarding criminal prosecution, misdemeanors mostly, is that they want us to waive our sovereign immunity. That leads to an impasse because that is not something we are willing to do.

The state of Alaska recently announced that they will recognize tribal court orders. Our tribal court has been doing protection orders since 1995 and our position has always been that we do not need to register these orders with the state for them to be valid. Sometimes, we registered our orders anyway because we felt it was imperative to protect the safety of the person involved. In response to one of those instances, a state court judge wrote us back and told us they would not include our order in the state registry because they felt our tribal court was wrong in issuing the order. So, we continue to face issues in state recognition of tribal orders of protection.

As stated in Chapter 2 of the Indian Law and Order Commission Report, 175 of Alaska's 229 federally recognized tribes are villages located off the road system. They more closely resemble villages in developing countries than small towns in the lower 48 states. We continue to support the Indian Law and Order Commission Report recommendation to recognize local control and accountability for our tribes in Alaska, because we know how to handle some of the issues. We also need resources.

These are the final points the Anvik tribal council wanted us to share: We fully support the other tribes of this nation dealing with their own concerns through local control, but we ask that tribes not be forced to fight with each other over the dollars necessary to do that. We also support other tribes in their efforts to prosecute non-Natives within their jurisdictions, even though Alaska is going to be a long time coming in that area. We do not support taking dollars out of CTAS for funding for this purpose unless they are going to be explained specifically for those areas. We also support our tribal sisters and brothers in Alaska, in particular, in efforts to reverse the Venetie decision.⁴ We hope these issues can finally be resolved to the benefit of Alaska tribes. Finally, I want to thank all of you for helping us repeal Section 910. That was a huge victory for Alaska tribes.

Carl Jerue, First Chief (written testimony)

Carl Jerue, First Chief, submitted written testimony, as well as giving oral testimony. His written testimony is summarized on page 47, along with testimony from other Alaska Native villages.

Tulalip Tribes, Tulalip, Washington

Bonnie Juneau, Tulalip Board Member (oral testimony)

I am grateful for the women who have done the work, and especially the men who stand with our men to fight this issue. I want to say thank you to our Alaska tribes for being here. A friend of mine is from Seldovia, AK. She is Athabaskan and Aleut, so I am a little familiar. We spend about 2 week every other summer up there with her family, so I have gotten to experience Alaska and understand the complexities of the distances.

⁴ In *Alaska v. Native Village of Venetie Tribal Government* (1998), the Court ruled that land held under the Alaska Native Claims Settlement Act of 1971 is not *Indian Country*, as defined in 18 U.S.C. §1151.

Tribes are unique. We are sovereign governments and we have unique needs, and need to be treated as such. It should not be mandatory to go through our states for funding. We are not subservient to the states. We have a government-to-government relationship and, with that, we need the ability to apply funding where it is needed most. What Tulalip needs may not be what our Alaska tribes need, or our Arizona tribes, or any other tribes across the country. We want to be able to apply funding in a unique way, making sure that it is culturally relevant. Many of the social issues tribes face today come from modern influences, and those influences did not exist before contact with Europeans. I see people who have depression, and sometimes that comes out as drug and alcohol abuse. We seem to focus on alcohol abuse, but a lot of it stems back to depression and broken families. When we see the violence against our communities, I understand that we also have to heal that violence. This is why funding is so important. When you heal the person, you do not see the impacts later in life. You do not see the addiction rates and you do not see the suicide rates, and that is because they are getting the proper healing.

We must hold people accountable for their actions. To do so, we must have resources and funding. The government has a greater responsibility to tribes because we are dual citizens. We are citizens of our tribes, and we are citizens of the United States. Therefore, the U.S. government has double the responsibility. I thought we needed VAWA to prosecute perpetrators and to give tribes the authority to do that. But now I see the lack of assistance to tribes in holding these perpetrators accountable. We cannot do that without resources. We need the funding and we need it in a way that we do not have to go through barriers of bureaucracy. We do not want OVW funding to be limited each year. We need to know that our programs can continue, and we need to remove restrictions on the funding so tribes can make their own decisions.

The VOCA fund has over \$10 billion, and this funding often excludes tribes. We would like a tribal set-aside. There was \$38 million given to Washington State, but there were no requirements for a tribal set-aside. We are asking for direct funding, or a request to begin holding our states accountable for including tribes and suspending their funds if they are not. Tribes experience almost a 50% rate of violence against women, making their need greater than states' needs in this area. But tribes are not allocated funding proportionate to their need.

When there is a consultation of only a few tribes, it is not truly a consultation. There are 567 federally recognized tribes, and we are all so unique. When the VAWA consultation is planned in one place, but tribes know another meeting is taking place in DC, we have to choose which to attend, and voices get left out. Similarly, tribes should not be made to compete against one another for funding; there needs to be adequate funding to address these issues comprehensively and to allow tribes to apply money where it is needed most.

Because of my career at Tulalip, I am familiar with NCIC and issues of access for tribes. The Tribal Access Program for National Crime Information is a good program, but it needs to be extended and made permanent, not confined to 10 tribes. This is not just about tribal/non-tribal issues. It is about protection of all our communities. If someone is able to purchase a gun because a restraining order could not be entered, it does not just affect tribes, and we have seen that in the news. We do not have time to wait for another person to die or another rape to occur. We need that money and we need it through direct funding, not through the states.

Native Village of Tetlin, Tetlin, Alaska

Nettie Warbelow, Domestic Violence and Sexual Assault Advocate (oral testimony)

The village of Tetlin is an Athabaskan Village with a population of 155 members who reside in Tetlin, and 490 members who reside outside the village. Our village is located in the Alaskan Interior, and is the only village in the Tok area that does not rely on the road system. Tetlin Village is a traditional village founded by Athabaskan

people traveling seasonally between fishing and hunting camps. Despite strong assimilative influences, many of our members practice our traditional Athabaskan culture. Today, however, with foreign influences, we have witnessed changes within the village, including high rates of alcoholism and drugs, domestic violence, sexual assault, depression, child neglect, and other issues, such as poverty. Despite these challenges, we have worked incredibly hard to retain our sacred way of life by continuing to promote and practice tribal law. Our mission statement reads: "Our mission is to keep and enhance the safety and quality of life for the Native Village of Tetlin to become a self-sustainable community that provides a home for our people and preserves our culture heritage and values along with our traditional way of life, to live in peace and harmony with our ways of life as Athabaskan people."

Tribal leaders, especially those of us traveling from remote areas of Alaska, require adequate time to schedule our attendance at the annual consultation. We encourage the Attorney General to schedule the consultation in advance to allow tribes adequate opportunity to plan to attend. We also strongly recommend to hold tribal consultation in the State of Alaska with additional assurances that tribal leadership from each region is appropriately represented, since Alaska tribes make up approximately 40% of all Indian tribes.

We recommend that OVW support Resolution 15-29 on increasing the safety of Alaska Native women, adopted by the Alaskan Native Federation of Natives. We also recommend that OVW attend the Tanana Chiefs Conference Annual Convention to increase the safety of Alaska Native women.

We recommend that OVW work with the FVPSA office to support technical assistance. It is long overdue that federal and state governments set aside an adequate amount or resources for Alaska Native tribes to develop, implement, and sustain local, culturally relevant solutions that immediately and comprehensively address the health, safety, and welfare of victims and village residents. An OVW annual tribal government formula grant program would provide a much needed basis for the Village of Tetlin to address crimes of violence against women beyond the already stretched sources and volunteer time of the tribe and community members. Tetlin does not receive any funding from the state of Alaska, but has recently been awarded funds by OVW to support a domestic violence and sexual assault program. However, there is no funding or collaboration from the state of Alaska with tribes on domestic violence and sexual assault services.

We strongly recommend that Department of Health and Human Services support the reorganization of FVPSA in 2015 with amendments to increase tribal access, especially for villages such as Tetlin, to critical funds for domestic violence shelters and support services. Emmonak is the only Native shelter in Alaska. There is one in Anchorage or in Fairbanks that the interior villages use, but it is a non-Native shelter.

OVW should support separate, annual, noncompetitive funding sources, specifically to Alaska Native tribes regarding VOCA funding. We strongly recommend that DOJ advocate for an increase in the VOCA funding cap and support the tribal efforts to increase a 10 percent allocation in VOCA funding for tribal governments.

VAWA 2005 combined tribal set-asides from seven granted programs into the Grants to Indian Tribal Governments program. The establishment of this program is an important step toward streamlining access of our American Indian and Alaska Native tribes to critical funding, but we have major concerns about the implementation of the grant program. Administrative requirements that do not apply to tribes overall should not be placed on tribal grants. Tribal Governments program grants have over 68 special conditions, some of which interfere directly with the tribal governments' inherent government functions, including requiring prior written approval from OVW before carrying out activities. As tribal governments have testified over the past nine annual

consultations, local tribal governments, not the federal government, are in the best position to determine what responses to violence against women will ensure victim safety and offender accountability.

The Village of Tetlin also strongly opposes OVW taking funds from the Tribal Governments program to support VAWA Section 904, SDVCJ for Indian tribes, especially because the vast majority of our Alaska Native tribes have not yet received Tribal Governments program or FVPSA funding. Finally, in recognition of the respect of Athabaskan traditional culture and values, OVW should allow Alaska Native village recipient funding to spend funds on food and beverages at OVW-funded meetings and conferences, especially in the rural villages, as previously allowed.

Organized Village of Kake, Kake, Alaska

Patti Handy, Tribal Councilmember (oral testimony)

This is our first time here, and it is a learning experience. We have 229 tribes in Alaska, and we all have the same problems. I am a tribal councilmember. I sit as secretary and treasurer, and I am a volunteer task force member. I am a survivor of domestic violence for 10 years.

Current barriers that impact the safety of Alaska Native women include inadequate law enforcement and justice response. For example, we had a 13-year-old girl who was bludgeoned to death with a rock. We found her body in a church with no clothes on. The state troopers did not respond for about 3 days. But when our men shoot a moose, all the troopers and the Fish and Game Department respond immediately. They will even take the meat out of an elder's freezer. Where are their priorities? There has been no justice for Mackenzie. She was 13 years old, and the offender was 14. He was tried as a child and will be out in 2 years. They say he can be rehabilitated, but we do not want him back in our village because our children will not be safe. The boy still does not acknowledge what he did was wrong. Again, the justice system is failing us. Another time, my granddaughter was abused at 5 years old by a 12-year-old boy. We took him to court and that little girl's testimony did not change. She went through the whole court system, but they did not do anything to that boy. They just let him go. What mother wants to put her child through that in court, with nothing being done? In another instance, there was a man in a park where someone ran over his head. The troopers did not come for a week. There is still no justice for the man who died. There was another domestic violence incident where a man was found guilty. He did 10 days and he came home doing the same thing, with his four kids watching it happen. That guy who did it was a VPSO, and he got fired from our community. He knows how to work the system. There needs to be some kind of funding where we could bring these cases to court and something could be done with the offenders.

We appreciate that Lorraine Edmo and Bea Hanson from OVW came to Kake. At today's consultation, I was happy to see that you have law enforcement taking notes.

*Lincoln Bean, Council Member and Domestic Violence Committee Member
(written testimony)*

Lincoln Bean, Council Member and Domestic Violence Committee Member, submitted written testimony on behalf of the Organized Village of Kake. His written testimony is summarized on page 47, along with testimony from other Alaska Native villages.

Hopi Tribe, Second Mesa, Arizona

Marilyn Fredericks, Hopi-Tewa Women's Coalition to End Abuse (oral testimony)

I am representing Chairman Honanie of the Hopi Tribe and the Hopi-Tewa Women's Coalition to End Abuse. It has been since time immemorial that the Hopi people have lived on our Hopi aboriginal homeland under the sacred covenant with Masaw, the ancient caretaker of the universe, to live as peaceful and humble farmers, respectful of the land and natural resources. Over the centuries, we have survived and jealously protected our culture, language, and religion, despite threats from the outside world. Hopi is not simply a name. It is an ancient concept deeply rooted in our culture, religion, spirituality, morals, and ethics. To be a Hopi is to continually strive towards this constant and humble way of life, which involves a state of total reverence and respect for all living things, all people, to be at peace and to live according to the instructions of the spirit Masaw. A dark time came to the Hopi people following contact with foreign invaders about 700 years ago. The first contact was with the conquistadors and the foreign Catholic religion. As a result of this historical contact, we have endured much trauma and suffering. Today, our people continue to suffer alcoholism, suicide, victimization, and internalized violence.

I make this statement as a backdrop to who we are. I ask policy makers and people who write the laws to remember and recognize this historical trauma in exercising trust and responsibilities to Indian nations, as well as writing the criteria for the funding that is being discussed here today. The Hopi Tribe was the first tribe to implement the Tribal Law and Order Act, and, at that time, it was an unfunded statute. The Hopi Tribe rewrote their criminal statute to include the in-house sentencing and to revamp our court system to provide law-trained attorneys as the judge, the prosecutor, and the public defender. We hesitated to seek federal funding, and we still hesitate to seek federal funding because of who we are. We still practice our culture and our religion. That is what is most important to us. When you accept federal funding, it comes with conditions. Sometimes we cannot comply with those conditions, because we give something up of our own tribal sovereignty, and we cannot do that, although the money is there. So compliance in implementing VAWA 2013 and the Tribal Law and Order Act is very difficult for the Hopi Tribe, but we are implementing all the requirements of those two laws using our own funds, because we do not want to give anything up of our sovereignty and our culture.

We have tried to collaborate with both BIA and Indian Health Services, although they are highly resistant. BIA refuses to provide adequate detention services once our tribal members reach the end of the criminal system. Indian Health Service is hesitant to provide forensic and medical services to our victims. These federal agencies are not volunteering to be a part of our partnership, and it has taken several years to bring them to the table.

With that being said, the Hopi Tribe supports funding for culturally appropriate, sustainable, victim-centered programs that will address safety for Hopi women, men, and children. We need funding to continue to hire law-trained, educated professionals to implement the systems needed to implement the laws, as well as SDVCJ over non-Indians. So, today, we are trying to maintain our cultural way of justice and not perpetuate the institutionalized and criminal systems that are foreign to our people. As tribal nations, I encourage everyone to use your own way of healing and justice for your families, and to share your experiences with those of you who are taking the lead in these pilot programs.

Let us not forget our men and our boys. Males are just as important and necessary as females to carry out our ceremonial cycle and cultural practices of the Hopi people. Programs and funding should also be focused to help rehabilitate perpetrators and restore their traditional place, promoting healing in a cultural context.

Native Village of Scammon Bay, Scammon Bay, Alaska

Anarola Charlie, Tribal Councilmember (oral testimony)

I am Anarola Charlie from the Native Village of Scammon Bay. Scammon Bay is a remote and isolated community with 574 members, where no domestic violence services are available. Our law enforcement consists of a VPSO who works for the Association of Village Council Presidents, and two Village Police Officers who enforce the city ordinances. We do not have any funding to hire a tribal police officer. We have a tribal court that serves on an as-needed basis.

Domestic violence may be fueled by drugs and alcohol that our local officers are not able to address. Our local officers are put through a Village Police Officer program, which is funded through the Association of Village Council Presidents. They work for the city and have a hard time taking care of some of our issues. There should be a source of funding for tribal police officers who would be more effective in taking care of our communities. It is great that Emmonak has a shelter that is available for those who are in need of aid. We need these types of places in each village.

There are times when the abused have nowhere to go and continue going through abuse over and over again. We also need services available to the abusers who need some sort of treatment to help in dealing with their own problems that cause them to act out the way they do. We need to train people in each of our villages to handle this problem. Funding should be provided to each community so the abused have a place to go. These services are lifesaving and so important.

Rincon Band of Luiseño Indians, Valley Center, California

Germaine Omish-Lucero, Tribal Delegate (oral and written testimony)

Germaine Omish-Lucero read her written testimony into the record.

My name is Germaine Omish-Lucero, and I am a tribal citizen and delegate, as well as a subject-matter expert for the Rincon Band of Luiseño Indians in San Diego County, CA. I am also the Executive Director of the Strong Hearted Native Women's Coalition, which is one of the tribal coalitions funded by OWW. My statement is offered on behalf of my tribe. I want to thank all those representing government agencies in this government-to-government consultation.

It is critical for all government agencies that provide funding for victim services programs to be present during deliberations on funding.

As an executive director of a tribal coalition located in a Public Law 280 state, we are tasked to provide education, support, and technical assistance to our tribal communities, service providers, and tribal leadership to enhance response to victims of domestic violence, sexual assault, stalking, dating violence, and sex trafficking. We continue to see the atrocities that exist against our indigenous women and girls, as well as the jurisdictional confusion and misinterpretation around Public Law 280.

Tribal communities have sovereignty to establish tribal laws. However, California, as a Public Law 280 state, requires state court participation. Public Law 280 transferred federal criminal jurisdiction to the state of California without any resources to support the increased responsibility of responding to crimes occurring on Indian lands. The result for Native women on Indian reservations is a lack of criminal and civil justice and culturally sensitive services. Often, local and tribal law enforcement personnel are not familiar with the myriad of jurisdictional issues,

especially in relation to people living on Indian reservations. Service professionals are also uninformed about the unique barriers and challenges victims face.

Regarding training and Public Law 280 issues, I reflect back to my testimony from last year and refer to the November 2013 Indian Law and Order Commission findings. The findings on Public Law 280 summarize the complexity that results from the overlay of federal and state authority over tribal authority. Yet, it fails to capture how difficult actual implementation of this imposed legal matrix can be. Jurisdictional questions arise at every step in the process of delivering criminal justice, from arrest to criminal investigation, prosecution, adjudication, and sanctions. Currently, there are several legislative proposals making their way through California state government requiring law enforcement to be trained on Public Law 280. Although Public Law 280 mandates that law enforcement enforce all criminal prohibitive laws, there is no mandate to train law enforcement, probation, parole, highway patrol, and other federal, state, and county agencies about the laws that impact tribal lands. The failure to properly train law enforcement, judicial agencies, and first responders has created anger, mistrust, and unlawful enforcement of state laws on tribal lands. Many of these unlawful enforcement actions have led to federal lawsuits and established case laws that still exist today.

VAWA's full faith and credit for tribal protection orders is a federal mandate mirrored in California State law under California Family Code Section 6400 and Penal Code 836(c)(1), which mandates arrest on an alleged violation of a state, territorial, or tribal domestic violence protection order. This applies to any place within California for all law enforcement officers. But this is not taught in the academy and is unknown to most law enforcement officers. This lack of training creates a public safety gap.

We have tried to work around it by making tribal court orders look exactly like state protection orders or by creating a separate registry through the California Administrative Office of the Courts. However, these efforts do not get to the root issue, which is a lack of training. We are asking to have the California Judicial Council adopt the handbook and training guidelines from the Attorney General. There is already pushback from law enforcement on being required to have adequate training on Public Law 280. They have made comments that they are not aware of any problems with Public Law 280 issues, even when there are many incidents on record, including a current case where the Inyo County Sheriff's Department is attempting to criminalize the enforcement of tribal law by the Bishop Paiute Tribe in California.

Full faith and credit needs to be addressed down to the county levels, and it needs to be implemented and not just be words on a paper. This is not happening in California. Currently it is left up to the deputy or officer on scene as to whether they will enforce tribal court orders. Tribal courts do not have access to California Law Enforcement Telecommunication System to enter emergency protection orders, and so the individual who has a tribal court order cannot get protection from the state, county, city, sheriffs, or police.

This would be as though a person visiting the United States from a foreign country had to go to the local court and have their protection order entered into the system to be recognized as valid. Realistically, any law enforcement officer will acknowledge any protection order for any foreign country, regardless of whether it is entered into any database in the United States. Tribal protection orders should receive the same full faith and credit that is given to foreign country protection orders. The United States government has a trust responsibility to tribes, and they should make every effort to ensure that all tribal citizens of tribal nations have the same equal protection under the law as any other individual in this country.

Regarding access to criminal record databases, all states participate in NCIC except California. California does not allow tribes to access its California Law Enforcement Telecommunication System. San Diego County has another system, the automated Regional Justice Information System. Because of this structure of local databases, tribal police departments in California are flying blind regarding criminal background checks. Even though they can run someone on the NCIC network, which they have access to in certain areas, they cannot get any information related to local criminal information, as they could in another state that used NCIC.

In October 2015, our coalition facilitated its third annual tribal leadership symposium to educate tribal leadership and tribal programs that work with victims of crimes covered under VAWA 2013. We had tribal leadership and tribal programs attend from throughout California, as well as Arizona and Nevada, where our tribes cross into multiple states. The main points of the discussion at the symposium were the lack of full faith and credit, the lack of training for law enforcement on Public Law 280, and the lack of reentry programs and services for offenders. They also discussed the lack of Native women's shelters. Participants were asked to identify what their vision for their tribal community is. At the heart of their vision is a tribal community with unity between tribal governments, tribal programs, and state and federal government agencies and programs, all working together to ensure protection for all tribal individuals, where our children and our families are healed and are thriving in a violence-free tribal community.

Ongoing challenges to this vision include keeping programs running through consistent funding and resources, women who are reluctant to attend, not enough mentors, a lack of housing and shelters, a lack of support from outside agencies, and issues with law enforcement, which mean that most victims do not report violence. For family and treatment programs, there is a continued need for programs to have flexibility to use traditional healing methods for victims. Healing, treatment, and training are needed to assist all victims who witness violence, including our children and elders. There also needs to be accountability, reeducation, and mandated treatment for perpetrators, which has been an ongoing topic at consultations since 2006. Perpetrators will return to our tribal lands, and there needs to be funding for reentry programs to bring healing.

Regarding funding under VOCA, VOCA is the largest source of federal funding, and Indian tribes are shut out of this funding stream. We ask for the creation of a 10% set aside in VOCA funding for tribal governments to be written into the statute. Tribes, tribal programs, and tribal coalitions are asked by many sources to support legislative changes, but we are left out of the legislation or included only as an afterthought to states and territories. The government has a trust responsibility to tribes, and there should be a tribal set-aside in every government funding source. A tribal set-aside was included in earlier drafts of the VOCA language, but we have learned that this language was removed. We want to have it put back in as part of the statute language. We would also like to have a list of the funding that has been given to states and which states have awarded tribes as sub-grantees. We would like the list to show all tribes that are receiving funding as sub-grantees from the states, as well as how much each is awarded. We would like to see how this funding is used to assist with programs to work with children, elders, and men, and how it helps heal our tribal communities.

Regarding FVPSA reauthorization, we urge the federal government to support reauthorization of FVPSA to include amendments that would increase access for tribal coalitions to these critical FVPSA funds. Tribes are not allowed to apply for state FVPSA-administered funding for domestic violence shelters in some states. We would like to see a legislative language change to address this and feel it is imperative that there be a tribal set-aside in the FVPSA statute.

We thank BJA for being here and for discussing the need for SDVCJ for tribes that would like to exercise this right, but currently have no way to fund it. However, requesting set-aside funds from a victim grant to fund this is putting the focus on the wrong area. Victim grants should be for the victim. Every dollar that has been taken

away to fund these programs will be a dollar that can help a domestic violence victim. We need to look at other funding sources.

Little Traverse Bay Bands of Odawa Indians, Harbor Springs, Michigan

Beatrice Law, Tribal Councilor (oral and written testimony)

Beatrice Law read her written testimony into the record.

Little Traverse Bay Band of Odawa Indians has a spotted reservation in Emmet and Charlevoix counties. We were one of the first tribes to implement VAWA 2013, prior to the pilot project on SDVCJ. Some issues we are concerned with include the following: training for probation and probationary best practices; access to the offender programs, which includes monitoring to curtail recidivism that impacts social issues in our community; tribal police having the ability to prosecute domestic violence offenders on specific offenses; advanced training for law enforcement officers and court staff on domestic violence protocols; judicial training on handling domestic violence cases; personal protection orders and the violation of personal protection orders; and expanding the Bureau of Prisons pilot project of utilizing federal facilities and making available the transportation of offenders to federal facilities by federal marshals. We also need exemption from using Indian Health Service and contract help for wards of our court.

Now is the time to open the Bureau of Prisons so we can have access. We are continually trying to make our community aware of the new VAWA 2013 statute. The tribes need assistance in the form of flexible policies and flexible funding to continue to enforce the statute. In closing, I want to remind DOJ that we have a government-to-government relationship, and with that comes the trust responsibility that the United States has to Indian tribes.

Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan

Jennifer McLeod, Tribal Council (oral testimony)

My tribe will be providing its formal consultation remarks in writing, but I am speaking to you today as an elected official of the tribe, an elder, a grandmother, a mother, and an Anishinaabe and Ojibwe woman. By profession, I am an educator and a school administrator, and I spent many years in the classroom teaching my students many things, including the three “Rs”: reading, writing, and arithmetic. But my desire today, as I am in my teaching mode, is to teach DOJ and the federal government three more “Rs” that are vital to this situation: recognition, responsibility, and respect.

The first R, Recognition: Our status is embedded in the Constitution of the United States. We are not colonies. We are not municipalities. We are not states. We are nations, nations with which treaties were made. In those treaties, our tribal nations agreed to allow the nation of the United States to grow and become its own sovereign in exchange for various goods and services.

The trust relationship was formed. The United States of America willingly accepted the second “R” of responsibility to fulfill their part of the treaties. Through those treaties, every service of DOJ to the tribal nations has been prepaid. We have upheld our part. To treat us as though we have not already paid in full for these services from DOJ is not acceptable.

The third “R”, Respect: How do tribal nations gain the full respect of DOJ and the federal government? It is not respectful to treat nations in such a manner that they must deal with lower-level governments, like state governments, for access to federal dollars that are needed for the protection of their people. Does the United States do that to Middle Eastern nations that ask for federal monies to protect their citizens? No. Are they required to apply and meet 61 criteria first? No. But it is what tribal nations are expected to do.

It is also not respectful to pit tribal nation against tribal nation to compete for resources. This is history repeating itself. The tribe that successfully signs an X on the paper gets everything, and the other tribes get nothing. Again, unacceptable. All tribes need full funding to protect our people—not a percentage, not a set-aside, not a handout, and not benevolence. I see all of you sitting there as more than messengers to take these testimonies back to Congress. I see that you have the power to help effect the change and respect that is so badly needed.

I am asking that the federal government and DOJ recognize tribes fully on a government-to-government basis, that they accept full responsibility of keeping tribal nations' citizens safe, whatever that takes, and respect that we are nations, not municipalities, and that we are not subservient to state governments for anything. We know our people best. Those three “Rs” are the group healing that is needed for so many of the issues that affect our tribal nations. We do not need handouts. We need the prepaid treaty rights. To not have these things we have already paid for available to every one of our tribes is morally wrong.

In conclusion, at treaty time, we treated the United States with equal nation status, even though you were just born. That respect, that trust, needs to come back now before another tribal woman is beaten to death by a non-Indian and nothing can or will be done. I mean no disrespect in my words or my tone, but when I listen to the hearts of our women and I hear and see the tears, I cannot sit here and not be angry at what is happening to our people.

Village of Bill Moore's Slough, Kotlik, Alaska

Stella Fancyboy, President (oral testimony)

My name is Stella Fancyboy. I am representing one of the tribes from Kotlik, AK. The Village of Kotlik is a Yup'ik Eskimo village with a population of approximately 151 enrolled tribal members. Kotlik is located in Southwestern Alaska, approximately 165 miles northwest of Bethel and 457 air miles northwest of Anchorage. There are no road systems in our entire region. Depending upon the weather, entry into and out of the village may be severely restricted for days. The villages are geographically isolated from each other, and accessible only by air or water. Our people go through many problems, some that were never solved because they were ignored or passed on to younger generations.

Our main concern now is alcohol, which is affecting the grown children. A lot of children face problems at home and in school because they see their parents and other adult's use or abuse alcohol. In some cases, children are traumatized because something bad happened to their loved one because of alcohol. In the past, our community had a suicide prevention program that brought people together. Since everyone in the village is practically related to one another, people do not agree to have their homes become safe homes due to conflicts among one another. Currently, our community has no funding to attend workshops or prevention conferences. These would be a great start for our younger generation's historical trauma.

If we were able to build a women's shelter, that would be a good place to hold support groups. The lack of funding is a barrier when wanting to start projects like this one in our community. We are a young group of members and employees. We are just finding out about available grants and funds, as well as available conferences. We are moving to make our community a safe place for our members.

Native Village of Emmonak, Emmonak, Alaska

Lenora Hootch, Tribal Councilmember and Executive Director of the Yup'ik Women's Coalition (oral testimony)

I come from the Native Village of Emmonak, AK. Emmonak is located in the southwestern part of Alaska. As Stella stated, we have no road systems; the river is our highway. We want to thank OVW for approving the Yup'ik Women's Coalition to send 13 tribal members to attend this very important consultation. This is a historic moment for our region. Many of our tribes have no monies to come to this very important meeting, and our tribes are just beginning to understand that these gatherings happen in different parts of the state. It is very important to educate, and to find monies, so these tribes can begin to come to various meetings. Because of these meetings, everything that is addressed is going to Congress.

I am Executive Director for the Yup'ik Women's Coalition and founder of the Emmonak Women's Shelter, one of the first tribal shelter programs established in the nation, and also a former and current tribal councilmember. The Yup'ik Women's Coalition provides technical assistance for the 13 tribal villages in our Yup'ik region.

We need more tribal shelter programs in our tribal Alaska villages. We have 21 non-Native shelter programs and one Native shelter in Alaska—one Native shelter for 229 tribes. Many of our women who enter non-Native shelter programs wonder if they will be understood there and if they will be safe. We cannot have women fleeing from their homes to programs where they will be re-victimized. They need programs that are culturally relevant. OVW needs to find better solutions for funding our tribes in Alaska. Of the 13 tribes, the Yup'ik Women's Coalition is the only village who receives funding under OVW, and there is something wrong in that.

We just lost four young tribal members in one of our villages, all through suicide. In one village, there were four suicides in a 1-week period. A crisis team from outside the village offered to come into the village to support, but the tribe refused. We do not want outside resources to come into our village. Many times, they come into our village and leave resources that are not culturally relevant. They come in having no idea of our lifestyle, our way of life, our traditions, our customs, and they give us resources that are not accustomed to our way of life. If funds were available, we would be able to hire more of our tribal experts. We would be able to build by using our elders' curriculums that work for our communities and villages, because that is the only way we will heal.

For many of our tribes, English is a foreign language, so the grants that are available are very hard to understand and write. OVW should write the grants in simpler language and create ways to access the grants other than the online Grants Management System, because many of our villages do not have Internet access.

Why are tribes treated differently than states? We get the smallest portion of resources, even when we have the highest rates of domestic violence and sexual abuse in the nation. For the STOP grant to the state of Alaska, I was called to sit in a meeting as a content expert when they reviewed the STOP implementation plan. Of 25 people in the room, I was the only Native woman. I appreciated the opportunity to discuss our concerns, but the Village of Emmonak seriously questions that this single meeting meets the requirements provided by the STOP formula grant for state consultation with tribes.

The Emmonak Women's Shelter serves over 500 women and children a year from more than a dozen villages in and around the Yukon Delta River. We do not turn away any woman in need of our help. We serve women from all across Alaska, and we get calls from Native women from across the nation. Because we are a Native shelter,

they know we understand their pain. There was a point where our shelter was forced to close for 2 weeks after exhausting funding. We cannot allow another closure to happen, because to do so would leave Alaska Native women and their families in peril. When we have had to close because the funding depleted before the ending cycle was reached, we have had elders, women, and children sitting in our shelter because they knew that the shelter was closed. There are times when we do not have the resources to pick up women and children from neighboring villages by plane, and we have had to use snow machines instead, when the temperature is 50 degrees below zero, and they have to sit with blankets covering them in the sleds to keep warm.

In Alaska, we will be very disheartened if the change to Section 901 changes nothing in reality. We want to continue to work with the state. We have to make sure that the funding are funneled to the tribes, because, today, we do not even get monies from the STOP grant. The Emmonak Women's Shelter does not receive any state funding. The only funding that we receive is from OVW.

I want to share a personal story. I lived with my father before I had my own children, before the shelter was built. There was disruption in our family, and my father was an elder. He was about 78 years old. I had a disabled brother who lived with us, and I also had a younger brother, about 4 or 5 years old. One of my brothers came into the home and angrily began to throw things around the house. My father and my brother made a plan of escape. They would hide under the house while I would try to hold my brother's attention. I ran out the door, and when he ran after me, I ran for my life. As I ran, I wondered where I would go. At the first home I saw, the door opened. I ran inside. I asked the family not to tell my brother that I was there. I ran into the bedroom and into the closet, covering myself with dirty clothes. He came into the home, and I could hear him asking for me. But the family said I was not there. In many of the villages, there is no safety, and many women and children go through the same thing. That is why it is very important to have programs in the villages for women and children's safety.

Gretchen Kameroff, Vice Chair (oral testimony)

I am Vice Chair of the Emmonak Tribe and also an advocate for the Emmonak Women's Shelter. I was happy when they asked me to come to this government-to-government consultation meeting. It is my first time attending, and it is very enlightening to hear from different places about what is happening, and it is similar to our village.

We are fortunate to have a VPSO and two Alaska state troopers who are, too many times, not available because they have six other villages to serve, because they respond to more serious crimes in other villages. We lack safety for women and children from crimes that can lead to death because we do not have adequate law enforcement. The federal government needs to start trusting the tribes and having all federal monies go directly to tribes, because, unfortunately, tribes are largely shut out of the funding stream currently.

I want to share a story. A woman from my village went on a boat ride with her husband. During the boat ride, he kept abusing her and dropped her off at the beach, forcing her out of the boat in the wilderness. Although she had nowhere to go, she just ran into the wilderness while her husband followed in the boat. Finally, she got tired of running, so she went back to the beach where she was picked back up by her husband. The abuse continued as she was brought back home. There was no police, no help for her. Similar to the previous story, I was taken out berry picking by a companion. The abuse started, and he told me to get off the boat. He tried to force me out, but I did not get out because I did not know where to go in the wilderness. At that time, we had no law enforcement in my village of Emmonak, and I did not report this to any police; I kept it to myself.

Christine Teganlakla, Yup'ik Women's Coalition (oral testimony)

I have traveled with many tribal leaders, and I want to thank you for approving them to come up here. It is a historic event for us to be able to come up and voice our concerns and to support our advocate sisters and brothers when they have been so alone in these testimonies. We have a high rate of suicide in the state of Alaska. I had a son who died by suicide over 9 years ago. I had to learn why he had committed suicide. I learned that his frontal lobe was not formed, which probably caused him to do that. He was only 13 years old, and today is his birthday. The pain will never go away. We need to educate teenagers and young people about how our brains work and how they develop in the womb.

Addiction, also, is a sickness. There is a lot of addiction in our communities and in our region, including alcohol, drugs, and marijuana. Now heroin and meth are starting to come into our villages, and that is really scary. Addiction has to do with the centers of the brain being damaged. With love and compassion and help, people can get help, but the brain may never fully recover. With a lack of funds for prevention or intervention programs, it is hard to address these epidemic issues. We need a batterer program for the men, to teach them to recover from their continued abuse and to hold them accountable for their abuse and being able to control their anger.

I ask that you set aside 10% of VOCA funds to be funneled directly to the tribes instead of through the state. With these funds, we can come up with prevention, intervention, and education programs to address how the brain develops, how it affects our people who live with domestic violence and addiction, and why our people are committing suicide. We also have a lack of housing in our communities and, many times, women end up going back home to an abuser because there is nowhere else to turn.

And then there is a concern as to why tribes must compete for VAWA funds. It would be good to equally divide those funds among tribes. And once we receive CTAS grants, there are like 60 or more conditions we have to follow. Many are repeated in a different form, and many of these conditions do not apply to our small communities. As we heard earlier, Emmonak Women's Shelter is the only Native shelter in Alaska. I work with the Yup'ik Women's Coalition, and I am the Rural Outreach Coordinator. Our staff is so overwhelmed with the number of domestic violence cases that we feel there is nowhere to turn.

We refer people to the nearest shelter, the Tender Women's Coalition in Bethel, but they are always booked. They service 56 villages. Many of our Natives do not like to go to the big cities, Anchorage or Fairbanks, because of the culture shock for their children or families. It is hard on them, especially on the children.

Alaska has the Child In Need of Aid law, which takes children out of their parents' homes. Who gives the government the right to terminate our parents' rights? Parental rights are terminated because they are not following mandates to go to treatment or get help, and they are not complying with the Office of Children's Services' requests and mandates. Instead, we need to find more programs to educate our parents and help them live better, happier, healthier lives.

Martha Kelly, Tribal Council President (written testimony)

Martha Kelly, Tribal Council President, submitted written testimony on behalf of Native Village of Emmonak. The written testimony is summarized on page 47, along with testimony from other Alaska Native villages.

Algaaciq Native Village, St. Mary's, Alaska

Flora Paukan, Tribal Council Member (oral testimony)

The Algaaciq Tribe is one of two federally recognized tribes in the Yup'ik Eskimo Village of St. Mary's, with a population of approximately 400 enrolled members. St. Mary's is located in Southwestern Alaska, approximately 100 air miles northwest of Bethel and 450 air miles northwest of Anchorage. There are no road systems in the entire region. Both the municipality of St. Mary's and the Algaaciq Tribe do not employ police officers. Like many other rural communities, St. Mary's relies on the Association of Village Council Presidents to provide law enforcement through the VPSO program, which is funded through the state of Alaska. Although there is a trooper post located in St. Mary's, the state troopers' main duty is to respond to the public safety needs of surrounding communities that may not have law enforcement. The St. Mary's trooper post does not necessarily enforce local or tribal ordinances. We lack resources and adequate funding. Federal dollars are not easily accessible to tribes in Alaska. We do not receive state funding because it does not funnel to the tribes. We are in dire need of culturally relevant resources to help us. Our primary goal is to keep our women and children safe. There is one, and I say again, one, one Native-based shelter in the whole state of Alaska, and that is Emmonak Women's Shelter in Emmonak. We need help. Please hear us. There is money somewhere. Find a friend that is a Congressman who will help us and listen to us and understand what we are asking for.

Pilot Station Traditional Village, Pilot Station, Alaska

Evan Polty, Sr., Tribal Councilmember (oral testimony)

I come from the Village of Pilot Station, a Yup'ik village with a population of 584, 418 of whom are tribal members. It is located in Southwest Alaska, approximately 84 miles northwest of Bethel, and 450 air miles northwest of Anchorage. There are no road systems in the entire region, and the villages are isolated from each other.

I would like to share one of our elders' words about safety. She said that, in her hometown, once the younger generation prepares to get ready for the weekend, the elders begin to be in situations where they are not safe. Our concern is about law enforcement. We lack law enforcement due to the lack of funding to our tribe. For us to get a VPSO through the Associations of Village Council Presidents, we must provide free housing within this agreement. We currently do not have a qualified village police officer, and so we are concerned about inadequate funding to help us obtain law enforcement. We would like to see 10% of the VOCA fund set aside so tribes can get funding directly from the federal government, instead of through the state, and not have to compete for it.

Asa'carsarmiut Tribe, Mountain Village, Alaska

Catherine Moses, Tribal Administrator (oral testimony)

The Asa'carsarmiut Tribe is located within the community of Mountain Village, a Yup'ik Eskimo community with traditional subsistence practices. The population of the tribe is approximately 1,300 members, of whom approximately 58% reside in the community. The other 42% live in other Alaska communities or in the lower 48 states. Among the American Indians and Alaska Natives living in the community, about 98% are Yup'ik Eskimo. Mountain Village is a second-class city within the Kalsilvak Census District. My neighbors are St. Mary's to the east, Emmonak to the northwest, Kotlik to the north, and Scammon Bay and Hooper Bay to the south. According to the state of Alaska's website, the citizen population of our community is 857 people, 92% of whom are Yup'ik Eskimo or Alaska Native, 4% of whom are Caucasian, and another 4% of whom are other. Forty-two percent of the population is 19 years old and younger, while 46% is 20 years old and older. The percentage of males living within the community is estimated at 51%, with females at 49%.

I am the tribal administrator for our tribe. I have been working there since the early '90s. Throughout the term of my employment, domestic violence has always been a plague in our community. One of my first Indian Child Welfare Act workers years ago said that there is no way domestic violence is ever going to be cured unless our

people work together to help resolve the issues. But we need funding to help us move forward. We do not have the resources to make a safe home for our families that need help. Many times, we refer them to the Emmonak Women's Shelter, but the shelter does not always have room. In those cases, where can families turn? Back to their homes where they can be abused again? That is not right.

We have our local tribal court program. However, we do not have law enforcement to help us enforce our tribal codes and ordinances, such as protective orders. Our tribal court program would be more effective if we had a police force under our authority. As it is, our protective orders are at the mercy of local police who are not trained in how to deal with violence against women, elders, or children. For our local families, if women are violated, we have to rely on state troopers who rarely come to our village because they are stretched thin themselves. Our region is isolated, especially during the winter months.

Our Indian Child Welfare employees often have to go to homes where drunk men are angry and threaten the employees when police are not available, and they have to retrieve women and children and infants themselves, and their lives are put at risk. There was a small infant with a drunk man. We had to reach the baby somehow, but we had no police officers available. So, we went to the house and tried to get the child. I told my partner to focus on the child and I would focus on the drunk man. Although he tried to fight me, he was too drunk to overpower me, so we got the child out. If we had police officers, it would have been a better situation and would not have put our lives at risk.

Many times, when families live in fear, there is a correlation in student absenteeism. Our teacher aides have taken trauma training and know the students dealing with trauma. There is no way of actually teaching them to be good students because all they are doing is thinking about life at home. Medical assistance is required, suicides occur, teens learn violence is normal, and they become abusers when they grow up. If tribes had their own tribal police, we would work with the first-time offenders, and also repeated offenders, and develop programs so they will not offend anymore. Tribes need their own police force to move forward.

The Indian Law and Order Commission's report clearly states the dilemma our villages are struggling with. Tribes should receive formula grants, as it could resolve many of our issues. The rate of abuse is projected to increase, including abuse later in life. Everyone tells our leaders and our communities to resolve issues ourselves. How do we do that with everything costing money, including supplies, an emergency hospital, and travel? Our community is one of many that relies on the Emmonak Women's Shelter and the Tundra Women's Shelter Coalition, as many of our villages do not have safe homes. However, because of the limitations of both programs, many of our women and children are turned away when they do not have space. Women who are abused know we do not have adequate housing available, so they do not call for help, because they fear being beaten. Most of the time, there are three or four families living in one dwelling unit and, sometimes, as many as 14 people in one home. Domestic violence is a never-ending issue when too many families live in one unit.

When we were awarded a grant 5 years ago, we had trouble acquiring our funds to develop our program. It was very difficult to work with DOJ. We needed the federal government to be partners, not obstacles. We felt that, in that instance, DOJ hindered our opportunity to move forward with our grant, which stopped us from trying to apply for DOJ grants anymore. We also had a COPS program at one point, but were told we were unable to apply in the upcoming years, because we could not provide at least 1 year of match. Unfortunately, we did not have the funds to provide a full year of match, but we still need law enforcement.

We urge DOJ and OVW to implement the following recommendations:

Support the authority of Alaska Native village tribal governments in our region of the state and across the state in the safety and welfare of village residents, including Alaska Native women, to adequately pursue justice and hold perpetrators accountable.

Support the authority of Alaska Native villages to design and carry out local, culturally relevant solutions to address the lack of law enforcement and traditional services in our villages.

Consistent with the National Congress of American Indians (NCAI) resolution, DOJ should:

Advocate to increase the VOCA funding cap and support the tribal effort to create a 10% allocation for tribal governments.

Support the SURVIVE Act (the Securing Urgent Resources Vital to Indian Victim Empowerment Act, S. 1704), which would create a stable 5% allocation of Crime Victims Fund disbursements for a grant program for tribal governments to provide crime victim services for the next 10 years.

We believe the federal government is failing us as tribes. The federal government has their own inherent government functions, and tribal governments have their own inherent government functions. Tribes should not be given a long list of special conditions to comply with.

Native Village of Nunam Iqua, Nunam Iqua, Alaska

Darlene Pete, Tribal Administrator (oral testimony)

I am from the Native Village of Nunam Iqua, AK. I work as the administrator and I also cover Indian Child Welfare Act cases and sit on the Emmonak Women's Shelter's board. I am new to their board, but I have been working for the Nunam Iqua Tribe since the early '90s. The Native Village of Nunam Iqua is a small Yup'ik Eskimo community, formally known as Sheldon Point, located in Southwestern Alaska. In the Yup'ik language, the name means "the end of the tundra." The City of Sheldon Point was formed in 1974. In November 1999, residents voted to change their name to the City of Nunam Iqua. Residents also voted for our village to be a dry community. The Native Village of Nunam Iqua/Nunam Iqua Traditional Council was recognized as a sovereign tribal government in 1992. Our tribe consists of 287 tribal adult members with 211 residents. There are no road systems in our entire region. Our landscape is mostly treeless tundra. Like very many villages in our region, a lot of the stories you heard already happened in our village also. The Native Village of Nunam Iqua has not had an adequate public safety force for several years due to the lack of funding.

Every COPS grant application we have put in has been denied for various reasons as far back as 2005. The rising crime rate in Nunam Iqua requires police to be on duty 24 hours a day. This puts an unfair burden on our community members who rely on Alaska state troopers for assistance by telephone. The closest trooper station to our post is about 18 ground miles up the river from our village, accessible only by boat or air, and by snowmobile during the winter months. Due to the shortage of funding, the Alaska state troopers only respond to the most pressing cases in our region, and there are many unresolved cases of domestic violence in our villages. In 2013, our village made headline news when a 19-year-old male was charged with arson and three counts of murder. Just a few months afterward, there was a boating accident that killed three people from our village. Alcohol was a factor in both incidents. During these tragic times, there was no law enforcement. Local people responded to the calls, putting themselves in danger. Our family lost five people in 3 months.

We lack health care services due to not having law enforcement. Previous health care providers quit their jobs because of the lack of law enforcement, and new health aides are reluctant to work here because of safety concerns. So, for a lot of the services that we need, we depend on the Village of Emmonak. Our local people

respond to emergency situations, including accidents, domestic violence, sexual assaults, suicidal attempts, suicides, public intoxication, and public disturbances. We only have two safe-home volunteers who are willing to take in victims of domestic violence. Many people are afraid for their safety, so it is difficult to find homes within our community to house victims of domestic violence. Other services in Bethel and Emmonak are available for victims, but airfare is expensive and services are limited. Internet access in our region is very poor.

These are some of the problems we face, and safety is a serious concern in our community. I cannot remember when we last had law enforcement, it has been so many years. Every time something happens, we scrounge around for any volunteer who is willing to help respond during a crisis. Troopers are very hard to reach. A lot of our serious crimes have been unaddressed. It often takes days for them to respond to us. There has been a lot of child neglect and domestic violence that goes unreported in our village. We are the smallest village on the Yukon Delta region, but we are very fortunate to have nearby villages that are willing to help during a crisis. So, we respectfully suggest that funds be set aside for tribes equally, that they be directly funded from the federal government and not through the state, and they are funded without having tribes compete for it. We will be turning our testimony in at a later date.

Andrew Stern, Tribal Council President (written testimony)

Andrew Stern, Tribal Council President, submitted written testimony on behalf of the Native Village of Nunam Iqua. The written testimony is summarized on page 47, along with testimony from other Alaska Native villages.

Klawock Cooperative Association, Klawock, Alaska

Michelle Demmert, Tribal Member (oral testimony)

I am a member of the Klawock Tribe, which is on Prince of Wales Island. My family has lived in Alaska for hundreds, thousands, generations, and I maintain a strong connection to Alaska. I go there every year to participate in my subsistence hunting and fishing. I am grateful for everyone who is here today. Your voices inspire me to continue to do the hard work that I do as an attorney. I want to give a quick thumbnail sketch of Southeast Alaska. Prince of Wales Island has four primary villages: Klawock, Craig, Hydaburg, and Kasaan. We are connected by roadways, but that is more recent. In years past, we traveled by boat to villages, and to get off of the island, you have to either go by boat or plane. In my village, we have a little bit more resources available, but we have the same hardships. Our court systems that represent the state of Alaska do not represent our tribal communities, and they do not understand them.

The response for women who are battered is to remove them from their homes and put them hundreds of miles away in Juneau, Sitka, or another metropolitan area. The perpetrator gets to remain on the island. So, on Prince of Wales Island, we need a women's shelter and housing. We need resources that help the women stay there and stay strong. My niece was in an incident with her boyfriend in which he held a gun to her head. And, fortunately, she called the police, and they came and removed and arrested him. Then, the next day, the child welfare workers came and took her kids. They told her she had to either place her kids out of the home or they would take them. She is very young, she has four kids, and state officials are telling her what she has got to do. So, she voluntarily placed her children with a relative—for doing the right thing, for calling the police to protect herself.

The state of Alaska places these children without a court order, without any legal authority, so the children get placed with her former partner who is a domestic violence perpetrator and has a rap sheet several pages long.

When the emergency passes, she tries to get her kids back. Guess what? The state of Alaska says there is no court order, "We have no responsibility in returning your kids to you." She goes to the police and they say, "Show me an order that says you have the right to have these kids back." Granted, my sweet niece has alcohol and substance abuse problems. A lot of us do. A lot of us have maintained, have been able to walk the Red Road to sobriety, but some of us are still struggling. There are always multiple issues as a result of the trauma that we have experienced. My niece needs to get treatment to get her kids back. However, she has to wait 6 months to do that. And now, instead of going to Sitka or Juneau, she has got to go to Anchorage. Although Anchorage is in Alaska, Tlingit's do not normally travel there. It is not part of our region. We share the Alaska Native spirit and appreciation for each other, but she is lost there. She does not last more than a few days and she is gone. And now she is back to that guy who held a gun to her. So, our family is just horribly worried that we are going to be seeing her on one of these shawls represented.

I am filled with pride to be in the position in which I can share my challenges with my Native community. But I am filled with sorrow and a little bit of dread that more lives will be lost, because Alaska Natives are treated like second-class citizens. The Venetie decision, which says there is no Indian Country in Alaska, complicates jurisdictional issues so intensely that we end up getting forgotten. We are tribal nations. We are sovereign. We maintain our culture. My father was a Tlingit speaker. That was his first language. He represented the United States in World War II as a captain on a supply ship in the Aleutian chain in the 1940s. We fought for our rights. We fought for your rights. We stand side-by-side and we ask you to acknowledge our sovereignty, and that you give the recognition to Alaska Natives that we need. We represent more than one-half of the recognized Indian tribes in the United States, yet I am sure we get a small percentage of the grants.

Lawrence Armour, Tribal Administrator (written testimony)

Lawrence Armour, Tribal Administrator, submitted written testimony on behalf of the Klawock Cooperative Association. The written testimony is summarized on page 47, along with testimony from other Alaska Native villages.

Native Women in Need, Seattle, Washington

Norine Hill, Executive Director (oral testimony)

I opened my nonprofit where we offer services to women who are suffering from domestic violence, sexual abuse, and homelessness. We provide cultural programs and cultural services, working with elders who have been in the field for 35 to 40 years to provide sweat lodge workshops and talking circles. We do chemical dependency classes within the traditional teachings of our people. We do dreamcatchers, talking circles, and moccasin making. We talk about the path of being a parent and how you were parented, and we do cradleboards.

I want to offer our support to the tribes today, and I particularly want to support the programs that are in the communities. We have a recovery house in Seattle for Native women. We have Yup'ik women who have been there. Many of us are survivors who have our own stories to tell. We offer referrals to women who are trying to get to safety. We fundraise at the powwows just so we can have money for women to get to safety, to get transportation from their tribe to a local shelter. Most of them want to go to the tribal shelters. They want to be with their people. I understand some of the things you are going through, and I just want you to know that you all are in my prayers, and I want to offer some healing today.

Uniting Three Fires Against Violence, Sault Ste. Marie, Michigan

Lori Jump, Executive Director (oral testimony)

I am with Uniting Three Fires Against Violence, a tribal coalition in Michigan. I am from the upper peninsula of Michigan, and we like to call ourselves rural. For my tribe, our service area is seven counties, which covers 200 miles, but we have roads and cars and planes if needed. We have boats to travel the Great Lakes, but we look at the Great Lakes as a recreational treasure. When I listen to our people from Alaska, it breaks my heart. And yet, we want our services for our tribe, too. We want it for our women.

We have the situation in the Bakken region and, lo and behold, DOJ found \$4, \$5, or \$6 million to dedicate to that region. The money came out of nowhere. I do not know where it came from, but I want to challenge the federal government to do the same thing for Alaska.

Additional Written Testimony from Tribal Leaders

The consultation record remained open until January 4, 2016. Additional written testimony received from tribes is summarized below.

Alaska Native Tribal Governments (written testimony)

This section includes written testimony from the following Alaska Native villages and tribes:

- Akiak Native Community
- Central Council of Tlingit and Haida Indian Tribes
- Klawock Cooperative Association
- Native Village of Anvik Native Village of Emmonak
- Village of Nunam Iqua
- Organized Village of Kake

The testimony from these villages and tribes included many shared themes and recommendations, so their testimonies have been summarized together under the headings below.

Akiak Native Community, Akiak, Alaska

Written Testimony from Michael Williams, Secretary and Treasurer

Central Council of the Tlingit and Haida Indian Tribes, Juneau, Alaska

Written Testimony from Richard J. Peterson, President

Klawock Cooperative Association, Klawock, Alaska

Written Testimony from Lawrence Armour, Tribal Administrator

Native Village of Anvik, Anvik, Alaska

Written Testimony from Carl Jerue, First Chief

Native Village of Emmonak, Emmonak, Alaska

Written Testimony from Martha Kelly, Tribal Council President

Native Village of Nunam Iqua, Nunam Iqua, Alaska

Written Testimony from Andrew Stern, Tribal Council President

Organized Village of Kake

Written Testimony from Lincoln Bean, Council Member, Domestic Violence Committee Member

Implementing the Consultation Mandate

Tribal leaders, especially those traveling from Alaska, require adequate time to schedule our attendance at the annual VAWA consultation. We ask that the Attorney General schedule these consultations in advance, allowing tribes a reasonable and adequate opportunity to plan their attendance. Consultations should not be scheduled at the same time as other important meetings, which creates a competition for attendance.

We urge OVW, Department of Health and Human Services, and the Department of Interior to implement the following recommendations:

Extend the consultation by one additional day, for the expression of statements, concerns, and questions from tribal leaders.

Require that DOJ not only describe actions taken during the year to respond to recommendations made from the previous year, but also develop an action plan to address concerns and recommendations of Alaska tribal leaders from the current consultation year, and it available to Alaska Native tribes within 90 days of the consultation.

Contract with the Alaska Native Women's Resource Center to conduct separate, annual, coordinated consultations with Alaska Native tribes (ensuring representation from each region) and federal agencies tasked with the responsibility of responding to and providing resources and funding to address violence against women. These consultations should occur in Alaska to ensure representation from villages in each region of the state. Federal agencies should include, but not be limited to:

DOJ: Office of Justice Programs, OVW, COPS, FBI, and U.S. Attorney Offices

U.S. Department of Interior: BIA

U.S. Department of Health and Human Services: Indian Health Service and Administration for Children and Families

Additionally, the Native Village of Anvik notes that tribal leaders in Alaska require the financial means to support their participation in the annual VAWA Consultations, and specifically requests that a consultation be held in Alaska, since 40% of the Indian tribes in the nation are located in Alaska; yet, the tribes have not benefitted from VAWA, FVPSA, and other laws that help strengthen local responses to violence against women.

Attorney General's Annual Report to Congress

VAWA 2013 requires the Attorney General to submit an annual report to Congress on the VAWA consultation. These reports are critical to the implementation of 2013 tribal amendments and to further develop provisions for Indian tribes concerning criminal justice and victim services.

We urge DOJ and the Attorney General to implement the following recommendations:

The Attorney General should comply with Section 903 of VAWA to submit an annual report to Congress regarding the annual VAWA consultation in a timely manner. Consultation can improve federal laws, practices, and policies, but only when Congress receives meaningful and timely notice of the concerns and recommendations raised by tribes during the annual consultation.

The Attorney General should, at the same time as the submission of the report to Congress, notify tribal governments of the submission and make the annual report publicly available.

Current Barriers Impacting the Safety of Alaska Native Women: Inadequate Law Enforcement and Justice Response

We are all aware of the reality of inadequate law enforcement response, including a lack of comprehensive infrastructure development, to the disproportionate levels of domestic and sexual violence 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 Native villages. The life of a woman depends largely on the local community's ability to provide immediate protection, creating the dangerous reality that the community is the only thing standing between a victim and an assailant. We support the Indian Law and Order Commission's recommendation of recognizing "local control and accountability" for Indian tribes in regards to public safety and welfare. We must develop a local response to the serious problems that exists in the villages. Villages without local law enforcement must rely solely on Alaska state troopers who are unable to respond to requests for help in a timely manner.

We believe that the lack of an adequate and timely response to the violence against American Indian and Alaska Native women and children is a human rights violation and falls short of the United States' commitment under the United Nations Declaration on the Rights of Indigenous Peoples.

We urge OVW and DOJ to implement the following recommendations:

Support the authority of Alaska Native villages to design and carry out local, culturally relevant solutions to address the lack of law enforcement and judicial services in villages.

Provide training and funding directly to Alaska tribal governments for Village Police Officers and VPSOs who serve as the immediate responders to crimes that occur in Alaska Native villages. Law enforcement created and administered by Alaska's tribes will be more responsive to villages' needs.

Work closely with Alaska tribal governments to address habitual domestic and sexual violence offenders who continue to walk free among villages to ensure they commit no further crimes of violence against Native women.

Implementation of Indian Law and Order Commission Recommendations

We support the Indian Law and Order Commission recommendations to restore and enhance tribal authority. This ensures the health, safety, and well-being of every tribal community member. We recommend implementing the following:

Support the inherent authority of Alaska tribal governments across the state to adequately ensure the safety and welfare of village residents, including Alaska Native women, and to sufficiently address issues of justice and hold perpetrators accountable.

Adequate and Equitable Funding

Alaska Native women suffer the highest rates of domestic and sexual violence, but despite this fact, the federal government and the state of Alaska have not allocated resources to Alaska Native tribes. Since 1959, when Alaska became a state, both federal and state governments have supported laws, policies, and practices that have limited the authority of Alaska tribal governments to protect and ensure the well-being of our members and citizens. This has created an extremely dangerous environment for Alaska Native women targeted for violence. The state of Alaska has not recognized Alaska's tribal governments as eligible to apply for state funding to address these crimes.

The federal and state governments should set aside an equitable amount of resources for Alaska Native tribes to develop, implement, and sustain culturally relevant solutions to immediately address the health, safety, and welfare of victims and village residents. Not to do so is unacceptable and unconscionable. We urge DOJ, Department of Interior, and Department of Health and Human Services to consider their history of not allocating sufficient resources for 40% of the nation's federally recognized tribes in Alaska. We request a report detailing how much Alaska's tribal governments have received from the three federal departments (minimally, this report should cover the past 2 fiscal years) and how the departments will make changes from here forward.

Additionally, the Native Village of Anvik emphasizes that the Tribal Governments program, VOCA, and FVPSA funding should be included in this call for equitable funding, and they reiterate their continued support for changing the Tribal Government program from a competitive to an annual, formula-based program in Alaska.

Grants to Indian Tribal Governments Program

VAWA 2005 statutorily combined tribal set-asides from seven grant programs into a single program, the Grants to Indian Tribal Governments program. The program's purpose is to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, stalking, and sex trafficking. Its establishment is an important step forward in streamlining access to the grant funding.

We urge OVW to implement the following recommendations:

Take immediate action to change the Tribal Governments program to a noncompetitive, annual, formula-based program in Alaska for Alaska tribal governments, corresponding to the highest rates of violence against Native women in Alaska. It is the responsibility of the federal government to assist all Indian tribes; therefore, funding should not be competitive. Most villages in our region have never received a grant under the Tribal Governments program.

The Tribal Governments program should receive the highest priority in the OVW schedule for grant making and award, including immediate access to funds upon receipt of award. This access to funds supports life-saving services to victims of crime. Alaska villages often lack critical resources to maintain programs during funding gaps.

Pre-solicitation and post-award workshops should be provided to Alaska tribal governments that may need assistance in completing applications and performing award management. The Native Village of Emmonak and the Organized Village of Kake additionally recommend that this training be provided in the primary language of the villages that receive it.

All technical assistance and training offered by OVW that Alaska tribal governments are required to attend must be designed to specifically address Alaska Native villages.

All training and technical assistance awards made by OVW should be to organizations having expertise in working with Alaska Native villages and in addressing violence against Alaska Native women. Full funding and OVW support of the Alaska Native Women's Resource Center to work with Alaska's Interior tribes would help greatly with increasing victim safety and offender accountability for our 43 Interior villages.

All Indian tribes and Alaska tribal governments should be eligible to apply annually for a new grant, as long as the tribe is proposing different activities.

We strongly oppose OVW taking funds from the Tribal Governments program to support VAWA Section 904 SDVCJ over non-Indians, especially because the vast majority of our villages have never yet received Tribal Governments program or FVPSA funding.

In recognition of and with respect for our traditional cultures and values, OVW should allow Alaska Native Village funding recipients to expend funds on food and beverages at OVW-funded meetings and conferences, especially when they are held in rural, off-road villages.

Native Village of Anvik, Native Village of Emmonak, Native Village of Nunam Iqua, and Organized Village of Kake recommended that administrative requirements that do not apply to Alaska Native villages, or even to tribes overall, should not be placed on tribal grants. Special conditions, such as Equal Employment Opportunity conditions, are confusing and not understood from our view as villages and as sovereign tribal governments.

Akiak Native Community, Native Village of Anvik, Native Village of Emmonak, Native Village of Nunam Iqua, and Organized Village of Kake also recommended that special conditions should be translated into Native languages to ensure language access to monolingual speakers.

Native Village of Akiak and Central Council of Tlingit and Haida Indian Tribes additionally recommend that DOJ include only those special conditions that are consistent with the federal trust responsibility to tribes. As tribal governments have testified over the past nine consultations, local and non-federal governments are in the best position to determine the responses to victim safety and offender accountability.

Klawock Cooperative Association additionally recommends that tribes be allowed to apply yearly for different programs, to create and maintain lifesaving programs for women and children that will protect communities and send a clear message that domestic violence will not be tolerated. Currently, there are very few rural shelters or transitional housing resources. Survivors of domestic violence often must relocate from their own communities to find a safe living situation. This burden, coupled with the inability to set up a new home, leads to their return to perpetrators.

Klawock Cooperative Association also recommends that information sharing workshops be provided to Alaska tribal governments to learn about the differences of each tribe and to create meaningful programs to address and assist Alaska Native tribes.

Family Violence Prevention and Services Act

FVPSA continues to be the federal government's only funding source dedicated to supporting lifesaving services provided by domestic violence programs and shelters. While 10% of FVPSA funds are set aside for tribal

governments, it is important to note that this 10% set-aside was created before Alaska tribes were restored to the list of federally recognized tribes in 1993. Since the restoration, the number of federally recognized Indian tribes has increased by 40%, but the set-aside FVPSA amount has not increased.

We urge the Administration for Children and Families Family Violence Prevention and Services program to implement the following recommendations:

Support the 2016 reauthorization of FVPSA with amendments to increase tribal access, providing critical funds for domestic violence shelter and supportive services.

Support a separate, annual, noncompetitive funding source specific to Alaska Native tribes. Currently, FVPSA funding provides minimal amounts that are wholly inadequate to support sustainable services.

Fund the Alaska Native Women's Resource Center as a regional domestic violence resource center, as provided under FVPSA, to work closely with Alaska tribes to provide technical assistance and training, develop policies and coordinate activities with state and federal agencies, and develop culturally relevant resource materials with villages across the state.

As an alternative to Family Violence Prevention and Services program distribution of funds, offer each tribe the option to receive annual base funding with an allocation based on population of enrolled tribal members, as opposed to census numbers.

VOCA Funding

VOCA is the largest source of federal funding for crime victims. This funding comes from the Crime Victims Fund, which currently contains more than \$10 billion and is funded through fines collected in federal criminal cases. Unfortunately, American Indian and Alaska Native tribes are largely shut out of this funding stream. We urge DOJ to implement the following recommendations, consistent with NCAI Resolution ANC 014-048:

DOJ should advocate for an increase in the VOCA funding cap and support the tribal effort to create a 10% allocation in VOCA funding for tribal governments.

In addition, we urge DOJ to support the SURVIVE Act (the Securing Urgent Resources Vital to Indian Victim Empowerment Act, S. 1704) which would create a stable 5% allocation of Crime Victims Fund disbursements for a grant program for tribal governments to provide crime victim services for the next 10 years.

Tribal Protection Orders and Village-Based Responses

DOJ's support for the repeal of the Alaska Special Rule included in VAWA 2013 is appreciated. We thank DOJ for the July 28, 2014, letter from Associate Attorney General Tony West to the Alaska Attorney General, reminding him of the state's obligation to give full faith and credit to tribal court orders of protection. The state of Alaska, while still encouraging registration of tribal and foreign protective orders, has recognized that it must enforce these orders.

We urge OVW to implement the following recommendations:

Follow up with the state of Alaska to ensure that these lifesaving tribal court protection orders are enforced per VAWA's full faith and credit provisions and special conditions requiring compliance with VAWA.

Continue to actively support the efforts of Alaska Native villages to enhance their responses to violence against women and full implementation of VAWA.

Testimony from the Central Council of Tlingit and Haida Indian Tribes additionally recommended that OVW develop a program designed specifically for Alaska Native tribes to enter their protection orders, suggesting a program similar to the BIA Purpose Code X program for emergency background checks. A program of this nature could be a stop gap in which a federal agency provides the mechanism necessary to get protection orders entered into the national registry. DOJ could, in turn, make recommendations and provide funding for correcting gaps in services and misrepresentations of the law.

National Order of Protection Registry

Many villages do not currently provide tribal protection orders. Only the magistrate court issues protection orders. Processing these forms involves a lengthy process usually done over the phone and by fax. This process thwarts meaningful access to justice for victims in the following ways:

Most often, this process is so complicated and slow, the victim becomes frustrated and decides not to go forward.

The process to obtain an order can take several weeks. If the magistrate is not available in the village, the draft order must be faxed to a magistrate in a different region.

We do not know of any tribal order of protection ever entered into the National Order of Protection Registry.

We urge implementation of the following recommendations:

Alaska tribal governments should be provided training and access to order of protection information on the National Order of Protection Registry. Our women need to be able to rely on an order of protection that is entered on the national registry to ensure that protection orders are enforceable no matter where she travels.

Akiak Native Community additionally explained that their community has an active tribal court and does issue protection orders on a case-by-case basis, but there is not a state court in the village. The nearest is in the hub community of Aniak. This process of going through the state court thwarts meaningful access to justice for victims.

The Disappeared – Missing and Murdered Native Women

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

We urge OVW, Department of Interior, and Department of Health and Human Services to implement the following recommendations:

Establish a high-level working group, including the Alaska Native Women's Resource Center, National Indigenous Women's Resource Center, Indian Law Resource Center, and the NCAI Violence Against Women Task Force, to develop and institute a training protocol and alert system to increase the current response in such missing person's cases.

STOP Violence Against Women Formula Grant Program – State Consultation

After review of this program, Alaska Native tribal governments remain concerned that the state did not comply with their obligation to consult with tribes in the development of Alaska's 3-year implementation plan for the FY 2014 STOP Violence Against Women Formula Grant Program. The state did not provide appropriate notice to

the tribal leaders and villages in our region, nor did the state properly consult and coordinate with villages in deciding how to develop and implement the 3-year STOP plan.

To date, Alaska tribal leaders have not received notification of whether the state made steps to comply, consult, and coordinate with Alaska's tribal governments. We remain concerned that noncompliance with the requirements will continue. We understand that OVW froze the state's funding last year for noncompliance, and we have yet to hear whether the state has made any steps toward compliance. In light of the lack of appropriate and meaningful consultation by the state of Alaska, we ask that OVW further investigate and address any violations of the state consultation mandate and provide real meaning to this amendment.

We request that OVW implement the following recommendations:

Clarify the processes and requirements the state of Alaska must meet to be in compliance with state-tribal consultation requirements before funding is disbursed.

Clarify the process required of the state to consult and coordinate with tribes and to provide adequate notice in the planning process.

Require certification from the state as to appropriate tribal participation from each of the 229 Alaska tribes and villages.

Require the state to provide information about how funds directly support local village-based responses to address the safety of Alaska Native women within the 229 Alaska villages.

Testimony from Native Village of Anvik goes on to explain that, although Yup'ik Women's Coalition Director Lenora Hootch was invited to attend a single meeting with the state as a "content area expert," a single meeting should not be considered "consultation" as required under VAWA 2013. While not all VAWA 2013 amendments apply to Alaska Native villages to date, the amendment that states consult with Indian tribes created hope that VAWA resources under the STOP state formula would finally reach our villages. In light of the lack of appropriate and meaningful consultation by the state of Alaska, Anvik asks that OVW investigate and address any violations of the state consultation mandate and provide real meaning to this amendment.

Alaska Native Tribal Governments' Answers to Question on the SDVCJ Grant Program

While we appreciate the efforts DOJ is making, the efforts fall short. The proposed redirection of funds from the Tribal Governments program and BJA Indian Assistance funding to the SDVCJ program will further deepen the divide between tribes.

- Question 1: Regarding whether OVW and BJA should use funds from existing programs to support tribes implementing SDVCJ, Congress should appropriate, at a minimum, the \$5 million per year, as the law provides for implementation, instead of OVW and BJA setting aside any funds from other programs under CTAS.
- Question 2: Regarding how much funding should be set aside for an SDVCJ program, a minimum of \$5,000,000 should be set aside for this purpose area, but an increasing amount should be built into the long-term plan.
- Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, all tribes should be eligible for funding. We should not create different classes among tribal governments of eligible versus not eligible tribes based on jurisdictional limitations, such as whether a tribe has Indian country or a Public Law 280 state, or has a resource issue, such as whether a

tribe has law enforcement, etc. Each tribe is sovereign and should be eligible for exercising this jurisdiction. We suggest two categories of eligibility:

Planning grant set aside for tribes to develop a plan for exercising SDVCJ with technical assistance providers, or for ITWG members who need additional assistance or resources for implementation.

Direct funding for tribes that are implementing or close to implementing programs that takes into account individual tribal needs for staff, program development, and costs of implementing (such as jail, police, and NCIC access) and sustaining the programs.

- Question 4: Regarding which activities should be funded under the SDVCJ program, all activities tied to exercising inherent authority of a tribe for SDVCJ should be eligible. Tribes should be able to define what they need, and limitations should be limited to general federal grant guidelines, rather than specific program limitations.
- Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, we will evaluate whether to apply for this grant when created. In addition, the Bureau of Prisons project should be made permanent and available to all SDVCJ cases. The final request that we would make is that the Senate Committee on Indian Affairs hold hearings on the success of SDVCJ jurisdiction.

Closing Comments

In closing, the seven Alaska Native tribes and villages submitting written testimony ask that these issues be recognized and elevated as national issues. The Indian Law and Order Commission's opinion is that problems in Alaska are so severe and the number of Alaska Native communities affected is so large that continuing to exempt the state from national policy change is wrong. It sets Alaska apart from the progress that has become possible in the rest of Indian Country. The public safety issues in Alaska—and the law and policy at the root of those problems—beg to be addressed. These are no longer Alaska's issues. They are national issues. We are encouraged by the repeal of Section 910 of VAWA 2013; however, Alaska tribes are continually facing challenges in protecting our women and children from violence and its perpetrators. We look forward to establishing and developing a relationship with OVW, in hopes that they are willing to develop a needs survey in addition to a plan to address these needs. By working together, we stand strong in our efforts for equal access to justice, services, and advocacy designed by and for Native women.

Additional Comments

Along with the shared recommendations above, villages shared the following additional comments in their written testimonies.

Central Council of Tlingit and Haida Indian Tribes

The Tlingit and Haida Nations are a people in transition, adjusting to the cultural shockwaves of Euro-American contact and governance. The Tlingit and Haida have been at the forefront of conquest and while a strong people, we have been exposed to cultural, physical, and psychological trauma in the form of forced Native boarding schools, corporal punishment for speaking in the Native language, disease epidemics, condemnation of traditional spiritual practices, and overabundant interaction with the non-Native child welfare and correction systems. The trauma and grief passed between generation's manifests in different symptoms of social and legal distress. These symptoms are often treated with substance abuse, while losing traditional family values, which often leading to suicide and incarceration. Alaska Native women represent 18% of the Alaskan population and 47% of reported

rape victims. They experience domestic violence 10 times more often than the national rate, and suicide 6 times more often than the national rate.

Klawock Cooperative Association

In the post-Alaska Native Claims Settlement Act era, we are unique in that we have a small piece of trust land. In addition to the Venetie decision, BIA decided it will not disburse recurring base funding for tribal courts in Public Law 280 states, which includes Alaska. Without the abilities to tax and receive tribal appropriations, Alaska tribes lack the essential revenue traditionally generated by tribal governments to fund their programs. We must find innovative ways to raise governmental revenue, increasing and leveraging other resources to sustain governmental programs. We only have two safe house volunteers willing to take in domestic violence victims. Services are offered in Emmonak and Bethel; however, airfare is very expensive and their services are limited.

Native Village of Anvik

At this point in time, Anvik has no law enforcement. We have a vacant position for a VPSO, which is funded through the state, but the price of oil is at an all-time low and the position is on hold until further notice. Anvik is fortunate to have a COPS grant for a tribal police officer, and this position had been filled until October 2015 when the officer resigned because of a response to a domestic violence call that went terribly wrong. State troopers posted in Aniak, a “hub community” over 100 air miles away, are responsible for responding to calls. This seems like an unending complaint, but we must help you understand that the unique contributions that exist in Alaska demand that we become creative in our ability to provide a local response.

The Village of Anvik is also concerned with the staffing shortage at OVW. We cannot get responses to critical questions from our new grants manager.

Native Village of Emmonak

The Emmonak Women’s Shelter, which has operated since 1979 and is located within our village, is the second oldest shelter and only Native village shelter in Alaska. In addition to providing services to the Kusvaliq Region, the shelter, along with the Yup’ik Women’s Coalition, provides services to 12 other federally recognized Yup’ik villages and tribes: Alakanuk, Chevak, Hooper Bay, Kotlik, Marshall, Mountain Village, Nunam Iqua, Pilot Station, Pitkas Point, Russian Mission, St. Mary’s, and Scammon Bay. The Kusvilaq Region has approximately 10,000 residents and 90% are Yup’ik Eskimos.

Native Village of Nunam Iqua

We have not had an adequate Village Public Safety force for several years due to the lack of funding. Our village has applied for COPS funding, but we have not been funded for several years based on policy that does not respect our unique village life and urgent need for law enforcement and village safety. Safety concerns have caused health aides to quit, and new health aides are reluctant to even work in our village. Our residents must oftentimes seek medical help from expensive outside facilities. Our locals are the first responders, and are put in dangerous positions.

Organized Village of Kake

There has been a historic and consistent pattern of inadequate law enforcement response, including a lack of comprehensive, systemic infrastructure to address safety and accountability for the extreme levels of domestic and sexual violence in Alaska’s villages. Currently, the Village of Kake has only one VPSO who is inundated with numerous duties beyond law enforcement. The VPSO patrols the community, makes court appearances, answers fire department calls and domestic violence calls, and is a first responder in emergency calls with local emergency

medical services. Our VPSO is stretched thin, and there are times when we are without law enforcement entirely. In extreme emergencies, Alaska state troopers may fly into Kake to assist with matters; however, that may take anywhere from a day to several days, depending on the weather. We are in need of an additional VPSO, but securing one is challenging. Kake also has one health care facility with few employees trained to respond to domestic violence victims as first responders.

Apache Tribe of Oklahoma, Anadarko, Oklahoma

Lyman Guy, Chairman (written testimony)

Oklahoma tribal reservations were abolished after statehood, and tribal lands became fractionated due to the federal allotment policy. The Apache Tribe of Oklahoma's service area (as opposed to reservation) includes all of the former boundaries of the Apache Tribe of Oklahoma tribal lands as they existed prior to statehood, has an overall population of 228,466, and includes 37 federally recognized tribes.

Supreme Court decisions have restricted tribes' criminal and civil jurisdictional powers based on a determination of whether a criminal act occurred in Indian Country. Determining what is and is not Indian Country in Oklahoma is very challenging, and strongly impacts a tribe's power to protect tribal citizens. The land base in Oklahoma is made up entirely of Indian-land allotments, which is an unfamiliar concept to many. These allotments are scattered among non-Indian lands, creating a "checkerboard" pattern and, many times, lands can change from Indian land to non-Indian land upon the probating of a particular estate.

The Apache Tribe of Oklahoma has a duly authorized tribal constitution. The BIA provides all law enforcement services and contracts with a local jail to house Indian offenders, even those enrolled in the Apache Tribe of Oklahoma. Currently, there are no formal pre-trial, probation, parole, or reentry services, no cross-jurisdictional agreements, no sex offender registry, no task forces, and no communication-information sharing systems or similar arrangements available in the tribal system. The Apache Tribe of Oklahoma has no law enforcement officers. In addition, the Apache Tribe of Oklahoma does not have facilities, such as a courthouse, law enforcement facilities, transitional housing, detention facilities, or jails.

The Apache Tribe of Oklahoma's Violence-Free Living program is a tribal victims' service agency, and has been in operation since 1997. The Apache Tribe of Oklahoma believes that mental and physical abuse does not keep with traditional tribal values, and we are committed to providing culturally appropriate resources, safety, and advocacy services in partnership with law enforcement and health professionals in the community until all individuals who have been victimized have control over their own lives and the cycle of violence has been broken.

Apache Tribe of Oklahoma's Answers to Questions on the SDVCJ Grant Program

- Question 1: Regarding whether OVW and BJA should use funds from existing programs to support tribes implementing SDVCJ, set-aside funds should not be taken from one tribal program to provide funding for SDVCJ. It is unacceptable and will result in existing tribal programs being cut. Indian Country is already underfunded, and to allow a further reduction in funding for any area is unacceptable.
- Question 2: Regarding how much funding should be set aside for an SDVCJ program, no funding should be set aside from any existing program area currently funded by CTAS.
- Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, while all federally recognized tribes should be eligible for the SDVCJ funding,

we recognize there may be a need to prioritize. This does not mean the various categories should exist within the prioritization. All tribes should be evaluated on the merits of the grant application and demonstrated ability to carry out necessary goals and objectives. Financially, our tribe is not prepared to take over the entire court system, but this does not mean we would not work diligently to have SDVCJ implemented in the Court of Federal Regulation (CFR court) with guidance. Current federal law allows tribes with CFR courts to draft unique tribal codes, and once approved, those codes supersede the CFR laws. This has been challenging for many Oklahoma tribes.

- Question 4: Regarding which activities should be funded under the SDVCJ program, all tribes are unique and vary in stages of development. With this in mind, we regard any activity relevant to the implementation of SDVCJ a viable option for funding. Training and technical assistance can also be vital to the successful implementation of SDVCJ.
- Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, the Apache Tribe of Oklahoma would be interested in seeking a grant to exercise SDVCJ. We would need clarification regarding the aforementioned code changes necessary for tribes currently using a CFR court.

Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon

Gary Burke, Chairman (written testimony)

The Confederated Tribes of the Umatilla Indian Reservation was the first tribe in the nation to implement felony sentencing under the Tribal Law and Order Act. We were also fortunate enough to be chosen to exercise early non-Indian sentencing authority under the SDVCJ portions of VAWA 2013. We have consistently been a voice pushing for Congress to appropriate the \$5 million a year for SDVCJ that was authorized under VAWA 2013.

Having said this, we have great concern with the proposal to take limited funds that currently exist for CTAS Purpose Areas 3 and 5 and allow them to be used for another purpose without expanding the available funding pool. There are many tribal nations that have significant needs that can be funded under Purpose Areas 3 and 5, but will not likely be able to implement SDVCJ for some time. We do not want to see their resources reduced.

Our tribes also benefit significantly from funds made available under Purpose Areas 3 and 5. The vast majority of our family violence program is funded through Purpose Area 5, the Grants to Indian Tribal Governments program. Rather than pursue an expansion of areas for which the existing limited funds can be used, we have two other suggestions that we hope you will seriously consider.

First, OVW should lift the eligibility restriction on the Tribal Governments program, which is keeping many tribes from seeking funds under Purpose Area 5 to be used for SDVCJ-related purposes. Our domestic violence advocates have been funded under Purpose Area 5, and our batterer intervention treatment program has also been funded under Purpose Area 5 during a different grant cycle. This means our tribes will potentially lose one of those critical components of our family violence program unless we can find other funding sources to cover them.

Second, rather than taking money from Purpose Areas 3 and 5 to be used for a new purpose area, OVW should consider funding SDVCJ-related programs from de-obligated funds. This would be very helpful if the de-obligated funds source could come not only from CTAS de-obligated funds, but also from other OVW grant programs.

Fort Peck Assiniboine and Sioux Tribes, Poplar, Montana

Floyd Azure, Chairman (written testimony)

Fort Peck Assiniboine and Sioux Tribes' Answers to Questions on the SDVCJ Grant Program

Question 1: Regarding whether OVW and BJA should use funds from existing programs to support tribes implementing SDVCJ, we oppose the reduction or set aside of funds from CTAS Purpose Area 5. This major source of funding is used to provide advocacy, crisis intervention, transitional housing, legal advocacy, safety, and other services to victims of domestic violence and sexual assault. A reduction in these funds would impact women who have yet to see justice in our court systems. Victims should not have to pay for the offender's accountability.

Question 2: Regarding how much funding should be set aside for an SDVCJ program, we oppose the suggestion to set aside any funding.

Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, we believe all tribes should have the opportunity to apply and be considered, without limitations on eligibility.

Question 4: Regarding which activities should be funded under the SDVCJ program, we think activities, such as the prosecution of offenders, data collection, media campaigns, and offender accountability should be funded through the SDVCJ program.

Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, the Fort Peck Assiniboine and Sioux Tribes are already a recipient of the SDVCJ program.

Muckleshoot Indian Tribe, Auburn, Washington

Muckleshoot Tribal Council (written testimony)

Muckleshoot Indian Tribe's Answers to Questions on the SDVCJ Grant Program

Question 1: Regarding whether OVW or BJA should use funds from existing programs to support tribes implementing SDVCJ, yes, BJA should provide funds to tribes that wish to exercise SDVCJ. Funds referred to in this question would come from other purpose categories to assert SDVCJ. Funds would not be appropriated from other BJA funds already available to tribes. The purpose areas shift is intended to make getting the funds less complex and onerous for tribes.

Question 2: Regarding how much funding should be set aside for an SDVCJ program, this question cannot be answered based on the information provided. More information is needed about: the percentage (actual amount) of existing funds currently set aside to fund each of the existing DOJ grants, and other court or legal assistance programs for tribes, the number of tribes that plan to apply for funding for SDVCJ grant funds, eligibility requirements that tribes will need to meet to apply for SDVCJ funds, and the sort of programs that SDVCJ funds will cover.

Question 3: Regarding whether there should be any limitations on which federally recognized tribes can apply for SDVCJ funding, eligibility should be limited to tribes with a land base. Tribes without a land base are unlikely to have a significant number of domestic violence cases over which they can exercise jurisdiction. Additionally, eligibility should be limited to those tribes with tribal courts and law enforcement. Tribes that lack courts will not realistically be in a position to exercise SDVCJ in FY 2016. There are other BJA grants and programs available to assist tribes seeking to establish courts and law enforcement programs. Funds for SDVCJ implementation should be limited to those tribes that have a foundation in place to realistically begin handling SDVCJ cases in 2016 and 2017. Finally, tribes seeking funds should be required to show an ability to implement SDVCJ in the next 1 to 2

years. Tribes already exercising SDVCJ have been in BJA's pilot project and have already received the benefit of considerable assistance.

Question 4: Regarding which activities should be funded under the SDVCJ program, if our tribe decides to implement the SDVCJ program, we will need to ramp up existing programs and add additional services. We believe funds should be made available to provide assessments of whether a tribe is ready to implement SDVCJ, and to help determine what additional steps must be taken to do so. Funds should be made available to cover costs of specialized training for law enforcement, judges, court staff, prosecutors, victim advocates, and probation officers. Funds should be made available to cover increased costs from additional court days, increased jail costs, increased public defender time, increased probation program expenses, additional court staff, and improved infrastructure to ensure courtroom and victim safety. Funds should also be made available to cover the additional costs of prosecuting domestic violence cases. These funds should include a budget for expert witnesses, which are often crucial to the successful prosecution of domestic violence cases. Finally, funds should be made available to tribes to support victim's rights, to include hiring advocates trained to guide victims through what can often be a long and complicated court process

Question 5: Regarding whether our tribe would seek a grant to implement SDVCJ, Muckleshoot Indian Tribe has the solid framework for adjudication of misdemeanor and gross misdemeanor offenses. Domestic violence cases are often more complex and may require staff to be trained. We may also decide to implement a SDVCJ program to adjudicate all domestic violence cases occurring on the reservation. Our understanding from the Law and Order Committee and our tribal council is that our tribe is interested in learning more about SDVCJ, and is likely interested in implementing an SDVCJ program to adjudicate at least some types of domestic violence cases. For further consideration, the tribe must first review law and order and criminal procedure codes to ensure all SDVCJ requirements are included, and to modify them if necessary. We must also ensure that codes are available to the public as required by SDVCJ; that specialized training is provided for all staff who have a role in implementing the SDVCJ program; that procedures for jury trials meet SDVCJ requirements; and that all prosecutors, public defenders, and judges also meet SDVCJ requirements. To do this, we must consult with BJA and OVW to ensure that all requirements for exercising SDVCJ are met.

Nottawaseppi Huron Band of the Pottawatomi, Fulton, Michigan

Elizabeth Cook, Staff Attorney (written testimony)

Nottawaseppi Huron Band of the Pottawatomi (NHB) urges the federal government to meet its obligations to Indian tribal governments and its trust responsibility to Indian women, men, children, and their families by properly funding the services that tribes must provide to their citizens. While the FY 2016 President's budget includes the largest increase for tribal programs in decades, tribes are still recovering from long-standing disparities. Section 904 of VAWA 2013 authorizes funds for tribal governments, but that funding has never been appropriated by Congress.

Because STOP grants are DOJ's largest funding stream made directly to states, and STOP funds are accessible to tribes only as sub-grantees of states, it is imperative that there be meaningful consultation between states and tribes on STOP funding. State STOP implementation plans should show that they have consulted meaningfully with tribes. Consultations should be full dialogues, and not just exercises to meet procedural requirements. Decisions should be made through a process of cooperation and consensus that takes place before a decision is made. Leaders and decision makers must be present, and essential translation services must be available at all times. States should adopt the same consultation requirements used by the federal government. These requirements include making genuine efforts to reach out to tribes, ensuring that materials have been received by

the appropriate tribal leaders, allowing adequate time for tribes to review and respond to proposals, and providing 120 days' advance notice for consultation activities.

While the exercise of SDVCJ under VAWA 2013 is important for the safety of Native women, it does not allow tribes to prosecute the abuse or endangerment of children, which has occurred in a majority of the domestic violence cases that tribes have prosecuted under VAWA, and it does not allow tribes to prosecute other non-domestic crimes that frequently co-occur with domestic violence. These include drug and alcohol crimes, destruction of property, and other crimes that occur within the criminal justice system, such as assault on an officer, resisting arrest, obstruction of justice, or perjury. This gap in jurisdiction undermines the ability of tribes to protect their people and their criminal justice systems. The Administration should immediately initiate consultation with Indian tribal governments to develop legislation that would fill the gap left by VAWA 2013.

The ITWG, of which NHBP is a member, has proven to be a valuable collaborative effort among tribal governments to improve tribal justice systems. We recommend that the ITWG be continued and expanded to include more tribes and more meetings. It should also be a model for other topics, including the Tribal Access Program for National Crime Information recently launched by DOJ.

While VAWA 2013 allows tribes to issue protection orders against non-Indians for stalking and sexual assault, some tribes have limited abilities to enforce these orders. The Administration should initiate consultation with tribal governments about options to increase federal penalties and deterrence for Native and non-Natives who violate tribal exclusion orders and protection orders.

Implementation of VAWA 2013 requires improved guidance and policies for investigation, prosecution, and detention, as well as local coordination between federal and tribal criminal justice personnel. Issues that need guidance and coordination include arrest and detention, clarified policies for detention centers and 638 contracting, domestic violence training for tribal police officers and prosecutors, and stronger coordination with Assistant U.S. Attorneys on federal prosecution, including improved appointments of Tribal Special Assistant U.S. Attorneys in some districts. The Secretary of the Interior and Attorney General should direct field personnel to convene local implementation working groups on these topics.

NHBP concurs with NCAI Resolution ANC-14-048, which supports a dedicated tribal set-aside in the VOCA fund, such as an "above the cap" reserve in the VOCA or, alternatively, a 10% VOCA tribal set-aside.

NHBP agrees with the recommendations of the 2013 OVW working group, including: to lower award totals and/or limit awards to every 3 years for STOP grants in order to reach more tribes, to provide tribes with technical assistance so they can successfully compete for funding from other OVW programs, and to bring all federal partners to the table to discuss tribal funding and to notify tribes when funding levels are likely to change.

NHBP supports the recommendations made by the Indian Law and Order Commission, including that an Associate Director for Native Programs position be created within OMB to coordinate priorities across the federal government and ensure that OMB budgets and policies provide stable funding for tribal governments. DOJ should also end all grant-based and competitive Indian Country criminal justice funding, and pool these monies to establish a permanent, recurring base funding administered by the new DOJ tribal agency. To manage these funds, DOJ should consult with tribes to develop a formula for base funding, along with awarding capacity-building dollars. Base funding should be designated as "no year," so tribes that are unable to immediately qualify for

access do not lose their allocations. DOJ should annually set aside 5% of the consolidated former grant monies as a designated tribal criminal justice system capacity-building fund.

NBHP additionally supports the Indian Law and Order Commission recommendation that Congress should set aside a commensurate portion of the funding, technical assistance, training, and other resources for Indian Country that it is investing in reentry, second-chance, and alternatives to incarceration, in the same way it does for state governments.

Finally, NHBP recognizes that there is still much to be done to address justice and safety issues in Alaska Native communities. To that end, we urge that Congress overturn the Venetie decision by amending the Alaska Native Claims Settlement Act of 1971 (ANCSA) to provide that former reservation land acquired or transferred in fee to Alaska Native villages is Indian Country. We also recommend that Congress amend ANCSA to allow land transferred from regional corporations and fee simple land to be converted into trust and considered Indian Country. Congress should also channel more resources directly to Alaska Native tribal governments for the provision of governmental services in those communities.

Swinomish Indian Tribal Community, La Conner, Washington

Brian Cladoosby, Chairman (written testimony)

As acknowledged by VAWA, tribes are disproportionately affected by crimes of domestic violence. We believe that if the Bureau of Prisons program is reinstated and expanded to include offenders who are sentenced to jail for VAWA crimes, offenders would be held accountable for domestic violence in Indian Country.

Due to several factors between the Tribal Law and Order Act and in the implementation of the Bureau of Prisons program, Swinomish Indian Tribal Community was unable to participate during its short lifespan. Over the past several years, we have continued to prosecute and sentence numerous offenders to jail for crimes that would have qualified under the Tribal Law and Order Act, had we been able to implement at that time.

We ask you this year, as tribes consider possible implementation of the Tribal Law and Order Act, to also reinstate the Bureau of Prisons program, as there is a potential for utilization. This program could be further used by Swinomish and other tribes if it were expanded to include VAWA crimes. We believe domestic violence offenders would be deterred from committing these crimes if penalties included a potential for federal prison time. The United States should implement stronger measures to hold these offenders more accountable, and we believe that the re-implementation and expansion of the Bureau of Prisons program is a step in that direction.

Lunch Presentations

Update on Special Domestic Violence Criminal Jurisdiction

During the lunch hour, presentations were provided on the Special Domestic Violence Criminal Jurisdiction (SDVCJ) pilot project, including an overview of the pilot project and a report from three tribes that initially implemented SDVCJ under the pilot project.

Tribal Sovereignty in Action: VAWA 2013 and Special Domestic Violence Criminal Jurisdiction

The first presentation, led by representatives of NCAI and the Intertribal Technical Assistance Working Group (ITWG), gave an overview of the VAWA 2013 provisions for tribes to exercise SDVCJ. SDVCJ does not change federal or state jurisdiction, and exercising it is completely voluntary and elective. Crimes covered under SDVCJ must meet several conditions:

- Crimes are limited to domestic violence, dating violence, and criminal violations of protection orders. (Child abuse and elder abuse are not covered.)
- Crimes must occur within Indian Country.
- The victim must be a Native person.
- The defendant must have ties to the reservation, such as living, working, or having an intimate relationship there.

In addition, for a tribe to exercise SDVCJ, it must be able to protect defendants' due process rights, as defined by the Indian Civil Rights Act of 1968 (as amended), the Tribal Law and Order Act of 2010, and VAWA 2013. These laws include due process protections, such as providing counsel to defendants, oversight by law-trained judges, and an impartial jury that represents a fair cross-section of the community.

VAWA 2013 also created a pilot project for selected tribes to begin exercising SDVCJ prior to the effective date of the law, March 7, 2015. As of February 6, 2014, three tribes were approved for the pilot project: the Pascua Yaqui Tribe of Arizona, the Confederated Tribes of the Umatilla Indian Reservation of Oregon, and the Tulalip Tribes of Washington. On March 6, 2015, the Fort Peck Assiniboine and Sioux Tribes of Montana and the Sisseton-Wahpeton Oyate Tribe of South Dakota joined the pilot project. The pilot project period ended on March 7, 2015. After the end of the pilot period, any tribe that meets the statutory requirements can begin exercising jurisdiction. Tribes no longer need DOJ approval to begin this process.

As part of the pilot project, DOJ launched the ITWG, a voluntary working group for tribes to discuss SDVCJ implementation and efforts to combat domestic violence generally. ITWG includes representation from 45 tribes. For more information and resources related to ITWG, please email tribal-vawa@ncai.org.

The presentation concluded by sharing case data collected by the Confederated Tribes of the Umatilla Indian Reservation during their involvement in the pilot project. From February 20, 2014, through August 17, 2015, the tribe processed four SDVCJ cases involving three offenders, resulting in three guilty pleas and one case that is still pending. Offenders who have been convicted are subject to tribal probation, including the requirement to undergo batterer intervention treatment provided by the tribe. For comparison, in 2012, 60% of the cases seen by the Umatilla Victims Services program involved non-Indian offenders.

Pascua Yaqui Tribe and Implementation of VAWA 2013

Presenters from the Pascua Yaqui Tribe reported on their tribe's successes and challenges in implementing SDVCJ under DOJ's pilot project. During the course of the pilot project, VAWA cases accounted for 18 cases out of 72 total domestic violence cases, making up 25% of all domestic violence cases during that time. There were 15 total defendants, and 3 have reoffended since then. Out of all offenders, only three did not

have prior criminal records in the state of Arizona. The rest have been arrested for violent crimes, are felons, or have cases against them involving drugs or alcohol. At least eight of the offenders lived on the reservation in tribal housing, and three offenders now have tribal warrants.

There are still challenges in the exercise of SDVCJ. United States v. Castleman limits the definition of domestic violence to crimes that involve physical touching, which greatly limits the cases that qualify for SDVCJ. Additionally, the federal government has not provided direct funding for tribes that are implementing SDVCJ and do not have access to national criminal databases. Pascua Yaqui Tribe has encountered challenges with the cost of providing interpreters and pro-tem judges, the need for police training on how to establish a domestic violence relationship (e.g., same sex relationships), and other needs within tribal systems.

The Tribal Law and Order Act, VAWA, and the Sex Offender Registration and Notification Act are excellent first steps in addressing widespread law enforcement needs, but Indian Country is still scarred for having lived for almost 40 years under jurisdictional issues, such as the Oliphant case. It will take decades to reverse the current reality and allow communities and families to heal. If all 567 federally recognized tribes had been able to participate in the VAWA 2013 pilot project, thousands of women and children would have been protected.

Tulalip Tribes and Implementation of VAWA 2013

Presenters from Tulalip Tribes reviewed statistics and case data on implementing SDVCJ under DOJ's pilot project and identified challenges and recommendations for the future.

There have been 11 cases with nine defendants over the course of the pilot project. Defendants had over 100 contacts with Tulalip Police Department since 2008, and six victims had children in common with the defendants. Of the 11 cases, there were 6 guilty convictions, 1 case that had to be prosecuted with the U.S. Attorney's Office and Tulalip's tribal Special Assistant U.S. Attorneys, 2 cases that are in pre-trial, and 2 cases that were dismissed.

Challenges faced during implementation include the United States v. Castleman verdict, which greatly limits the cases that fall under the federal definition of domestic violence and raises questions for tribes that may define domestic violence differently than this federal definition. Many crimes still go unpunished because of a lack of jurisdiction, including crimes against children, criminal endangerment, and drug crimes. There are also domestic violence crimes committed without the use of force, such as trespassing, criminal mischief, and interfering with reporting.

The Tulalip Tribes recommends an amendment of VAWA Section 904 to enable tribal prosecutors to charge the full range of crimes that arise in the context of domestic violence, sexual assault, family violence, and the victimization of children. Furthermore, tribes should be provided with the financial resources necessary to implement VAWA 2013 on an ongoing basis. VAWA legislation authorized \$5 million a year for these implementation efforts, but funds have never been appropriated. Finally, Tulalip recommends that the Bureau of Prisons project authorized under the Tribal Law and Order Act be reauthorized and made permanent, and that DOJ's Tribal Access Program for National Crime Information be fully implemented in partnership with Indian tribes.

Closing and Adjournment

At the closing of the consultation session, Ms. Edmo reminded participants that the record will remain open until January 4, 2016, and written testimony may be submitted until then. Ms. Edmo adjourned the annual tribal consultation for 2015. The closing song was performed by Marcus Red-Thunder from the Ojibwe Tribe, Northern Cheyenne. During the song, Ms. Koester from the Washington State Native American Domestic Violence and Sexual Assault Women's Spirit Coalition and the shawl carriers came to the center of the square and retired the shawls as the consultation ended.

APPENDIX 1:

Consultation

Participants

Tribal Representatives

Name	Title and Organization
Oliver Beatty	Standing Rock Sioux Tribe
Raymond Buelna	Pascua Yaqui Tribe
Brenda Commander	Houlton Band of Maliseet Indians, Maliseet Domestic & Sexual Violence Advocacy Center
Kevin Coriz	Santo Domingo Tribe
Frank Demolli	Santa Clara Pueblo
Stella Fancyboy	Native Village of Bill Moore's Slough
Julie Finkbonner	Lummi Nation
Nikki Finkbonner	Lummi Nation
Patti Handy	Organized Village of Kake
Lenora Hootch	Yu'pik Women's Coalition
Melissa Holds the Enemy	Crow Tribe
Joann Horn	Bill Moore's Slough
Carl Jerue	Native Village of Anvik
Tami Truett-Jerue	Native Village of Anvik
Audrey Jim	Shoshone-Bannock Tribes
Sharon Jones Hayden	Tulalip Tribes
Lorrie Jump	Uniting Three Fires Against Violence
Bonnie Juneau	Tulalip Tribes
Gretchen Kameroff	Yu'pik Women's Coalition, Emmonak Tribe
Jennifer McLeod	Sault Ste. Marie Tribe of Chippewa Indians
Catherine Moses	Asa'carsarmiut Tribal Council
Germaine Omish-Lucero	Rincon Band of the Luiseno Indians, Strong Hearted Native Women's Coalition
Flora Paukan	Algaaciq Native Village
Mitzi Sabori	Shoshone-Bannock Tribes
Theresa Sheldon	Tulalip Tribes
Christine Tegarlakla	Emmonak Tribe, Yupik Women's Coalition
Kerwin Tenorio	Santo Domingo Tribe

Name	Title and Organization
Nettie Warbelow	Native Village of Tetlin

Federal Representatives

Name	Title and Organization
Tamera Begay	National Congress of American Indians
Coleen Bryan	Kitsap and Olympic Peninsula, U.S. Senator Patty Murray
Frances Cook	U.S. Department of Justice
Christine Crossland	U.S Department of Justice
Dawn Doran	SMART Office, U.S. Department of Justice
Lorraine Edmo	U.S. Department of Justice, Office on Violence Against Women
Terry Friend	CMN, MSN, Indian Health Service
Eileen Garry	U.S. Department of Justice, Office of Justice Programs
Michael Haas	U.S. Department of Justice, Justice Management Division, Office of the Chief Information Officer, Tribal Access Program
Steven Hafner	American Indian and Alaska Native Research, National Institute of Justice
Leslie Hagan	U.S. Department of Justice, Office for United States Attorneys
Chia Halpern	Tribal Law and Policy Institute
Bea Hanson	U.S. Department of Justice, Office on Violence Against Women
Electa Hare-RedCorn	BIA Eastern OK Region
Bryan Hudson	U.S. Department of Interior, Office of the Solicitor
Marcia Hurd	U.S. Department of Justice, Office of Tribal Justice
Jennifer Kaplan	U.S. Department of Justice, Office on Violence Against Women
Sherry Kazhe-Garcia	Bureau of Indian Affairs
Matthew Lysakowski	U.S. Department of Justice, COPS Office
Rosa McLeod	Peninsula Outreach, Office of U.S. Senator Maria Cantwell
Ken Noyes	U.S. Department of Health and Human Services, Administration for Children and Families, Family and Youth Services Bureau, FVPSA Program
Doresa Payton	U.S. Department of Justice, Office on Violence Against Women
Marilyn Roberts	Office for Victims of Crime

Name	Title and Organization
James A. Smith	U.S. Department of Justice, Office on Violence Against Women
Kelly Stoner	Tribal Law and Policy Institute
Shena Williams	Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families/Family and Youth Services Bureau
Ye-Ting Woo	U.S. Attorney's Office, Western District of Washington
John Young	Office of the Attorney General
Ted Zalewski	U.S. Department of Justice
Jennifer Kaplan	U.S. Department of Justice, Office on Violence Against Women
Rosie Hidalgo	U.S. Department of Justice, Office on Violence Against Women
Darla Sims	U.S. Department of Justice, Office on Violence Against Women

Other Attendees

Name	Title and Organization
Jacqueline Agtuca	National Indigenous Women's Resource Center
Holly Anderson	Chenega Logistics
Christina Barone	Port Gamble S'Klallam Tribe
Bruce Bauer	Fort Peck Assiniboine and Sioux Tribes
Oliver Beatty	Standing Rock Sioux Tribe
Bailey Beaty	Northwest Strategies
Judy Bronco	Shoshone-Bannock Tribe
Diane Cabrera	Prosecuting Attorney, Lower Elwha Khallam Tribe
Tang Cheam	NIWRC
Florence Choyou	Hopi-Tewa Women's Coalition to End Abuse
Coleen Clark	Assiniboine & Sioux Tribes
Paula Claymore	Restoring Ancestral Winds, Inc.
Darrin Coffin	Indian Township Tribal Government
Virginia Davis	National Congress of American Indians
Susie Fink	Maliseet Domestic & Sexual Violence Advocacy Center

Name	Title and Organization
Julie Finkbonner	Tribal Council Member, Lummi Nation
Ruby Fox	Washoe Tribe of Nevada and California
Maria Friday	Native Village of Hooper Bay
Mary Gallegos	Montana Native Women's Coalition
Jerry Gardner	Tribal Law and Policy Institute
Cherrah Giles	Muscogee (Creek) Nation
James Greenleaf	Chickasaw Nation
Leanne Guy	Southwest Indigenous Women's Coalition
Norine Hill	Native Women In Need
Dan Hindbjorgen	Chenega Logistics
Kathirine Horne	Shoalwater Bay Indian Tribe
Bear Hughes	Spokane Tribe Family Violence Program
Jessica Imotichey	Iipay Nation of Santa Ysabel
Rachel Johnson	Lower Elwha Klallam Tribe
Paula Julian	National Indigenous Women's Resource Center
Sharon Jones Hayden	Tulalip Tribes
Dee Koester	Women's Spirit Coalition
Elmer Lamson	White Mountain Apache Tribe
Lloyd Lee	Lower Elwha Tribe
Dawnadair Lewis	Women's Spirit Coalition
Mary Lilly	Indian Township Tribal Government
Priscilla Kameroff	Yup'ik Women's Coalition
Melissa McGeshick	Lac Vieux Dessert
Jodie McAdams	Eastern Shoshone Tribe
Robert Miguel	Ak-Chin Indian Community
Shelley Miller	Apache Tribe of Oklahoma
Donna McNamara	Suquamish Tribe
Jami Moran	Sault Ste. Marie Tribe of Chippewa Indians
Carmen O'Leary	Native Women's Society of the Great Plains
Deborah Parker	Tulalip Tribes

Name	Title and Organization
Benita Plain Feather	Montana Native Women's Coalition
Rose Quilt	NIWRC
Leanne Guy	Navajo Nation
Willow Rouillard	Southern Indian Health Council
Theresa Sheldon	Tulalip Tribes
Richard Slats	Chevak Native Village
Sonya Spray	Apache Tribe of Oklahoma
Theodore Pete Stephanoff	Iqurmiut Traditional Council
Sophie Tiffert	Ohogamiut Traditional Council
Tiffany Tutiakoff	Northwest Strategies
Fred Urbina	Pascua Yaqui Tribe
Leah Veeris	Chenega Logistics
Shelley Wachendorf	Makah Tribe
Julia Walton	Aroostook Band of Micmacs
Michael Wolf	Little Traverse Bay Bands of Odawa

APPENDIX 2:

Consultation

Agendas

Pre-Meeting Agenda

Pre-Meetings - November 3, 2015

1:30 – 3:00 p.m. Session One: Criminal Justice Information Services (CJIS) 101

- Trainers: Kimberly Kay Lough, Management and Program Analyst, CJIS
- Kristi A. Knight, Management and Program Analyst, CJIS
- Christopher B. Chaney, Unit Chief, CJILU

The FBI's Criminal Justice Information Services (CJIS) Division serves as the focal point and central repository for criminal justice information services in the FBI. The CJIS Division hosts many programs serving law enforcement and criminal justice agencies across the nation. The presentation will include descriptive summaries of each CJIS Division program to highlight the benefits for criminal justice and law enforcement agency's use, to include a discussion of the legal authorities that tribal governments can use to access FBI criminal history record information.

3:15PM – 5:15 p.m. Training Session: DOJ Tribal Access Program (TAP)

- Trainers: Michael W. Haas, Senior Law Enforcement Advisor, DOJ
- Marcia Hurd, Counsel to the Director, Office of Tribal Justice

The Department of Justice has launched the initial phase of the DOJ Tribal Access Program for National Crime Information (TAP) to provide federally recognized tribes access to national crime information databases for both civil and criminal purposes. TAP will allow tribes to more effectively serve and protect their communities by ensuring the exchange of critical data. TAP will support tribes in analyzing their needs for national crime information and help provide appropriate solutions, including a state-of-the-art biometric/biographic computer workstation with capabilities to process finger and palm prints, take mugshots, and submit records to national databases, as well as the ability to access CJIS systems for criminal and civil purposes through the Department of Justice. TAP will also provide specialized training and assistance for participating tribes. For more information, see: <http://www.justice.gov/tribal/tribal-access-program-tap>.

The DOI's Bureau of Indian Affairs Office of Justice Services launched a Purpose Code X Program that provides tribes with national crime information prior to making child placement decisions in emergency circumstances. Under this BIA companion program, social service agencies of federally recognized tribes will be able to view criminal history information accessed through BIA's Office of Justice Services who will conduct name-based checks in situations where parents are unable to care for their children.

For more information see: <http://www.indianaffairs.gov/cs/groups/public/documents/text/idc1-031473.pdf>

The presentation by OTJ and OCIO will include descriptive summaries of both programs, which highlight the benefits for tribes as well as the process for participation.



Tribal Consultation Agenda

10th Annual Violence Against Women Tribal Consultation

Wednesday, November 4, 2015 9:00 a.m. to 5:00 p.m.

Little Creek Resort

91 West State Route 108

Shelton, WA 98584

360-432-7150

The consultation will take place from 9:00 am to 5:00 pm on November 4, 2015 at the Little Creek Resort Hotel. The purpose of the violence against women government-to-government consultation is to solicit recommendations from tribal government leaders on the following three topics.

Enhancing the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking;

Strengthening the Federal response to the crimes of domestic violence, dating violence, sexual assault, stalking and sex trafficking; and

Administering grant funds appropriated for tribal governments and programs created to benefit tribal governments by the original Violence Against Women Act and subsequent legislation.

The Department of Justice will be joined by our colleagues from the Department of Health and Human Services and the Department of the Interior.

Register for the 9th Annual Violence Against Women Government-to-Government Consultation at www.ovwconsultation.org [external link].

APPENDIX 3:

Written

Testimony

Received

Written Testimony Page References

DOJ accepted written testimony at the consultation event and afterwards, through January 4, 2016. The list below shows tribes that submitted written testimony, and cross references where their testimonies are summarized in the consultation report.

Akiak Native Community, Akiak, Alaska

The Akiak Native Community submitted written testimony by Michael Williams, Secretary and Treasurer. The summary of this testimony begins on [page 46](#).

Apache Tribe of Oklahoma, Anadarko, Oklahoma

The Apache Tribe of Oklahoma submitted written testimony by Lyman Guy, Chairman. The summary of this testimony begins on [page 56](#).

Aroostook Band of Micmacs, Presque Isle, Maine

The Aroostook Band of Micmac Indians submitted written testimony by Jennifer Kiandoli, Vice Chief. The summary of this testimony begins on [page 13](#).

Central Council of Tlingit and Haida Indian Tribes, Juneau, Alaska

The Central Council of Tlingit and Haida Indian Tribes submitted written testimony by Richard J. Peterson, President. The summary of this testimony begins on [page 46](#).

Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon

The Confederated Tribes of the Umatilla Indian Reservation submitted written testimony by Gary Burke, Chairman. The summary of this testimony begins on [page 57](#).

Fort Peck Assiniboine and Sioux Tribe, Poplar, Montana

The Fort Peck Assiniboine and Sioux Tribe submitted written testimony by Floyd Azure, Chairman. The summary of this testimony begins on [page 58](#).

Houlton Band of Maliseet Indians, Houlton, Maine

The Houlton Band of Maliseet Indians submitted written testimony by Brenda Commander, Tribal Chief. The summary of this testimony begins on [page 16](#).

Kewa Pueblo (Pueblo of Santo Domingo), Sandoval County, New Mexico

Kewa Pueblo submitted written testimony by both Kerwin Tenorio and Daniel Coriz, Tribal Officials. The summary of this testimony begins on [page 19](#).

Klawock Cooperative Association, Tribe, Klawock, Alaska

The Klawock Cooperative Association submitted written testimony by Lawrence Armour, Tribal Administrator. The summary of this testimony begins on [page 46](#). Additional comments from this tribe can be found on [page 55](#).

Muckleshoot Indian Tribe, Auburn, Washington

The Muckleshoot Tribal Council submitted written testimony. The summary of this testimony begins on [page 59](#).

Native Village of Anvik, Anvik, Alaska

The Native Village of Anvik submitted written testimony by Carl Jerue, First Chief of Anvik. The summary of this testimony begins on [page 46](#). Additional comments from this tribe can be found on [page 56](#).

Native Village of Emmonak, Emmonak, Alaska

The Emmonak Tribe submitted written testimony by Martha Kelly, Tribal Council. The summary of this testimony begins on [page 46](#). Additional comments from this tribe can be found on [page 56](#).

Native Village of Nunam Iqua, Nunam Iqua, Alaska

The Native Village of Nunam Iqua submitted testimony by Andrew Stern, Tribal Council President. The summary of this testimony begins on [page 46](#). Additional comments from this tribe can be found on [page 56](#).

Nottawaseppi Huron Band of the Pottawatomi, Fulton, Michigan

Nottawaseppi Huron Band of the Pottawatomi submitted written testimony by Elizabeth Cook, Staff Attorney. The summary of this testimony begins on [page 60](#).

Organized Village of Kake, Kake, Alaska

The Organized Village of Kake submitted written testimony by Lincoln Bean, Council Member and Domestic Violence Committee Member. The summary of this testimony begins on [page 46](#). Additional comments from this tribe can be found on [page 56](#).

Pascua Yaqui Tribe, Pima County, Arizona

The Pascua Yaqui Tribe submitted written testimony by Raymond Buelna, Tribal Councilman. The summary of this testimony begins on [page 10](#).

Santa Clara Pueblo, Rio Arriba County, New Mexico

The Santa Clara Pueblo submitted written testimony by J. Michael Chavarria, Governor. The summary of this testimony begins on [page 21](#).

Swinomish Indian Tribal Community, La Conner, Washington

The Swinomish Indian Tribal Community submitted written testimony by Brian Cladoosby, Chairman. The summary of this testimony begins on [page 62](#).

APPENDIX 4:

Consultation

Framing Papers



September 2015

Consultation Question 1: Should the Office on Violence Against Women (OVW) and the Bureau of Justice Assistance (BJA), in the absence of a FY 2016 Congressional appropriation, set aside funds from OVW's Grants to Indian Tribal Governments Program (CTAS Purpose Area 5) and BJA's Indian Assistance funding (CTAS Purpose Areas 3 and 4) to support tribes who wish to exercise special domestic violence criminal jurisdiction (SDVCJ)?

Consultation Question 2: How much funding should be set aside from OVW's Tribal Governments' Program and BJA's Indian Assistance funding for this SDVCJ program?

Consultation Question 3: Given that there may be very limited funding available in FY 2016, should there be any restrictions on which federally recognized tribes may apply for this SDVCJ program? For example, should eligibility be limited to tribes with Indian country? To those with law enforcement? To those with tribal courts? To those who are ready to or already have implemented SDVCJ? To those who have participated in the Inter-Tribal Technical Assistance Working Group on SDVCJ?

Consultation Question 4: What activities should be funded through this SDVCJ program?

Consultation Question 5: If available, would your tribe be interested in seeking a grant to help exercise SDVCJ? If so, what additional steps would your tribe need to take to be ready to begin exercising SDVCJ? Or, has your tribe already implemented SDVCJ?

BACKGROUND

Rates of domestic violence against Native women in Indian country are among the highest in the United States. Since the Supreme Court's 1978 opinion in *Oliphant v. Suquamish Indian Tribe*, however, tribes have been prohibited from exercising criminal jurisdiction over non-Indian defendants. This included domestic violence and dating violence committed by non-Indian abusers against their Indian spouses, intimate partners, and dating partners.

On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), which includes an historic provision to address the jurisdictional loophole that has left many Native American women without sufficient protection. The Act recognizes the inherent power of "participating tribes" to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over both Indians and non-Indians who commit violence against Indian spouses, intimate partners, or dating partners, or who violate protection orders, in Indian country. The Act also specifies the rights that a participating tribe must provide to defendants in SDVCJ cases.



September 2015

Under VAWA 2013, tribes generally could not exercise SDVCJ until March 7, 2015 (two years after the date of the statute's enactment). The Act, however, established a "Pilot Project" that authorized the Attorney General to grant a tribe's request to be designated as a "participating tribe" on an accelerated basis. Prior to March 7, 2015, five tribes were designated as pilot tribes under this authority. Since that date, the Department has been informed that an additional three tribes have implemented SDVCJ.

In June, 2013, the Department established an Intertribal Technical-Assistance Working Group on SDVCJ (ITWG) to exchange views, information, and advice about how tribes can best exercise SDVCJ, combat domestic violence, recognize victims' rights and safety needs, and fully protect defendants' rights. Approximately 40 tribes have voluntarily joined the ITWG. Through awards to the National Congress of American Indians (NCAI) by the Office on Violence Against Women (OVW) and to the Tribal Law and Policy Institute by the Bureau of Justice Assistance (BJA), the Department is supporting the ITWG with training and technical assistance.

In working with the pilot tribes and members of the ITWG, the Department has heard repeatedly about the substantial costs that tribes that choose to exercise SDVCJ have incurred or will incur in assuming this new responsibility. These many costs include the expenses of updating criminal codes, providing counsel to indigent defendants, changing and managing jury pools to meet the requirements of the Act, hiring law-trained prosecutors and judges, enhancing pre-trial services, probation and parole, serving victims, and incarcerating non-Indians (including providing those individuals with health care).

Section 904 of VAWA 2013 authorized \$5 million annually for the Attorney General to award grants to tribal governments and their authorized designees to assist tribes who choose to exercise SDVCJ. To date, Congress has not appropriated funding for this purpose, and the eight tribes that have implemented SDVCJ have done so without a designated source of federal funding. To support tribes that wish to implement and exercise this new jurisdiction, the President's FY 2016 Budget requested \$5 million for the new SDVCJ grant program. At the present time, we cannot know whether Congress will appropriate funds for this purpose.

Furthermore, in the FY 2015 Coordinated Tribal Assistance Solicitation (CTAS), the Department announced that funding from CTAS Purpose Areas 3 (BJA Tribal Courts Assistance program and Indian Alcohol and Substance Abuse Prevention program) and 5 (OVW –Violence Against Women Tribal Governments program) could be used for tribal SDVCJ implementation. The Department recognizes, however, that other factors limited the practical availability of CTAS funding for this purpose: in particular, some tribes with open CTAS awards could not apply for new projects under Purpose Areas 5, while other tribes would have had to choose between continuing existing, valuable projects funded through Purpose Areas 3 and 5 and seeking funds to implement SDVCJ in their communities.

In the absence of a Congressional authorization and faced with the limitations on relying on current CTAS Purpose Areas, Ovw and BJA have begun examining ways that they can support



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tribes that wish to implement the new jurisdiction. Before taking any steps that would affect the Department's administration of funding for tribes, however, OVW and BJA have agreed to consult with tribal leaders about their ideas for funding SDVCJ implementation in FY 2016. To meet the deadlines of the grant-making cycle in FY 2016, the two components have developed this framing paper to solicit tribal input through three listening sessions and two in-person tribal consultation sessions:

- 1) Conference Call with Tribal Leaders, 3:30 p.m. Eastern Time, October 5, 2015
- 2) Conference Call with Tribal Leaders, 3:30 p.m. Eastern Time, October 13, 2015
- 3) NCAI 72nd Annual Convention, October 18, 2015, 1 p.m. Pacific Time, Town and Country Resort, San Diego, CA
- 4) Listening Session with ITWG Members, November 2, 2015, Little Creek Resort, Squaxin Island Reservation, Shelton, WA
- 5) Tenth Annual VAWA Tribal Consultation, November 4, 2015, Little Creek Resort, Squaxin Island Reservation, Shelton, WA

QUESTIONS

Consultation Question 1: Should the Office on Violence Against Women (OVW) and the Bureau of Justice Assistance (BJA), in the absence of a FY 2016 Congressional appropriation, set aside funds from OVW's Grants to Indian Tribal Governments Program (CTAS Purpose Area 5) and BJA's Indian Assistance funding (CTAS Purpose Areas 3 and 4) to support tribes who wish to exercise special domestic violence criminal jurisdiction (SDVCJ)?

The Department's first question for tribal leaders is whether the Department should set aside funding from these two existing funding sources for a SDVCJ program or CTAS Purpose Area. As discussed above, the FY 2015 CTAS noted that funding from both Purpose Areas 3 and 5 could be used for activities related to implementation of SDVCJ. CTAS Purpose Area 5 further explained that, although tribes could use this funding for activities necessary to implement SDVCJ, OVW funds cannot be used to fund criminal defense related activities. Thus, although OVW's Purpose Area 5 funding can be used to fund a wide range of criminal justice interventions and victim services involving violence against women, it is not available to provide counsel to indigent defendants, which is a critical requirement for any tribe choosing to exercise SDVCJ. Accordingly, an OVW Tribal Governments award alone could not address all tribal needs in exercising SDVCJ. To make awards that can address indigent defense, the Department would have to include monies from the more flexible Indian Assistance funding stream.



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Consultation Question 2: How much funding should be set aside from OVW's Tribal Governments' Program and BJA's Indian Assistance funding for this SDVCJ program?

In FY 2015, Congress appropriated \$30,000,000 for assistance to Indian tribes, which BJA administered through CTAS Purpose Areas 2, 3, and 4, the Tribal Civil and Criminal Legal Assistance (TCCLA) program and training and technical assistance for tribes. That same year, OVW's Tribal Government's Program (Purpose Area 5), which does not have a direct appropriation, received \$35,465,000 set aside by statute from seven other OVW grant programs. These two funding sources were available to support tribal grants across a wide range of purposes, including enhancing tribal justice systems generally, responding to alcohol- and substance abuse-related crimes, developing substance abuse prevention and treatment programs, renovating correctional facilities and multipurpose justice centers, developing correctional alternatives, and enhancing tribal response to violent crimes against Indian women, including domestic violence, sexual assault, dating violence, stalking, and sex trafficking. Although the Department does not know what funding levels will be in FY 2016, we ask that tribal leaders consider that approximately \$60 million will again be made available for these purposes.

Consultation Question 3: Given that there may be very limited funding available in FY 2016, should there be any restrictions on which federally recognized tribes may apply for this SDVCJ program? For example, should eligibility be limited to tribes with Indian country? To those with law enforcement? To those with tribal courts? To those who are ready to or already have implemented SDVCJ? To those who have participated in the Inter-Tribal Technical Assistance Working Group on SDVCJ?

Because of the many tribal needs for funding from Indian Assistance and the Tribal Governments programs, the Department likely will have very limited funding available for a SDVCJ program in FY 2016. The Department therefore asks tribal leaders to consider whether it should impose restrictions on tribal eligibility for any such program. For example, only tribes with Indian country may exercise SDVCJ. Would it therefore be appropriate to restrict program eligibility to tribes with Indian country? Or, given that a tribe will have to have certain components of a criminal justice system in place before exercising SDVCJ, would it be appropriate to limit eligibility to tribes that have law enforcement and courts? Are there any other limits on tribal eligibility that the Department should consider?

Consultation Question 4: What activities should be funded through this SDVCJ program?

In VAWA 2013, Congress authorized the Attorney General to make grants to assist tribes in exercising SDVCJ, including funding law enforcement, prosecution, trial and appellate courts, probation systems, detention and correctional facilities, alternative rehabilitation centers, services for victims and their families, criminal code and rule development, counsel for indigent defendants, jury procedures, and support for victims' rights. *See 25 U.S. C. § 1304(f).* Many



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(but not all) of these activities, if they involve domestic violence, dating violence, sexual assault, stalking and sex trafficking, could be supported by OVW's Tribal Governments Program. All of these activities could be supported by BJA's Indian Assistance. The Department seeks input from tribal leaders about whether this statutory grant program encompasses the costs that they anticipate incurring (or have incurred) in exercising SDVJC. Are there other activities that should be included?

Consultation Question 5: If available, would your tribe be interested in seeking a grant to help exercise SDVCJ? If so, what additional steps would your tribe need to take to be ready to begin exercising SDVCJ? Or, has your tribe already implemented SDVCJ?

For planning purposes, it would be immensely helpful for BJA and OVW to know more about how many tribes might be interested in seeking a grant to support exercise of SDVCJ and what their needs are likely to be. For example, some tribes may need funding to start the process of assessing their readiness for SDVCJ; others have already begun implementation. We greatly appreciate any information that tribal leaders can provide about their level of interest and what their tribes may need funding to accomplish.



Family Violence Prevention & Services Program

***Family Violence Prevention and Services
Family and Youth Services Bureau
Administration on Children, Youth and Families
Administration on Children and Families***

Issue: We are interested in learning from tribal leaders how the Family Violence Prevention and Services Act (FVPSA) FVPSA program might improve its tribal grant funding formula to ensure award amounts are more evenly distributed.

Consultation Question: *Should the allocation formula for FVPSA Tribal Grants be adjusted to establish a base funding? What funding level would be sufficient for a minimum award?*

Consultation Question: *Should the FVPSA Program phase in increased minimum funding levels when there is an increase in funding to prevent reductions in funding for current grantees with larger populations? Are there other considerations in recalculating the tribal formula that tribal leaders would have us consider and address?*

Improving FVPSA's Tribal Funding Formula

Background

In partnership with the Office on Violence Against Women (OVW) and the Office of Justice Programs (OJP), the Family Violence Prevention and Services Act (FVPSA) Program participated in the annual government-to-government consultations in 2012, 2013 and 2014 to solicit recommendations from Tribes concerning FVPSA's funding formula. This consultation is to provide an update on ACYF's efforts to simplify FVPSA's awarding process and to solicit additional recommendations concerning FVPSA's funding formula.

Overview

The Family Violence Prevention and Services Act (FVPSA) was first authorized in 1984 and continues to be the federal government's primary funding source dedicated to domestic violence shelters and services. Under FVPSA Grants for Indian Tribes, a ten percent (10%) set aside is available to federally recognized Tribes (including Alaska Native Villages) and tribal organizations.

Current Formula

FVPSA grants for Indian Tribes are non-competitive formula grants and which are based on tribal population and the number of tribes applying.

Population: Currently, a base allocation is determined by tribal population and the application of a funds allocation schedule. Populations between 1 – 50,000 receive a

\$2,500 base allocation for the first 1,500 people. The base allocation is increased by \$1,000 for each additional 1,000 people above the 1,500 person minimum. Populations between 40,001 to 100,000 receive a \$125,000 base allocation. Populations of 100,001 to 150,000 receive a \$175,000 base allocation.

Category Allocation: Following distribution of the base allocation, the remaining funds are distributed according to a tribal population ratio.

Within the past 5 years, minimum FVPSA award amounts to tribes have decreased from approximately \$25,000 to as low as \$14,000. Several factors have contributed to this significant decline. 1.) The change in population counts from the 2000 U.S. Census to the 2010 Census. 2.) FVPSA's appropriation has remained fairly level. 3.) The number of tribes receiving FVPSA funding has increased from approximately 200 to 274.

Raising the Funding Base Amount

In previous government-to-government consultations, it was recommended that the FVPSA program establish a minimum award amount of \$25,000 to ensure grantees are able to establish and/or maintain a basic crisis response for victims of domestic violence and support grant administration requirements.

Below is a sample of 3 funding scenarios and how each shifts awards. The first column reflects the use of FVPSA's current funding formula and allocation. The 3rd column uses a minimum base amount of \$25,000 at the current funding level. Column 5 shows the impact of the \$25,000 base award with a \$1 million increase in total funding. Although not demonstrated in this sample, award amounts may also fluctuate if the number of tribal applications increases or decreases.

Current Funding Formula & Allocation (\$13.5M)	Number of Tribes in this Category	Base 25k + Current Allocation (\$13.5M)	Difference	Base 25k + \$14.5M	Difference (compared to amounts in the first column)
\$16,387	165	\$25,249	\$8,862	\$25,173	\$8,786
\$22,941	22	\$25,249	\$2,308	\$28,320	\$5,379
\$29,496	9	\$26,511	(\$2,985)	\$29,894	\$398
\$36,050	7	\$27,774	(\$8,274)	\$33,040	(\$3,010)
\$42,605	2	\$32,823	(\$9,782)	\$40,907	(\$1,698)
\$49,160	8	\$37,873	(\$11,287)	\$47,200	(\$1,960)
\$55,714	1	\$42,923	(\$12,791)	\$53,494	(\$2,220)
\$62,269	2	\$47,972	(\$14,297)	\$59,787	(\$2,482)
\$68,823	4	\$53,022	(\$15,801)	\$66,080	(\$2,743)
\$85,210	6	\$65,646	(\$19,564)	\$81,814	(\$3,396)
\$124,537	1	\$95,945	(\$28,592)	\$119,574	(\$4,963)
\$190,083	1	\$146,442	(\$43,641)	\$182,508	(\$7,575)
\$216,302	1	\$166,641	(\$49,661)	\$207,682	(\$8,620)
\$242,520	1	\$186,840	(\$55,680)	\$232,855	(\$9,665)
\$321,175	2	\$247,437	(\$73,738)	\$308,376	(\$12,799)
\$819,325	1	\$631,216	(\$188,109)	\$786,672	(\$32,653)
\$1,474,785	4	\$1,136,189	(\$338,596)	\$1,416,010	(\$58,775)

Tribal Comment Submission Details

ACYF looks forward to receiving tribal comments on FVPSA's funding formula for federally recognized Tribes and tribal organizations. Comments may be sent via e-mail to Shena.Williams@acf.hhs.gov.

The deadline for comment submission is **December 21, 2015**.

For telephone inquiry, contact Shena R. Williams at 202-205-5932.

Next Steps

Following this consultation and review of comments, ACYF will provide a written summary and response to the comments by **March 21, 2016**.



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2015 TRIBAL CONSULTATION
ON VIOLENCE AGAINST WOMEN