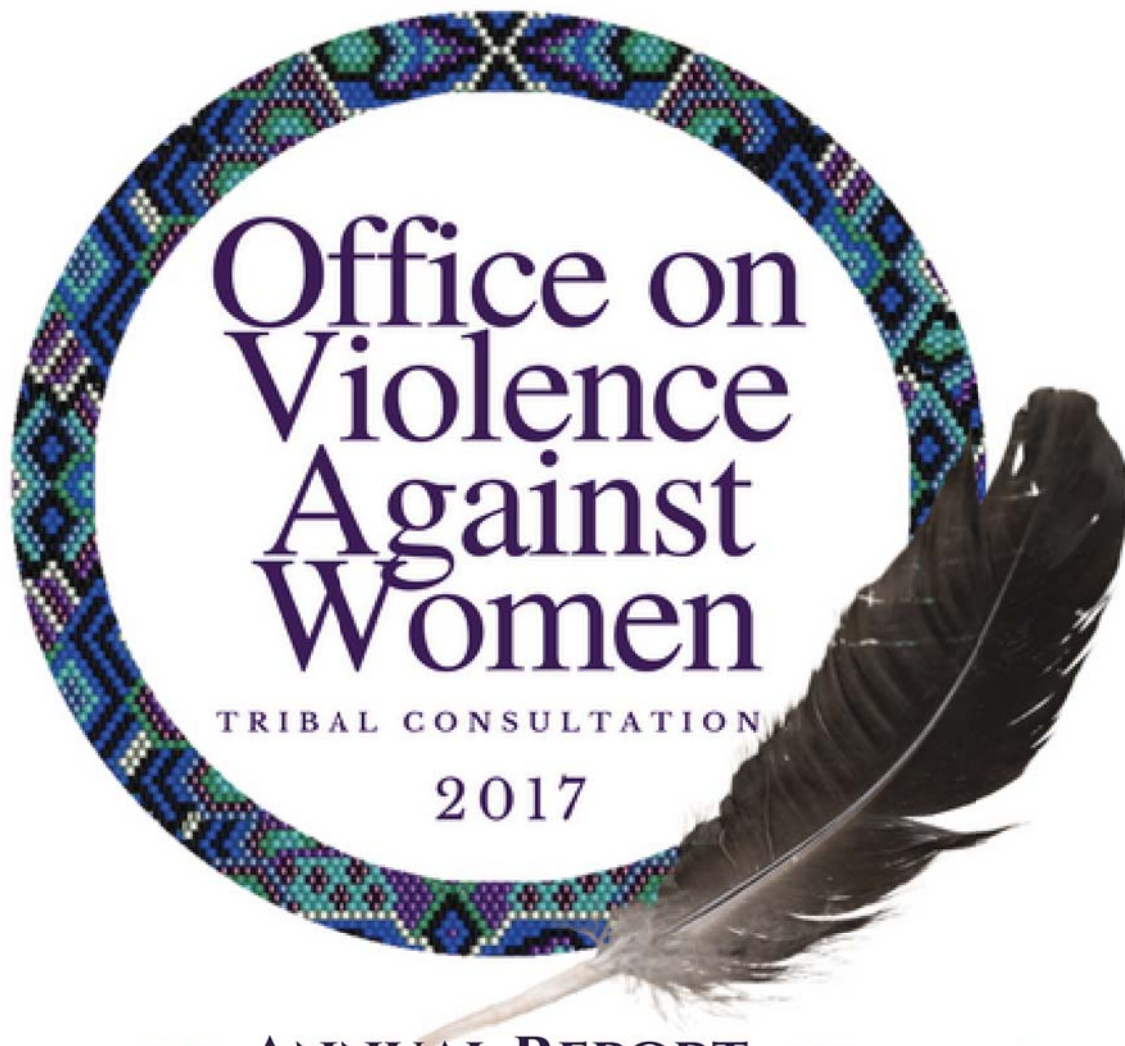


UNITED STATES DEPARTMENT OF JUSTICE



← « ANNUAL REPORT » →



WORKING TOGETHER TO END THE VIOLENCE



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

2017 Tribal Consultation Report

Fountain Hills, AZ  
October 3–4, 2017

## Acronyms and Definitions

Acronym	Definition
ANCSA	Alaska Native Claims Settlement Act
BIA	Bureau of Indian Affairs
BOP	Bureau of Prisons
CTAS	Coordinated Tribal Assistance Solicitation
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
FBI	Federal Bureau of Investigation
FVPSA	Family Violence Prevention and Services Act
GAO	U.S. Government Accountability Office
HHS	U.S. Department of Health and Human Services
IHS	Indian Health Service
ILOC	Indian Law and Order Commission
LAV	Legal assistance for victims
NCAI	National Congress of American Indians
NCIC	National Crime Information Center
NIJ	National Institute of Justice
OJP	Office of Justice Programs
OTJ	Office of Tribal Justice
OVW	Office on Violence Against Women
P.L. 280	Public Law 280
SANE	Sexual assault nurse examiner
SART	Sexual assault response team
STOP	Services, Training, Officers, Prosecutors (STOP) Violence Against Women formula grant
TAP	Tribal Access Program
TLOA	Tribal Law and Order Act
TTA	Training and technical assistance
VAWA	Violence Against Women Act
VOCA	Victims of Crime Act

# Table of Contents

Acronyms and Definitions.....	ii
Introduction .....	1
Tribal Consultation Event.....	1
Welcome and Opening Remarks .....	1
Welcoming Remarks .....	1
Update from Previous Consultation .....	2
Introduction of Federal Partners .....	3
Consultation Questions .....	4
Tribal Testimony.....	5
Akiak Native Community.....	5
Alaska Native Villages: Combined Recommendations.....	6
Cahuilla Band of Indians.....	9
Central Council of Tlingit and Haida Indian Tribes of Alaska.....	10
Confederated Tribes of Grand Ronde.....	12
Confederated Tribes of the Umatilla Reservation.....	13
Eastern Shawnee Tribe of Oklahoma.....	15
Emmonak Tribe.....	16
Fort McDowell Yavapai Nation.....	17
Gila River Indian Community.....	18
Great Plains Tribal Chairman’s Association.....	19
Hopi Tribe.....	21
Hualapai Tribe .....	22
Karuk Tribe .....	23
Ketchikan Indian Community .....	24
La Jolla Band of Luiseño Indians .....	26
Lac Courte Oreilles Band of Lake Superior Chippewa Indians.....	27
Little Traverse Bay Bands of Odawa Indians .....	28
Lower Brule Sioux Tribe .....	30
Lower Elwha Klallam Tribe .....	32
Lummi Nation .....	33
Muscogee (Creek) Nation .....	36
Native Village of Bill Moore Slough .....	38





Native Village of Tetlin .....	39
Navajo Nation.....	40
Northern Arapaho Tribe.....	43
Oneida Nation of Wisconsin.....	44
Organized Village of Kake.....	44
Pauma Band of Luiseño Indians.....	45
Ponca Tribe of Oklahoma.....	47
Pueblo of Zuni.....	48
Red Lake Band of Chippewa Indians.....	49
Rosebud Sioux Tribe .....	50
San Carlos Apache Tribe.....	51
Sault Ste. Marie Tribe of Chippewa Indians .....	52
Shoshone-Bannock Tribes.....	54
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation.....	56
Three Affiliated Tribes.....	58
Tulalip Tribes .....	60
Wabanaki Tribes of Maine .....	61
Wampanoag Tribe of Gay Head (Aquinnah) .....	63
Yavapai Apache Nation .....	64
Yurok Tribe .....	65
Closing Remarks .....	67
Written Testimony .....	67
Apache Tribe of Oklahoma .....	67
Asa’carsarmiut Tribe.....	70
Chippewa Cree Tribe .....	72
Kenaitze Indian Tribe .....	73
Little River Band of Ottawa Indians.....	76
Nottawaseppi Huron Band of the Potawatomi.....	78
Osage Nation.....	81
Pascua Yaqui Tribe.....	83
Rincon Band of Luiseño Indians .....	85
White Earth Nation.....	87
Appendix A. Tribal Consultation Participants .....	i

Tribal Delegates..... i  
Federal and State Representatives..... vi  
Other Attendees..... vii  
Appendix B. Consultation Agenda..... ix  
Appendix C. Consultation Framing Papers ..... i







# Illustrations

Photo II-child..... cover.  
 Photo III-woman.....cover.

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## Introduction

The Violence Against Women Act (VAWA) provided a framework for the federal government to respond to violence against women and improve services for victims. First passed in 1994, VAWA was reauthorized in 2000, 2005, and 2013. VAWA authorizes programs and funding that help protect American Indian and Alaska Native (AI/AN) women and promote justice in tribal communities. The 2005 and 2013 reauthorizations include provisions specifically intended to address violence against AI/AN women. In acknowledgement of tribal sovereignty, Title IX of VAWA aims to support tribes in building capacity to respond to violent crimes against AI/AN women.

Since 2005, VAWA has also mandated the Attorney General to conduct annual government-to-government consultations with tribal nations regarding the administration of VAWA funds and programs. The U.S. Departments of Justice (DOJ), Health and Human Services (HHS), and the Interior (DOI) are required to seek recommendations from tribal nations regarding:

1. Enhancing the safety of AI/AN women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking;
2. Strengthening the federal response to these crimes; and
3. Administering funds and programs for tribal governments established by VAWA and subsequent legislation.

To gather tribal feedback in fulfillment of this requirement, the DOJ Office on Violence Against Women (OVW) and other federal partners held the 2017 Annual Government-to-Government Violence Against Women Tribal Consultation. Testimony provided by tribal leaders and their delegates during the consultation event is summarized in this report.

## Tribal Consultation Event

OVW held its 12th annual Government-to-Government Violence Against Women Tribal Consultation on October 3 through 4, 2017, in Fountain Hills, AZ. The Fort McDowell Yavapai Nation hosted the event at the We-Ko-Pa Resort and Conference Center. Of the attendees, 160 tribal representatives, 34 federal representatives, and 36 other attendees participated in the tribal consultation.

### Welcome and Opening Remarks

To begin the tribal consultation, the Fort McDowell Veterans Color Guard, staffed by Antonio Armenta, posted the colors. Albert Cornelius “Corn” Nelson, Fort McDowell Cultural Department Coordinator, and a host drum performed an honoring song. Tom Jones, Fort McDowell Yavapai Nation Elder, provided an opening prayer.

The Southwest Indigenous Women’s Coalition presented a shawl ceremony to honor victims of violence. Members of the coalition placed shawls on seven empty chairs to represent victims of violence: women, children, elders, members of the LGBTQ community, the missing and murdered, people with disabilities, and men. A poem was read for each shawl presented.


### Welcoming Remarks

*Sherriann Moore (Rosebud Sicangu’ Lakota), Deputy Director for Tribal Affairs, OVW*

Ms. Moore welcomed participants to the tribal consultation and reviewed the day’s agenda.



*The Honorable Pansy Thomas, Vice President, Fort McDowell Yavapai Nation*



Vice President Thomas thanked the participants for attending. She shared that the previous year's tribal consultation on violence against AI/AN women was the first of these consultations that she attended. She recalled learning a lot from the testimony and hearing pain in the voices of those who spoke. She noted that all tribes are unique, and that the support they seek cannot follow a uniform approach. While some tribes have large memberships and others are small, all tribes are affected in some way by violence. All the tribal representatives attended the consultation to ask for support and funding to address violence in their communities. Vice President Thomas said that tribes have ideas for how to create effective programs for their own communities, and questioned why those ideas need to be approved by someone else first. She remarked on the importance of violence prevention activities. Tribal leaders often advise returning to traditional teachings and spiritual ways to help prevent violence, but tribes need support in this endeavor. She observed that some of the tribal consultation participants have attended these consultations for many years and continue to face the same issues. She expressed concern that eventually they may lose hope and fall silent. Vice President Thomas thanked the federal representatives for attending and listening to the tribal testimony.

**Update from Previous Consultation**


The 11th annual Government-to-Government Violence Against Women Tribal Consultation was held December 6, 2016. A comprehensive update on the status of the 2016 tribal consultation recommendations and actions DOJ, HHS, and DOI have taken in response is available at <https://www.justice.gov/ovw>



*Nadine M. Neufville, Acting Director, OVW*

Ms. Neufville welcomed participants to the tribal consultation and expressed that she felt honored to hear from leaders of tribal nations about how OVW can better assist them. She stated that OVW takes all tribal comments and recommendations very seriously, though determining how to respond sometimes takes a significant length of time. During the previous annual consultation, tribal representatives requested that the 2017 tribal consultation be held earlier in the year to ensure tribal input would influence future solicitations. In response, the 2017 tribal consultation was held a few months earlier than in the previous year. Ms. Neufville encouraged tribal representatives to provide comments, including submitting written comments following the event.

In response to requests for specialized training and technical assistance (TTA) for Alaska Native villages, OVW has funded the Alaska Native Women's Resource Center, which provides direct TTA. DOJ has developed federal, state, and tribal educational resources on working specifically with Alaska Native villages and has begun to implement these resources as part of the TTA.



Tribes also described a need for facilitation of tribal-state relationships to improve tribal access to funds managed by states. To address this need, OVW funded a TTA initiative with states to promote adequate coordination with tribes. While some progress has been achieved, OVW will continue to focus on this issue and would like to know about specific challenges tribes may encounter in working with states.

## Introduction of Federal Partners

Ms. Moore facilitated the introduction of federal participants in the tribal consultation. The following representatives from DOJ attended the consultation.

- **Eugenia Tyner-Dawson** (Sac and Fox Nation), Senior Advisor for Tribal Affairs, Office of Justice Programs
- **Allison Turkel**, Deputy Director, Office for Victims of Crime
- **Dr. Howard Spivak**, Deputy Director, National Institute of Justice
- **Eileen Garry**, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention
- **Marcia Good**, Senior Counsel to the Director, Office of Tribal Justice
- **Mary Thomas**, Director of Policy, Office of the Assistant Attorney General for the Office of Justice Programs

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


- **Dr. Beverly Cotton** (Mississippi Band of Choctaw Indians), Director, Division of Behavioral Health, Indian Health Service
- **Alfred Urbina** (Pascua Yaqui Tribe); Deputy Associate Director, Tribal Justice Support; Office of Justice Services, Bureau of Indian Affairs
- **Kenya Fairley**, Program Manager, Family Violence Prevention and Services Program, HHS
- **Shena Williams**, Senior Project Officer, Family Violence Prevention and Services Program, HHS

## Opening Remarks

### *Mary Thomas*

As the principal federal official presiding for the majority of the tribal consultation, Mary Thomas provided opening remarks. She stated that she will work closely with all Office of Justice Programs (OJP) offices on tribal affairs issues to ensure tribal needs are met and said that the Trump Administration is committed to tribal affairs. She expressed gratitude for the opportunity to participate in the tribal consultation. Ms. Thomas noted that an honest exchange between federal and tribal leaders is critical to the health of communities and the safety of all citizens. She stated that DOJ is committed to providing the tools tribal officials need to protect their communities.

Ms. Thomas announced that DOJ will initiate a tribal consultation process to receive tribal input on tribal set-aside funding and comments on OJP's administration of tribal grants for law enforcement, criminal justice, and victim services funding. This process will involve in-person tribal consultation, listening sessions, discussions via teleconference, and an email inbox for receiving written comments. Listening sessions will be held on October 18 in Milwaukee, WI, in conjunction with the National Congress of American Indians (NCAI) annual convention and in Palm Springs, CA, on December 6. On February 16, 2018, DOJ will hold a formal tribal consultation on these topics in conjunction with the NCAI winter session in Washington, DC. Ms. Thomas invited all participants to join the dialogue and thanked them for attending the Government-to-Government Violence Against Women Tribal Consultation.

  
*The Honorable Rachel L. Brand, Associate Attorney General*


After listening to several Tribal Leaders testify at the Department of Justice Annual Government to Government Violence Against Women Tribal Consultation, Associate Attorney General Rachel Brand addressed the Tribal Consultation. Ms. Brand remarked that addressing violence against women is a priority to her and her office. Ms. Brand stated that DOJ is committed to stopping the domestic violence and sexual assault that disproportionately affect AI/AN women. OJP and OVW programs award over \$55 million to tribes to support them in responding to domestic violence, sexual assault, stalking, and dating violence. However, the commitment to responding to violence in Indian Country does not end there. DOJ plans to expand the Tribal Access Program (TAP), which provides tribes with access to crime information databases. DOJ is committed to raising awareness of domestic violence and sexual assault and addressing the underlying reasons for these crimes against AI/AN women and girls.




### Consultation Questions

Tribal representatives were asked to respond to the tribal consultation questions contained in the consultation framing paper on human trafficking, as follows.

#### *Research and Statistics*

- 
- What mechanisms would tribes recommend for collecting more data and information on the prevalence and nature of trafficking of American Indians and Alaska Natives, both within and outside of tribal communities, and on the needs of victims?
  - How do tribes view the costs and benefits of collecting non-representative and potentially identifying data on victims from federal grantees?
  - What other sources of data should be explored so that the data collected actually could generate prevalence estimates and other information on the scope of the problem?
  - What solutions would tribes recommend for increasing the reliability of data collected on Native status and for preventing misidentification of Native victims?
  - Should research focus on all forms of human trafficking or specifically on sex trafficking?
  - What other areas of research, beyond obtaining prevalence estimates of AI/AN victimization, should be funded?
  - Should research focus on identifying who is trafficking AI/AN victims (e.g., parent/guardian, third party), as well as traffickers' recruitment tactics and harm to victims? Should research also focus on effective strategies for preventing trafficking of AI/AN individuals and serving AI/AN victims in a culturally appropriate manner?
  - Is it possible to prioritize the areas for further research or are they all equally important?

#### *Training and Technical Assistance*

- 
- What additional types of training and technical assistance should DOJ consider funding that would be helpful to tribes and tribal organizations in addressing sex trafficking and labor trafficking?
  - What additional types of training and technical assistance are needed for non-tribal grantees working on trafficking issues and for other entities that may encounter American Indian or Alaska Native victims but are not specifically focused on trafficking (such as law enforcement, homeless shelters, and medical and mental health providers)?



- Do the needs differ depending on whether the focus of the training and technical assistance is only on sex trafficking or on both sex and labor trafficking?

## Tribal Testimony

Following the opening remarks, tribal consultation participants shared testimony regarding the administration of OVW programs and funds and tribal needs related to addressing violence. Testimony is summarized below and accompanied by each representative's name, title, and tribal or organizational affiliation. Testimony is summarized in the following sections, alphabetized by the tribe or organization name. Some of the tribes represented at the tribal consultation also submitted written testimony to expand upon the comments they provided at the event. Content from these written statements is integrated into the summarized testimony below. Several tribes sent multiple representatives to provide testimony at the tribal consultation. In total, **46 speakers** presented testimony on behalf of **42 tribes and organizations**.

### Akiak Native Community

*Michael Williams, Tribal Council*

My village has a population of about 350 people who live a subsistence lifestyle. Weather dictates access into and out of our village and communication with law enforcement.

We operate a program supported by OVW to strengthen the tribe's response to violence against women. We are excited about the local solutions to violence that will be available through the Alaska Native Women's Resource Center. We ask DOJ and DOI to support the center through TTA funding.

### Barriers to Safety and Justice

The Federal Bureau of Investigation (FBI) Uniform Crime Report showed that 59 percent of Alaskan women report sexual victimization, with Alaska Native women making up 61 percent of rape victims. These numbers are conservative, since reported rapes account for only a portion of overall incidents.

A tribal citizen in Galena, AK, said, "Every woman you've met today has been raped." Declaring a state of emergency in Alaska may be a warranted response.

The Office of Tribal Justice (OTJ) held tribal consultations in Alaska last summer to develop a public safety plan. We need to see the results of those discussions and continue to work together to identify solutions to the barriers we face. We are struggling with:

- a lack of federal and state assistance for local, tribally defined services to respond to the high rates of domestic violence, sexual assault, and sex trafficking of our people;
- suicides and homicides by those victimized as children; and
- state and federal government failures to carry out the trust responsibility to tribal nations.

Only 8 of the 56 Yupik tribes in our region have victim protective services. The federal government is failing to meet the legal, moral, and financial obligations under U.S. laws and the United Nations Declaration on the Rights of Indigenous Peoples. In 1993, our health aides were told they would receive training on conducting forensic examinations, but the training never happened. In October 2016, the state of Alaska received a million dollars to test 3,600 untested rape kits. We have yet to hear the results from that funding. Current Family Violence Prevention and Services Act (FVPSA) funding levels are inadequate for sustaining services.



## Recommendations

- Design TTA specifically to address Yupik and other Alaska Native villages.
- Support amendments to FVPSA to increase funding to domestic violence shelter and supportive services.
- Advocate for an increased Victims of Crime Act (VOCA) funding cap and support efforts to create a tribal government allocation.

*Additional comments and recommendations from Akiak Native Community are listed under the combined Alaska Native Villages' testimony below.*

## Alaska Native Villages: Combined Recommendations

Several Alaska Native villages presented overarching concerns and recommendations that apply to Native villages across Alaska. These Alaska Native villages included:

- **Akiak Native Community**
- **Emmonak Tribe**
- **Native Village of Tetlin**

These villages voiced support for recommendations developed by the NCAI Violence Against Women Task Force. Their shared recommendations are summarized below, and the unique elements of their testimonies are covered under their individual sections of the report.



### Developing Local Response

Law enforcement response in rural Alaska is consistently inadequate. There is a lack of infrastructure for addressing the extreme levels of domestic and sexual violence in Alaska's villages. The state of Alaska has failed to provide adequate, timely law enforcement and judicial service to rural Alaska. This failure falls short of the United States' commitments under the United Nations Declaration on the Rights of Indigenous Peoples.

Alaska Native villages must rely on state troopers for law enforcement response who may be hours or days away. This distance often makes adequate, timely law enforcement response impossible.

We strongly support the Indian Law and Order Commission (ILOC) recommendation to recognize local control regarding the public safety and welfare of tribes and villages. Alaska's current generalized law enforcement and justice systems do not work for remote Alaska villages. Developing local response is the only way to ensure the safety of Alaska Native women and children against all forms of violence, since it capitalizes on local knowledge of how to best prevent crime and disorder.

*"Law enforcement that is created and administered by Alaska tribes will be more responsive to the needs of our village, allowing for greater local control, responsibility, and accountability."*



## Recommendations

- Support the authority of Alaska Native villages to carry out culturally relevant solutions to address the lack of law enforcement, judicial services, and behavioral health treatment services in the villages.
- Provide training and funding directly to Alaska Native village governments for tribally defined victim services, law enforcement, and judicial services.

- Work closely with Alaska Native villages to deal with serial offenders who continue to walk free within the villages.

### Emergency Shelters

In addition to a shortage of law enforcement, there is a lack of transitional housing for women in the area. Consequently, a woman's life often depends on the community's capacity to provide her immediate protection and assistance. I have seen and listened to countless stories filled with pain and continue to hear the crying voices of our Native women and children who often have nowhere safe to go. The Emmonak Women's Shelter, the only tribally based shelter in Alaska, does not receive funding from the state. Most Alaska Native domestic violence victims are not accepted at non-Native shelters because the services do not fit their needs. Therefore, victims often return to violent relationships.

*"In reality, there is no safe place in the village to go, except to local churches, if the doors are open, [or to] wriggle inside windows of abandoned old homes."*

### Recommendation

- Provide funding for shelter services for Alaska Native women. The upper Tetlin region, in particular, needs an emergency shelter.

### Response to Murdered and Missing Native Women

Tribal leaders have often raised the inadequate law enforcement response to reports of missing Native women. Too often, cases are ruled as suicide when the family knows the cause of death was homicide.

### Recommendations

- Establish a high-level working group that includes the Alaska Native Women's Resource Center, National Indigenous Women's Resource Center, Indian Law Resource Center, and NCAI to develop training protocols and improve the response to such cases.

### Tribal Consultation

These tribal consultations offer critical opportunities for tribes to voice their concerns about improving the safety of AI/AN women. Tribal leaders, especially those of us traveling from remote areas of Alaska, require adequate time to schedule our attendance at the annual OVW tribal consultation.

### Recommendations

- Extend the length of the tribal consultation by an additional day if time allocated for tribal leader testimony is insufficient.
- Develop an action plan that addresses the concerns and recommendations of Alaska tribal leaders and make it available within 90 days following the consultation.
- Contract with the Alaska Native Women's Resource Center to conduct a separate annual tribal consultation with Alaska Native tribes and ensure representation from each region.
- Broadcast a tribal consultation nationwide so tribes who are unable to travel can observe and participate remotely.

### Attorney General's Annual Report to Congress

Section 903 of VAWA requires the Attorney General to submit an annual report to Congress about the annual OVW tribal consultation. These reports are critical to implementation of the 2013 tribal amendments to VAWA.





## Recommendations

- Comply strictly with the mandate in Section 903. Tribal consultation improves federal practices and policies, but only when Congress receives meaningful, timely notice of tribal recommendations.
- Notify each tribal government of the report's submission and make it publicly available.



## Working with the State of Alaska

The ILOC's opinion is that the problems in Alaska are so severe, and the number of affected Alaskan communities is so high, that to continue to exempt the state of Alaska from national policy change is wrong. It sets Alaska apart from the progress that has become possible in the rest of Indian Country.



## Recommendations


- Follow up with the state to ensure tribal court protection orders are enforced per VAWA's full faith and credit provision.
- Clarify the appropriate processes that Alaska and other states must follow to comply with tribal consultation requirements of the Services, Training, Officers, Prosecutors (STOP) Violence Against Women formula grants before state STOP funding is disbursed.
- Require the state to report back on how funds support Alaska Native villages and the safety of Alaska Native women.



## Adequate and Equitable Funding

Historically, the federal government and the state of Alaska have not allocated resources to Alaska Native tribes. Few Yupik villages have received grants to strengthen local capacity to respond to violent crime.

Tribal funding should not be competitive because assisting all tribes, not just some tribes, is the federal government's trust responsibility. A change to an annual, formula-based grant will allow all Alaska Native villages to receive grants to address the extremely high rates of violence against Alaska Native women.



Please end the unfair grant process that is based on the English language and ignores the reality that 95 percent of our village population speaks Yupik. This grant process imposes a Western approach to implementing programs, rather than allowing us to use the funds according to our beliefs and cultures. The competitive funding process that awards grants based on applications that have little or nothing to do with Alaska Native women or villages must end. For villages in our region that have never received a grant and will never employ a grant writer, an annual award of \$100,000 would make a tremendous difference in the lives of our women.



## Recommendations

- Change the OVW tribal government grants to non-competitive, annual, formula-based grants.
- Allocate a separate non-competitive funding stream for Alaska Native tribes to provide life-saving services, including, but not limited to law enforcement advocacy, community outreach and education, support for shelters, direct victim services, forensic examinations, and Native-specific batterer education services.
- Develop a report that illustrates the funding received by Alaska Native tribal governments from DOJ, DOI, and HHS for the past 2 years. Highlight how the departments will make changes moving forward.

- Remove administrative requirements from the grant process, such as Equal Employment Opportunity measures, that do not apply to tribes. Include only special conditions that are consistent with the federal trust responsibility. The OVW grants include over 60 special conditions, some of which interfere with tribal governments' inherent functions as sovereign governments, including the requirement for OVW's prior written approval before carrying out activities.

## Cahuilla Band of Indians

*Andrea Candelaria, Vice Chairwoman*

Our concerns are housing needs, continued education and awareness, and healing families as a whole.

*Samantha Thornsberry, Tribal Representative*

Ms. Thornsberry provided oral and written testimony. Her combined testimony is summarized below.

### Tribal Consultation

The tribal consultation process is important to the ongoing dialogue that must occur between the tribes and the federal government. Through this communication, tribes can continue to gain the support needed to improve the health, safety, and wellbeing of tribal citizens. Most importantly, tribal consultations remind the federal government to work harder to meet its trust responsibilities.


### Cahuilla Consortium

In 2009, we formed the Cahuilla Consortium to provide education and advocacy related to domestic violence and sexual assault. With patience and diligent work, our communities now talk openly about domestic violence, sexual assault, dating violence, and stalking. Comments about not having those problems in our community have ceased. All three tribes involved in the consortium have drafted codes that state that domestic violence and sexual assault on tribal lands will not be tolerated. The consortium has also helped to empower survivors to free themselves from violence. I witnessed a young woman who could not drive, had not finished high school, had no self-esteem, and had no way to support herself transform into an independent, empowered leader. Many have approached me with their stories of sexual assault. An elder told me her story about being violently raped as a 4-year-old. She was assaulted so badly that she spent weeks in the hospital. She carried this trauma for 72 years without telling anyone.

### Funding

In my community, we have not done as much as we should regarding sexual assault advocacy. Our Indian Health Service (IHS) clinics do not have a sexual assault nurse examiner (SANE), though we are working on that. Most tribes cannot fully fund tribal law enforcement or tribal courts. There is a deficit in public safety funding. The current funding structure allows tribes to build programs that may not be sustainable when funding is lost. The grant process often pits tribes against one another to compete for funds and jump through bureaucratic hoops. Tribes with strong grant writing capabilities and infrastructure successfully attain funds, while the smaller tribes with less manpower and fewer resources are passed over or may never try submitting a proposal.

*"Transitional housing is often the most burdensome hurdle in services for survivors of abuse."*



Financial abuse often leaves victims with debt, past-due bills, and ruined credit. In California, few low-income housing options are available in rural areas, and in urban areas, low-income housing has long waiting lists.



### Offender Rehabilitation

If we only react to violence, we will always be behind the cycle, trying to catch up. We need to address the rehabilitation of offenders and their reentry into their communities. Perpetrators are often members of our families who must be punished, but who also need to learn a better way and be guided back to their traditions. By addressing trauma in the perpetrator's life, we can help bring healing and end the cycle of violence. OVW funds cannot be used for counseling, treatment, or rehabilitation for perpetrators, though I am sometimes approached with these requests.




### Jurisdiction in Public Law 280 States

Jurisdiction is complicated in Public Law 280 (P.L. 280) states. Some states simply need education. However, some states have a disregard for tribal law enforcement or an unwillingness to work in conjunction with tribal law enforcement or afford full faith and credit to tribal protection orders.



### Community Healing and Education

Addressing childhood trauma is part of healing and prevention. The tribal consultation framing paper on human trafficking of AI/AN people cited a 2011 study by the Minnesota Indian Women Sexual Assault Coalition. The survey studied 105 AI/AN women involved in prostitution and found that 79 percent had been sexually abused as children by an average of four perpetrators. We need to work to address existing trauma among our girls and women because these wounds contribute to vulnerability.



In a rural community that lacks resources, like mine, youth are in a vulnerable state to be preyed upon by traffickers. The tribal consultation framing paper noted that 79 percent of trafficked Native women who were interviewed had been sexually abused as children, by an average of four perpetrators. To excise the wounds that contribute to our vulnerability, I want to begin addressing the trauma that exists among the women and girls in my community. I would like to offer trauma-informed care, community education, and youth resources, but I need funding and additional training to do this.



### Recommendations

- Provide funding to tribes equitably to support every tribe's sovereignty. Make funds accessible to tribal victim service programs.
- Support implementation of trauma-informed approaches to responding to violence, including perpetrator rehabilitation.
- Work to resolve the jurisdictional issues in P.L. 280 states.
- Support culturally appropriate victim services to address generational childhood traumas.
- Support training for community members on trafficking recruitment tactics and effective prevention strategies.



### Central Council of Tlingit and Haida Indian Tribes of Alaska

*Michelle Demmert, Chief Justice*

### VOCA Funding

The state of Alaska uses VOCA funding for courts, law enforcement, and victim services, but does not provide these services to many of the tribal communities and has no tribal program for victim services.

We are shut out from receiving these funds despite having the greatest need in Alaska. According to a 2013 ILOC report, Alaska Native women are overrepresented in the domestic violence population by 250 percent. While Alaska Natives are 19 percent of the state population, 47 percent of reported rape victims are Alaska Native. How is it possible that our victims cannot directly access services?

### **Jurisdiction**

A legislative fix is needed for tribes in Alaska. The jurisdictional issues have become increasingly urgent, since the state is in financial crisis. Historically, the federal government has treated Alaska tribes differently than lower-48 tribes, which complicates tribal court jurisdiction for Alaska tribes. Through the Alaska Native Claims Settlement Act (ANCSA), the federal government established corporations with Alaska Native people as shareholders, rather than compensating the tribal governments. Because of ANCSA and the U.S. Supreme Court case *Alaska vs. Native Village of Venetie Tribal Government*, Alaska tribal courts typically exercise jurisdiction over tribal citizenship, rather than over a defined geographic jurisdiction.

Alaska is a P.L. 280 state, which means the state should be providing law enforcement and court services for our tribes and villages. Yet, many of our villages have neither. The state receives DOJ and VOCA funds, but has no tribal set-aside. 911 service is not always available. If a crime occurs, the 911 call is channeled to a community elsewhere in Alaska, making immediate response nonexistent. Sometimes, we have to leave a message and await a response. The lack of law enforcement in many of our communities often compromises evidence collection, which results in poor prosecution and conviction rates.

The repeal of Section 910 of VAWA was a necessary step toward removing a discriminatory provision of the law that excluded all but one Alaska tribe from the ability to enhance their response to violence. Many programs and laws, like Section 910 of VAWA, reference “Indian Country,” which includes only one of the 229 Alaska tribes, as only one Alaska tribe has a federally recognized Indian reservation. A legislative fix is needed to redefine Indian Country to include Alaska tribes. This fix could be inserted in the Tribal Law and Order Act (TLOA), the next reauthorization of VAWA, or as an amendment to ANCSA that recognizes the village corporation land base as the tribe’s territorial jurisdiction.


We request the formation of a task force to create a solution to these jurisdictional issues in Alaska. OTJ or Bureau of Indian Affairs (BIA) Tribal Justice Support should be tasked with this committee. We need a tribal liaison for Alaska, and we need DOJ to study the epidemic of murder and rape in our villages and the related low conviction rates and provide a report with recommendations at the next tribal consultation.

### **Access to Victim Services**


Our IHS clinics are prohibited from providing medical response to sexual assaults other than to check the victim’s vitals, even though they may be the only available medical response. In some areas, a victim must travel by boat or plane to receive a sexual assault forensic exam. Rape kits conducted by the state often go unprocessed. A 2016 audit of 19 Alaska police departments found over 3,900 unprocessed rape kits.

Victim services are supposedly available through the state. However, to access these services, a victim must file a police report, which is difficult without a police presence in the villages. Accessing victim services is an unfriendly process that is difficult to navigate and does not recognize tribal traditions. We






need tribal programs that understand victims' needs and can help them through the most traumatic experiences of their lives.




My friend's daughter was murdered last July. She was strangled. My friend is still trying to document her deceased daughter's income to help pay to support her two children who lost both their parents on the same day. Their father is the alleged perpetrator, and he has still not been tried 14 months later. State victim services made my friend and her grandchildren travel 370 miles to Juneau, AK. They arrived after 10 p.m. and had to attend a meeting at 8 a.m. the next day. They were whisked away at 10 a.m. to travel back to the village. The trip was exhausting and confusing and left my friend questioning whether to seek further assistance. Sadly, my story is not unique. There are many stories of murders or rapes going unprosecuted and slow response to victims who need services. We have a justice crisis in Alaska. Why do we have these barriers to victim services? These barriers violate the federal government's trust responsibility to tribes, as acknowledged within VAWA. We need direct access to VOCA and victims of crime funds so we can develop tribally based programs and services. We demand an audit to determine how the state of Alaska uses existing funds and a report of the findings to Congress.



Thank you for funding the Alaska Native Women's Resource Center. This center will bring a new level of services to Alaska. We need other federal partners, such as OTJ and the BIA Tribal Justice Support director to partner with us, as well.


#### Recommendations

- 
- Provide a legislative fix to redefine Indian Country to include Alaska tribes.
  - Create a task force to create a solution to jurisdictional issues in Alaska.
  - Hire a tribal liaison for Alaska.
  - Study the epidemic of murder and rape in our villages and the related low conviction rates and provide a report with recommendations at the next tribal consultation.

#### Confederated Tribes of Grand Ronde

*Denise Harvey, Tribal Council*


*Written comment from Anne Falla, Domestic Violence Program Coordinator*



Ms. Harvey delivered oral testimony that reflected many of the concerns and recommendations in a written testimony from Ms. Falla. Both testimonies are summarized in this section.

We need adequate funding for tribal victim assistance, prevention programs, and emergency shelters in rural areas. Confederated Tribes of Grand Ronde provides domestic violence and sexual abuse prevention services and victim services, including support groups, relocation assistance, and confidential support. The number of clients we have served and crisis line calls we have taken has increased significantly since operations began in 2014. The increase is likely due to growing awareness of the services, but it points to a greater need for assistance.

#### Barriers



Many tribal nations are in rural areas and face associated challenges, including a lack of housing, transportation, employment, emergency services, and shelters.

*"These barriers complicate our ability to respond to domestic violence and add to what our clients must overcome to remove themselves from unsafe situations."*

Our tribe was terminated in 1954. I asked my mom about it, and she told me that event, though it was a horrible thing, saved her life. She was in an abusive marriage. When my oldest brother was 8 years old, he pointed a gun on his father because he was attacking my mother. When my mother received the funds from the termination, she could afford to move away. It is sad to think that a Native American woman had to move away from her tribe to escape an abusive relationship.

### **Funding**

In 2013, we received funding through OVW's competitive funding process. This funding helped us spearhead efforts to respond to sexual assault and domestic violence. However, only some tribes can receive funding through the competitive process, which means the needs of some of the most vulnerable, underserved populations are unmet, and there is no guarantee that we can continue to provide existing services. Tribes not awarded may be forced to close programs or significantly reduce staff and services.

### **Emergency Shelters**

Because we do not have emergency shelters, we must rely on mainstream, community-based nonprofits to provide emergency shelter for our clients. With the high demand for shelters in rural Oregon, finding a safe place for clients to stay is always a challenge. Due to a lack of shelter capacity, some clients are forced to leave before they can secure stable, safe housing. Because of the housing crisis in Oregon, many domestic violence victims face homelessness after temporary emergency stays, and sometimes they return to their abusers. While grant dollars are available to help maintain existing shelters, none are available to build shelters in rural tribal communities. The bulk of emergency shelter funding goes to community-based nonprofits to provide shelter spaces for entire counties, but tribes also need funding to support their service areas. Our tribal citizens face barriers when entering mainstream community shelters.

### **Tribal Consultation**

Much of the testimony shared today is similar to what was shared at the 2016 tribal consultation. Year after year, tribal leaders provide comment and testimony on the same issues because we hear little about progress toward addressing our concerns. Following tribal consultation, tribes should receive timely reports on what steps are being taken to address their concerns.

### **Recommendations**

- Ensure that stable funding is available to all tribal nations so they can sustainably provide violence prevention and victim services.
- Provide additional funds to tribes for establishing emergency shelters for domestic violence victims.
- Following tribal consultation, provide tribes with timely reports on steps that are being taken to address the concerns they presented.

### **Confederated Tribes of the Umatilla Reservation**

*Written comments from Gary Burke, Chairman*

*Woodrow Star, Board of Trustees Member*

Mr. Star delivered oral testimony that reflected many of the concerns and recommendations in a written testimony from Chairman Burke. Both testimonies are summarized in this section.





### Legislative Fix for Alaska Tribes

Leadership from several Alaska Native villages have visited our reservation to review our court system, and we support them in their efforts. They need a legislative fix for the U.S. Supreme Court case *Alaska vs. Native Village of Venetie Tribal Government*. Because of this case, most Alaska Native villages are not considered part of Indian Country, which strips Alaska tribes of their inherent authority to operate their own law enforcement agencies, issue protection orders that involve non-tribal members, and hold offenders accountable. Although there are many positive things occurring through grassroots advocates and survivors, the system under which they must operate is unacceptable and inhumane.




### Bureau of Prisons TLOA Program

Our tribe implemented TLOA felony sentencing in 2011. Since then, many people have been prosecuted for felony offenses, and our tribe has three people housed in federal prison under the Bureau of Prisons (BOP) TLOA pilot program. Housing those people at the tribe's expense would have consumed 60 percent of the tribe's annual detention budget. Continuation of this program is critical to our ability to keep exercising felony sentencing authority. This program needs to become permanent.




### Oliphant Fix


At the 2016 OVW tribal consultation, most of the tribal delegates noted the need for a legislative fix for the ruling of *Oliphant vs. Suquamish Indian Tribe*, but I do not see this mentioned in the *2017 Update on the Status of Tribal Consultation Recommendations*.



The *Oliphant* decision interfered with tribal jurisdiction over crimes. Confederated Tribes of the Umatilla Reservation was among the first five tribes to exercise the special criminal domestic violence jurisdiction over non-Native offenders under VAWA 2013. However, this limited fix is insufficient to hold accountable all non-Native perpetrators.



Domestic violence crimes are difficult to prosecute. Attendant crimes related to domestic violence, such as property crimes, theft, and traffic crimes (such as reckless driving with the victim as an involuntary passenger) are much more clear-cut, and a conviction is easier to obtain for these crimes. Domestic violence can take the form of virtually any direct or indirect crime against an intimate partner and is frequently accompanied by a pattern of criminal behavior, such as drug crimes and theft. Typically, a prosecutor would charge an offender for all crimes related to domestic violence and use the attendant crimes to hold the offender accountable for the more serious domestic violence crime. Unfortunately, under VAWA, tribes do not have this option in their toolbox when dealing with non-Native offenders. Since VAWA 2013, we have convicted at least 10 non-Native domestic violence offenders, but we were unable to prosecute at least 3 people for 12 attendant crimes related to domestic violence.



Presently, there are two bills in Congress that would expand tribal jurisdiction under VAWA in a limited way. Unfortunately, a piecemeal fix is insufficient.

*“A full Oliphant fix is the easiest, clearest, and best way to deal with non-Indian domestic violence and sexual assault in Indian Country. It also places the ability and responsibility to protect Indian communities in the right hands—the local tribal government whose officers are the first responders, whose citizens and residents are directly affected by the criminal activity, and whose officials are most capable of adequately and appropriately responding to the community’s needs by developing necessary laws and policies to protect their people.”*



In 1990, BIA Law Enforcement Services officers received statute authority under 25 U.S.C. 2803 to obtain active assistance in enforcing applicable Federal criminal statutes in Indian Country. This is the same authority given to the FBI by the U.S. Attorney's office. Only a few federal agencies have this authority, and tribal police can be commissioned on a case-by-case basis to enforce Federal criminal statutes. Receiving this statute authority was a step toward reaffirming tribal sovereignty and allowing us to better protect our communities. We need that kind of support again to realize a full Oliphant fix.

#### Full Faith and Credit Laws

We have a comprehensive tribal protection order system through which three types of protection orders can be issued, all of which meet the full faith and credit requirements. In the past, we struggled to ensure these orders were recorded in the National Crime Information Center (NCIC) database. To remedy this, we became involved in TAP, which was incredibly successful. However, we still encounter problems with the state of Oregon following full faith and credit laws. There is a continuing need to train states on federal full faith and credit laws as these laws relate to tribal protection orders, but education alone does not always appear to be sufficient. Serious consideration should be given to freezing state OVW funding when regular violations of these laws occur.

#### Block Grant Funding

OVW funding is helpful, but competitive grants often exclude those with the greatest need. OVW should seriously consider creating a non-competitive block grant system that would make funds available for all tribes if there is a sufficient pool of funding available to make such a funding system worthwhile.

#### Recommendations


- Include a Venetie fix in VAWA 2018 so that Alaska tribes can exercise the same powers and create the same public safety system as other tribal nations.
- Make the BOP TLOA pilot program a permanent program.
- Provide the Senate Committee on Indian Affairs a detailed report on the BOP TLOA program that describes what services convicts received in federal custody, how punishment or rehabilitation affected them, and whether the program made a difference in tribal justice systems.
- Include a full Oliphant fix in VAWA 2018.
- Train states on full faith and credit laws, and consider penalizing regular violations of those laws related to tribal protection orders.
- Consider implementing a block grant funding system so all tribes receive funding.

#### Eastern Shawnee Tribe of Oklahoma

*Cathleen Osborne-Gowey, Administrator, Family Violence Prevention Program*

I grew up hearing the same phrase from my aunts about the hardships and abuse they faced: "Nobody cared. We were just Indian women."

Our Family Violence Prevention Program began with a small grant from HHS. At the time, we were only able to help five women per year, but it was a start. Then, we began receiving Coordinated Tribal Assistance Solicitation (CTAS) funding. In the past 5 to 6 years, we have helped more than 500 women and 800 children. We have opened two safe houses and hired advocates. Funding is key to increasing and continuing to provide services to victims of domestic violence and sexual assault.




*“It’s essential that additional consistent funding is created—consistent funding because we need to be able to give consistent care.”*

Consistent, adequate funding helps to:

- provide culturally appropriate shelter options;
- train our advocates to administer rape kits for sexual assault victims so services are available whenever they are needed;
- provide domestic violence, sexual assault, and human trafficking education for local law enforcement officers, lawyers, and judges;
- provide emergency legal assistance; and
- allow for continued domestic violence and sexual assault advocacy, long-term transitional housing services, and community education and awareness efforts.

## Emmonak Tribe


*Gretchen Kameroff, President*




As a sovereign nation, Emmonak is responsible for the protection, health, and safety of our citizens, but we continue to experience disproportionate rates of violence against Alaska Native women.

Accountability and prevention measures must be executed through government-to-government consultation that upholds Emmonak’s traditional governance and culture. Emmonak is in southwest Alaska, and there is no road system in the region. For transportation, we rely on boats during the summer and snow machines in the winter. Villages may be inaccessible for several days or even weeks due to inclement weather.


### Barriers to Safety and Justice



Alaska Native villages lack sufficient presence of law enforcement. One state trooper is stationed in Emmonak, and he works 2 weeks on, 2 weeks off. A village dispatcher works during the weekdays from 9 a.m. to 5 p.m. During evenings and weekends of the trooper’s 2 weeks off, the village has no law enforcement. People who call in with an emergency during these times are transferred to the Fairbanks dispatch, who sometimes directs them to call another post.




If a protection order is violated when no law enforcement is present, the person who filed the order must contact the post in St. Mary’s or Bethel, AK. Then, a subpoena is served when the trooper returns, and an arrest is hopefully made.



The Emmonak Sub-Regional Clinic has a behavioral health department that staffs only one behavioral health aide, which makes seeking trauma care difficult. Currently, the Emmonak Tribal Council is implementing tribal courts, tribal protection orders, and village police response.

### Response to Sexual Assault



When there is a sexual assault, often the Emmonak Women’s Shelter and Yupik Women’s Coalition are not notified. If someone reports a sexual assault, this information is relayed to the Alaska State troopers. If no troopers are present in the village, the report is recorded on the answering machine. When the trooper returns, which may be days or weeks later, follow up is conducted. By then, evidence is often lost. We are forming a sexual assault response team (SART). The Yupik Women’s Coalition is organizing a community sexual assault response campaign. The health and safety of our Alaska Native women should

be a priority, but when sexual assault occurs, there is no access to health care services or forensic exams.

### **National Order of Protection Registry**

Within the Yupik region, many villages do not provide protection orders. Some villages must use the Emmonak magistrate state court. Other villages in the area do not have state courts. The process of obtaining a protection order through the state court is often complicated and slow for the victims, and they may decide not to move forward. We do not know of any protection order ever entered in the National Order of Protection Registry. Yupik women need to be able to rely on protection orders so law enforcement from other jurisdictions can enforce the order when they travel outside the village or state.

### **Recommendations**

- Form a Sexual Assault Forensic Examinations, Services, Training, Advocacy, and Resources (SAFESTAR) program in partnership with medical providers, schools, law enforcement, and shelters.
- Support the SART and the SANE program.
- Provide resources to support culturally appropriate training for medical staff and first responders regarding sexual assault.
- Mandate IHS nurses and village health aides to receive training on responding to sexual assault and administering a rape kit.
- Provide Yupik tribal governments access to the National Order of Protection Registry. Supplement this access with training.

*Additional comments and recommendations from Emmonak Tribe are listed under the combined Alaska Native Villages' testimony on page 6.*

### **Fort McDowell Yavapai Nation**

*Pansy Thomas, Vice President*


Vice President Pansy Thomas provided oral and written testimony. Her combined testimony is summarized below.

The Fort McDowell Yavapai Nation owns and operates nine tribal enterprises. With visitors traveling throughout the tribal lands, the safety of employees, visitors, and tribal citizens is of paramount importance.


We have well-developed public safety and family services systems, including a tribal court, drug court, tribal police department, and social services department. We provide direct services to community members who are victims of domestic violence, dating violence, sexual assault, and stalking. Recently, the Fort McDowell Yavapai Nation implemented a batterer intervention program and bimonthly domestic violence community awareness trainings. Providing opportunities for victims to seek knowledge, resources, and healing is important to the strength of our tribal nation. We still need additional federal resources and collaboration to enhance current services and develop new services.

### **Enhancing the Safety of Native Women**

Currently, when emergency shelter is required, the tribe places victims in shelters outside of the reservation or in local hotels. Those who require long-term housing are often left to live in an



environment that is not culturally sensitive, creating a need to return to the reservation, which places the victim in dangerous proximity to the abuser.



Travel support funds should be open to all training related to domestic violence, dating violence, sexual assault, and stalking. It should not be limited to OVW trainings. The aspects of domestic violence, sexual assault, dating violence, and stalking evolve constantly, so ongoing training is important to efficiently and effectively help victims.

#### **Administering Tribal Grants under VAWA**


Although the new Indian Tribal Governments Program grant allows tribes to use funds for community education and prevention campaigns, the limitation of funds still poses a challenge. Disbursements should not be based on formulas, but on need. We do not receive all the funding we request, which makes providing services extremely difficult. Further, lapses in funding cycles can result in employee layoffs and gaps in needed services.

#### **Strengthening the Federal Response**

The tribe has established positive relationships with state and federal authorities. To continue effective collaboration, state attorney generals and officials from BIA and FBI should attend the tribal consultation.


Educating state and county agencies about tribal services will help enhance the safety of AI/AN women. The journey of healing is not easy, and it is important to retain strong collaboration between governments to make that transition effective.

#### **Recommendations**


- 
- Support Native-specific, culturally sensitive shelter options.
  - Fund domestic violence training for judges, police officers, prosecutors, and advocates.
  - Impose fewer restrictions on grant funding.
  - Disburse funds based on need for services and eliminate population caps on funding.
  - Cycle federal grant awards sooner.
  - Encourage tribal consultation attendance.
  - Create additional education opportunities about tribal services.

#### **Gila River Indian Community**

*Monica Antone, Lieutenant Governor*



We have a police department with over 125 sworn officers and several mutual aid agreements in place with neighboring jurisdictions. We operate a federally approved sex offender registration and notification system. We have our own detention facility. Our detention center was the first tribal detention center to receive BIA approval for long-term incarceration. Our victim crime services program has 12 staff members. Recently, we opened the Eagle Wings Domestic Violence Shelter. In 2015, our shelter housed 78 women and their children, but the need is even greater.



Under TAP, we can now add our warrants to the national database. It works. Just this morning, we executed our first warrant under TAP. The city of Casa Grande's police department picked up a perpetrator who was wanted by Gila River Indian Community for sexual assault on a minor.

Each year, the Gila River police department responds to about 800 domestic violence calls and makes about 400 domestic violence arrests. In our estimation, 25 to 30 cases per year involve non-Native abusers who would fall under the special domestic violence criminal jurisdiction under VAWA.

### Human Trafficking

As a tribal leader, I was in denial when I was first told that trafficking was happening on the reservation. I learned that the women from our communities are not trafficked in our own backyard; they are moved from state to state, and someone else's relatives are trafficked on our lands. These women are stuck.

To address trafficking, I work with a survivor who used to be a bottom—the person who recruits women off the streets. She recruited a Menominee woman who was brutally murdered by her pimp. Ever since, she has been engaged in helping AI/AN women who are exploited. All staff at each of our tribal enterprises are trained on how to watch for human trafficking. As tribal leaders, we all need to step up and become educated about trafficking. The survivor I work with provided the following statement:

*“The gaming industry must take an active role in the eradication of human trafficking. Casinos across the country are used as a busy backdrop to disguise the activities of traffickers and buyers. Minors and adults are sold to buyers who are local, as well as visitors to your nations. Young women who work in the casinos are at risk as well from recruiters who are constantly looking for fresh girls to place on the market. The naïve nature of our youth coming from the reservations make[s] them a perfect target. These activities will not cease until we band together to educate ourselves and our children.”*

### Special Criminal Jurisdiction

The VAWA special domestic violence criminal jurisdiction does not extend far enough. It only applies to violent crimes against the intimate partners and spouses of non-Native people with ties to the community. Otherwise, the tribe has no jurisdiction over non-Native offenders. Further, VAWA does not cover crimes against children or elders in which tribes need full jurisdiction over non-Native offenders.

### Funding

Our greatest challenge with VAWA is the lack of funding. VAWA funding should be a standard element of 638 contracts. On a positive note, we were recently notified of an OVW grant award to assist with VAWA special domestic violence criminal jurisdiction implementation. The grant primarily focuses on inmate housing and medical costs and training for affected departments. BIA funding for medical care of inmates does not cover non-Native inmates.

### Recommendation

We need resources for specialty care, including psychological and behavioral health programs, for women and children who experience trauma.

### Great Plains Tribal Chairman's Association

#### *A. Gay Kingman, Executive Director*


Great Plains Tribal Chairman's Association represents 16 treaty tribes in North Dakota, South Dakota, and Nebraska. We are a federally chartered organization under the Indian Reorganization Act.






## Funding

When tribes submit proposals to the federal government, they should include a reminder of the federal government's fiduciary trust responsibility to tribes and note that current funding is inadequate. These funds should not be viewed as entitlements or discretionary grants because they are guaranteed quid pro quo obligations.




VAWA does provide funds for greatly needed services. The Native Women's Society of Great Plains maximizes the small amount of funding that is available. Too often, only negative things are reported, and we need to circulate good news that demonstrates what VAWA funding has accomplished and underscores the continued need.



We need to ask DOJ for the annual budget so we can review it to identify any disparities. Then, our tribal leaders can effectively advocate for increased appropriations in those areas. Tribes must be involved in the budget process and convey their needs to Congress so they can receive increased funding.

Budgets must accommodate the diversity of tribes. For example, the Oglala Sioux Tribe has a large, isolated land base. Current law enforcement funding is inadequate to cover an area so large, which slows response time. The Cheyenne River Reservation faces similar challenges. A few years ago, an officer was killed when driving on bad roads to respond to a call. He was not found until morning due to our geographic isolation.


## Domestic Violence



Domestic violence issues affect the work of many federal departments and agencies, including the Department of Education, HHS, IHS, and the Office of Civil Rights. Violence against women should be a focus area for all of these departments.

We need protections in place for the staff of programs that provide domestic violence services. They are often threatened in court. Additionally, they need support in dealing with the emotional repercussions of handling traumatic situations.


## Sexual Assault



Drug crimes have increased on reservations. With the increased activity at the Bakken oil fields, North Dakota tribal leaders report an increase in sexual violence.


## Tribal Courts

Our court systems are severely underfunded. To have adequate support for our domestic violence programs, our courts must be fully supported.



The attorney general for Sisseton Wahpeton Oyate was just sworn in as a special assistant U.S. attorney in addition to serving her tribe. This appointment will help address some of the jurisdictional issues. We are working to implement drug courts on our reservations. This arrangement would allow offenders to spend time in service to the reservation, rather than being incarcerated.

## Legislative Needs



Great Plains Tribal Chairman's Association supports the Securing Urgent Resources Vital to Indian Victim Empowerment Act, which would enhance tribal law enforcement's access to federal, state, and tribal law enforcement databases. We also support a full Oliphant fix.

*“The U.S. should restore its recognition and respect for tribal criminal jurisdiction throughout Native nation territories.”*

## Recommendations

- Involve tribes in reviewing the annual DOJ budget.
- Work with states to create a state plan that outlines how to work with tribes on addressing violence against women.
- Raise domestic violence as a priority for the White House Council on Indian Affairs.
- Fully fund tribal court systems.
- Support the Securing Urgent Resources Vital to Indian Victim Empowerment Act.
- Provide a full Oliphant fix.
- Provide supports for the safety and wellbeing of domestic violence program staff.

## Hopi Tribe

*Herman Honanie, Chairman*

Chairman Honanie provided oral and written testimony. His combined testimony is summarized below.

As a matrilineal society, Hopi cultural beliefs and teachings mark a profound respect for women. Violence against women is not our traditional way of life. The violence against our women is rooted in the systematic oppression of our people and culture and the pain caused by historical trauma that is passed from generation to generation.

### Barriers to Justice and Safety

Hopi Tribe faces geographic challenges. Eleven BIA law enforcement officers are assigned to cover an area roughly the size of Rhode Island. If a crime occurs on Hopi lands, it usually takes a federal agent 2 hours to reach the reservation. The response time can compromise evidence and hinder the investigation.

Federal agencies owe a trust responsibility to our people. Currently, we do not have a jail. The federal response to crimes against our women needs upgrading. Hopi people need more Native-specific, culturally sensitive approaches to ending violence against women. We need suitable resources to meet the needs of the Hopi community.


*“We need the federal government to understand that we know our own people, we know what we are lacking, and we know what doesn’t work.”*

Victims of violence often fail to report violent crimes. A lack of trust for the justice system and law enforcement is an often-cited reason. Trust is imperative. Hopi Tribe has worked with the Hopi-Tewa Women’s Coalition to End Abuse to build trust within Hopi communities. We provide prevention education and work to raise awareness of services available for victims of sexual assault.


### Funding

Hopi has been fortunate to receive some funding to develop a SANE program at our local IHS clinic. However, this much-needed service requires additional support and funding. Before the SANE program, sexual assault victims rode in the back of a police vehicle for 2 hours to the nearest forensic examination facility, which was not a victim-centered, traditional way to treat our people.






In addition to resources for victim services, tribes also need specific funding for rehabilitating perpetrators. Because of our traditional family ties, we cannot simply incarcerate people and forget about them. Perpetrators often return to their communities. Our tight-knit communities require healing for all parties involved.



Currently, a small percentage of VOCA funds, if any, are channeled from states to tribes. We demand that the federal government provide this funding to tribes directly.

#### Recommendations


- Provide suitable resources for Native-specific, culturally sensitive approaches to end violence against women.
- Provide steady funding for the SANE program.
- Support male-specific, culturally appropriate violence prevention programs.
- Develop a stronger relationship with tribes that is founded on the federal trust responsibility and tribes' inherent rights to protect their own communities.
- Create a tribal set-aside within VOCA funds.
- Amend FVPSA to create tribal set-aside funding of at least 15 percent.



By honoring government-to-government relationships, we can impact services and funding for all tribal communities. Using our sovereignty to enact laws and prosecute our own perpetrators is one of the only ways we can address violence and abuse. We can no longer shift blame to the outside world. We are running away from our cultural teachings. Farming is key to the subsistence of Hopi, and we apply care, nurturing, love, time, energy, and encouragement to our plants. This teaching should be applied to our young men and women so they will grow up with strong Hopi values.


#### Hualapai Tribe

*Carrie Imus, Director, Hualapai Human Services*




OVW funding helped us open a domestic violence shelter in 2009. Through this funding, we also hired staff to raise awareness of domestic violence to community members, the tribal police, tribal court, and tribal council. We also amended our tribal code to strengthen our response to domestic violence. We partner with programs in other communities to provide services to victims. Our police department is working to implement TAP, which will provide information to assist in our daily work. Through FVPSA funding, we provide batterer intervention programming once per week. However, we need additional FVPSA funding.

#### Law Enforcement



Law enforcement in Indian Country is underfunded and understaffed. There is also a need to provide better training for law enforcement officers to ensure proper data collection, especially since the long response time that results from understaffed police departments can compromise evidence. Additionally, officers need training on how to appropriately interview victims of assault. Further, different law enforcement agencies often fail to coordinate efforts with one another. Lack of funding and training for law enforcement ultimately leads to low rates of reporting, investigating, and prosecuting crimes.



Accountability for law enforcement is another concern. Law enforcement needs to file the report and follow up with the victim in a timely manner. The mistrust of federal agencies that is common among

AI/AN communities can be worsened by poor or slow investigation, no prosecution, or unsuccessful prosecution.

### Victim Services

Victim services are also lacking. There are too few forensic nurse examiners. Sexual assault resource centers are located far from tribal lands. We need trauma-informed resources for victims immediately after a crisis and on an ongoing basis. There are few formalized prevention efforts and minimal education about the characteristics of healthy relationships, warning signs of abuse, what constitutes sexual assault, and what to do if it happens.

### Recommendations

- Increase law enforcement funding to hire more tribal and federal officers to cover Indian Country.
- Provide mandated trauma-informed training for police officers, since research has shown that some interviewing techniques are more effective than others for obtaining information from victims.
- Offer education about violence prevention at schools and community centers.

### Karuk Tribe

*Charron "Sonny" Davis, Council Member*

I support the funding priorities articulated by NCAI. We are asking for funding support for law enforcement, tribal healing programs, and tribal courts. I support what you are doing.

*Tanya Busby, Program Coordinator*


Siskiyou County, which our lands encompass, has the highest rate per capita of domestic violence calls in all of California. One of our most prevalent domestic violence felony cases involves a perpetrator who has victimized multiple women. He has been incarcerated for over a year, still awaiting trial and sentencing. This example illustrates the barriers caused by a lack of resources. Due to insufficient tribal and local treatment opportunities, a lack of community education services, and unpredictable law enforcement response, convincing victims to come forward and seek healing is difficult.

### Funding


There is nothing more valuable than consistent funding. Consistency is crucial to keeping services available for victims when they need them or when they decide it is safe to leave a domestic violence situation. Without our domestic violence program and transitional housing services, women who broke free from abusive relationships would not have had anywhere to turn for support.

### Response to Domestic Violence

Federal micromanagement has interfered with our right to determine how to heal our own communities. Federal restrictions on how to care for those affected by domestic violence prevents us from addressing the underlying issues that lead to domestic violence. For example, we are barred from working with perpetrators. Instead of allowing us to offer restorative healing measures, perpetrators are often fined or given restraining orders, which rarely resolve the violence. Fines cause additional financial strain, and restraining orders are constantly violated due to family ties and lack of police response. Some perpetrators need to be incarcerated, but in some situations, proper intervention can produce healthier outcomes as an alternative to incarceration. If we can help heal perpetrators through substance abuse



treatment, traditional healing, and counseling before the violence escalates, we can help prevent violence, rather than only react to it.



Through California Assembly Bill 109, the state transferred responsibility for non-violent offenders to county jails. Those who have committed non-violent crimes are no longer housed in state prisons, and California considers domestic violence as a misdemeanor, not a violent crime. This realignment has drastically increased the number of domestic violence offenders on probation and has put them back in the community. Currently, the county only arrests domestic violence offenders if they commit felonies due to a lack of space in detention facilities. One of our victims did not receive protection from the law until the abuse grew so bad that she ended up in the hospital with broken bones. Only after her abuser was charged with a felony did they hold him accountable for his actions. This predicament leaves our victims with only the option to file restraining orders without a police presence to enforce them. Without adequate resources and tribal control over funds and policies, we cannot resolve domestic violence in our community.



### Recommendations

- Give tribes the autonomy to heal in their own way.
- Provide increased funding that is consistent and non-competitive.
- Ensure adequate resources and tribal control over funds and policies to deal with domestic violence.



### Ketchikan Indian Community

*Carrie James, Vice President*


According to a recent study by the Council on Domestic Violence and Sexual Assault and the University of Alaska Anchorage Justice Center, Alaska has the highest rates of domestic violence and sexual assault, and Ketchikan is among the Alaska communities with the highest rates. Estimates show that 50 percent of women in the Ketchikan Gateway Borough experience sexual violence, and 8.8 percent have experienced such violence within the past year.

OVW funding has helped us increase staff, enhance programs, improve our presence in court, and provide a batterer intervention program.



### Trauma-Informed Care

We believe that historical trauma is a factor in domestic violence and must be considered when addressing problems of violence. Ketchikan Indian Community is developing innovative, culturally relevant interventions for violence to provide healing that can continue to the next generation. We continue to educate agencies and individuals about domestic violence, sexual assault, and victims' services.



We provide advocacy training for the women's shelter. Other agencies have begun asking us for presentations. We demonstrate how to intervene on behalf of victims in the most non-judgmental and supportive way possible. One prosecutor recently remarked that they previously thought anger management and batterer intervention programs were identical, but now understands the distinction. Our small staff faces challenges balancing direct victim services, training, and education and awareness activities, but we feel strongly that the relationships that we form with individuals and agencies help us do our jobs more effectively.

*“It is important to us to include historical trauma and teach trauma-informed care to all agencies.”*

Prosecutors and attorneys who represent defendants need additional training. We anticipate providing specific training for prosecutors and attorneys this year. The belief that anger management is an appropriate option for a batterer remains persistent, even though anger management differs greatly from batterer intervention programming.

### **Shelters and Transitional Housing**

The community only has one women’s shelter. The shelter is unable to meet all children’s advocacy needs often requested by the victim.

Through OVW transitional housing funds, we can help relocate women and children to safety. Our program provides transitional housing funds for rent, food, utilities, clothing, and furniture to victims who have no other services available to them. However, we can only afford to assist with initial move-in expenses.

### **Support Groups**

We provide support groups for survivors. We collaborate with other tribal programs to integrate cultural activities into the group, including moccasin making, language learning, beading, fish processing, camping, hiking, cooking, art, dancing, and making a medicinal salve. These activities connect women with nature and healthy mentors. Participation has increased as we have included more cultural activities in our programs, which would not be possible without funding from OVW.

### **Rehabilitation for Offenders**

We believe that perpetrators can change their behavior by changing their belief system, and we are working to improve our criminal justice system’s referral process to the batterer intervention program. We teach that accountability for perpetrators is critical to creating lasting change. We see changes among men in our community.

We need additional options for treatment and re-entry programs for offenders. Most offenders are released with no housing, employment, or social support. They are required to comply with conditions of release that include weekly classes, which interfere with work schedules. Case management is also needed for offenders and for victims who are arrested in cases of self-defense.

### **Government-to-Government Relationships**

Strong relationships with state and local partners are critical for improvements to be long-lasting. When services at all levels are victim-centered, it will become possible to create change and improve the victims’ experiences.

Sadly, we encounter sexism, racism, and all levels of oppression when advocating for our victims. I believe each agency wants to do the best job they can, but there is a lack of training. Historical trauma is not currently a training priority.

*“The most rewarding and meaningful times are when we have assisted a woman into safe housing and we are there to witness the hope and excitement as she begins to realize this is her place and these are her things and no one has a right to make her do anything she doesn’t want to do and that her children are safe.”*





## La Jolla Band of Luiseño Indians

*Norma Contreras, Tribal Representative*

I speak as a survivor of sexual assault and domestic violence. I come from three generations of women who have survived domestic violence and sexual assault.



### Tribal Consultation

For a true government-to-government consultation, the attorney general should be present. If the president of the United States cannot be present, he should send his Cabinet representative. That absence shows a lack of support for these issues at the highest level. Please move that request forward to the president and attorney general.



### Barriers to Justice and Safety

The mountainous terrain of our lands makes it difficult to access resources, such as forensic and medical treatment and domestic violence shelters. We have a local tribal clinic with limited hours of operation, so if an incident occurs outside of those hours, victims must travel to the nearest city, which is at least 45 minutes away with no traffic.

P.L. 280 has seriously disabled our capacity to protect the women in our community. Until 2 years ago, DOI observed an unwritten policy denying funding to tribes in P.L. 280 states. We are happy to see the recent changes in appropriations. We request an update from DOJ on TLOA Section 22 and the re-assumption of concurrent federal jurisdiction.

Sadly, we were notified last week that we are not a recipient of the TAP award, so we will no longer have access to the NCIC database.



### Tribal Sovereignty

Our people governed ourselves long before the United States became a nation, and we did not have issues of violence against women until colonization. Violence against women has never been part of our lifeway, customs, or traditions. Such violence exists today because of the teachings and violent treatment of colonization, including the Catholic missions. Most federal and state laws and policies were written to terminate tribes. The laws have stripped our language and tradition from us, and we are working to revitalize our language and culture. Countering the traumatic effects of these laws has taken much work. In the meantime, we are losing too many of our people to domestic violence and substance use.

We have our own customs and traditions for healing our people mentally, physically, and spiritually. However, we are not permitted to incorporate that knowledge into behavioral health care.



### Federal Trust Responsibility

VAWA Title IX Section 901 states that the federal government has a trust responsibility to assist tribes in safeguarding the lives of our women. We need the federal government to honor the trust responsibility and assist us so we can restore our ways of governing ourselves and caring for our own.

While we have seen changes in how the federal government carries out its trust responsibility, we still have a long way to go. We ask DOJ, DOI, and HHS to consider how you administer tribal resources.



## Recommendations

- Provide resources to educate and train federal, state, and county agencies on responding to violence against women on our reservation.
- Allocate VOCA funding based on a permanent formula, not a discretionary set-aside, to end funding disparities among tribes.
- Improve tribal access to federal crime databases for all tribes.
- Work with tribes to develop locally relevant protocols for responding to cases of missing or murdered AI/AN women.

## Lac Courte Oreilles Band of Lake Superior Chippewa Indians

*James Schlender, Judge*

I have noticed that Ms. Mary Thomas has stayed and listened to this testimony without even a bathroom break, and that those with higher rank have not stayed to hear all the testimony. Tribal leaders travel far distances to attend this tribal consultation, so that is disrespectful. I ask Ms. Thomas to advance our stories of trauma to federal decision-makers. A podium with the federal seal has been set up for some tribal leader testimonies and not others. The high-ranking federal officials stayed for a few testimonies, but missed many others. In future tribal consultations, please treat all speakers as having equal status. We used VAWA funds to travel here, so my presence here comes at the expense of the services we are here to advocate for. We need to find a way to minimize the cost of tribal consultation while maximizing our ability to attend and participate.

### Federal Trust Responsibility

Our treaties embody negotiations we made with the federal government. When the trust responsibility is breached, we do not understand, because we have never broken our side of the treaties. We uphold our obligation to maintain ourselves as peaceful citizens of this country. Many AI/AN men and women serve in the military, pay taxes, and work jobs outside the reservation. The traumas you heard about today stem from the breach of the promises in the treaties.

We share these stories of trauma not so you will feel sorry for us, but so you understand the assistance we need that is part of the trust responsibility. For each story we tell, about 40 people have probably been impacted by that single incident.

### Rehabilitation for Offenders

As we fight to have our sovereignty recognized and reaffirm our capacity to charge people in our courts, we need to understand that locking people up does not solve the root of the problem. Often, perpetrators have been victims of violence, and they perpetuate the violence that was done to them. Though they may be perpetrators, they are also members of the community.

### Eligibility for Services

We need to dismantle the idea of political identity. Tribal people are the only group in the nation that is required to choose only one affiliation. You can only enroll with one tribe even if you have ties with multiple tribes, and you can only receive assistance from the tribe with which you are enrolled. People need to be eligible for services no matter if they live on the lands of the tribe with which they are enrolled. We need to remove the concepts of blood quantum and lineage and other ideas that have been used to divide tribes and tribal citizens.



## Tribal Sovereignty

American education teaches about federal and state governments, but fails to teach about tribal governments as sovereign entities. People are encouraged to think that tribal sovereignty should be regarded, but not respected. We have never abrogated our ability to protect our own citizens, but the federal government has interfered with our ability to protect our citizens and guests on our lands. For example, a law had to be passed to prevent the removal of AI/AN children from our communities.



## Tribal Courts

We need to draft the codes to help uphold tribal court decisions when they are challenged. When we receive VAWA funding, we must hire outside help to draft codes for us, which draws from the amount of available resources. A template for tribal court codes would be beneficial.

VAWA statutes require court personnel to be law-trained. However, the definition of law-trained does not take tribal laws into account. Elders should be respected for the knowledge and wisdom they have accumulated, but this requirement prevents tribal elders from serving as adjudicators unless they receive training in mainstream American law, which is often difficult for them. It is not proper for me to tell my elders that they do not have the appropriate credentials.



## Funding

The current competitive funding model means that some tribes win and other tribes lose. When we lose, do we tell the victims that they did not suffer enough for us to be considered for funding? I do not want to lose another CTAS funding opportunity, but I also do not want to be complicit in depriving another tribe an opportunity to receive the assistance it is fundamentally entitled to.

We need to identify which tribes are not being funded. If tribes do not have the capacity to apply for grants and are not even considered, we need to know that so we can begin to help them correct that.



## Recommendations

- Develop a better education model for teaching about tribal sovereignty.
- Draft a template for codes for tribal courts.
- Distribute funding equitably so all tribes receive support.
- Create a report that identifies tribes that have not received VAWA funding.
- Revise the definition of “law-trained” to include someone who is trained in tribal law and traditional customs.



## Little Traverse Bay Bands of Odawa Indians

*Stella Kay, Vice Chair*

Vice Chair Kay provided oral and written testimony, both of which are summarized below.

Since the passage of VAWA, we have made great strides in how we respond to domestic violence, dating violence, sexual assault, and stalking. However, there is still work to do to end the cycle of violence that afflicts the families in my community.



## Services for Youth

One in three adolescents in the United States is a victim of physical, sexual, emotional, or verbal abuse from a dating partner. For AI/AN teens, the rate is even higher. Studies suggest that AI/AN people are 2.5 times more likely to experience sexual assault than people of other races. One in three AI/AN



women reports having been raped in her lifetime. AI/AN teens in my community struggle with trauma related to violence. Recently, we used CTAS funds to create a program to help tribal youth heal from trauma and address related drug and alcohol issues. The program gives them culturally appropriate tools to cope with trauma. This funding is temporary, and we need long-term funding to support our tribal youth.

### Services for Elders

Except for children, elders are the most vulnerable and preyed upon population within our community. We would like funding for the following initiatives:

- a 24-hour hotline for reporting elder abuse or obtaining support and information;
- affordable, long-term housing for elders so they have a safe place to go;
- legal assistance to support them in leaving an abusive situation, such as through divorce, changing power of attorney, or ending a guardianship; and
- financial assistance for housing, transportation, and substance use treatment for those leaving a harmful relationship.

### Domestic Violence Victim Services

Victims often need services that will help them reestablish their independence, including transitional housing, affordable permanent housing, substance use treatment, child care, life skills training, job training, and transportation assistance. Simply addressing the crime in court is not enough to end the cycle of domestic violence. Victims need to regain self-sufficiency.


### Grant Award Process

Sometimes, approval of budgets or budget modifications takes months. That lag drastically delays tribes' abilities to use funds to benefit our citizens. Little Traverse Bay Bands of Odawa Indians recently waited over a year for approval of a budget modification. While we appreciate the grant, timely approval of modifications would be helpful.

### Recommendations

- Make long-term funding available to tribes for providing services to children, teens, and young adults who have experienced violence and educating young people about domestic violence and sexual assault.
- Broaden VAWA to provide tribes the ability to hold accountable non-Native perpetrators who harm tribal elders.
- Provide tribal funding for costs incurred by implementing VAWA, including defense counsel, detention, increased security related to domestic violence cases, and increased court costs.
- Fund services for victims of domestic violence to help them reestablish themselves.
- Improve response time from DOJ grant administrators.


At the beginning of this tribal consultation, Ms. Mary Thomas stated that the Trump administration is committed to tribal nations. The Trump administration's actions in the past year suggest otherwise. The message I would like her to take back to the administration is that we would like you to prove this commitment. The 2018 budget blueprint showed cuts to BIA, which affects our ability to defend our tribal rights; IHS, which affects our access to behavioral health services; EPA, which affects our access to tribal customs and treaty rights; and DOJ.



We know domestic violence and sexual assault will not end overnight, but we hope that if we work together, we can improve the lives of AI/AN women and children.


### Lower Brule Sioux Tribe

*Lisa Heth, Executive Director, Wiconi Wawokiya, Inc.*




Wiconi Wawokiya, Inc., serves the Lower Brule and Crow Creek Reservations. We have several programs in place to provide services to victims of violence: a women's domestic violence shelter, a child advocacy center, a wellness center, and a shelter with extensive services for victims of human trafficking.

### Barriers to Justice and Safety




We are a small reservation and are always listed as one of the poorest counties in the nation. We face housing shortages, lack of employment opportunities, no public transportation, and unreliable personal transportation. This poverty makes the lack of resources for victim services one of our greatest concerns.

*“The on-and-off-again service provision from agencies continues to be a major problem, since so many of the [services] are grant fund driven and any denial of an award or a delay in the release of funding will stop the services.”*




Women trying to escape violence are stopped at every turn by the inability to secure housing or employment. They often must leave the community to further their education or find employment. We are also facing epidemic levels of substance abuse. Assessments show that 96 percent of our families are affected by alcoholism. Wiconi staff estimate that 70 percent of women who enter the shelter have substance use problems. Our advocates feel that many women use drugs to escape the pain of domestic violence and sexual assault. Why will OVW not allow shelters to hire drug and alcohol counselors to assist victims whose substance use issues are related to violence from their abusers?




We need to strengthen our tribal courts so we can prosecute crimes against our tribal nations. We need to provide culturally sensitive services on our own reservations so our people do not have to seek services off-reservation that are not culturally appropriate. We need to talk about these issues and deal with them at the tribal level. The perpetrators are our family members, and eventually they will return home. If the issues are not dealt with appropriately, they may re-offend.

### Human Trafficking



Drug traffickers come to our reservations from other areas and give drugs to women a few times, then demand huge payments or to be paid with sex. When women cannot pay, the traffickers threaten them and demand that they provide their daughters for sex. Others will demand that the women or their daughters help them sell drugs. Law enforcement officers lack training on drug and human trafficking and do not arrest these perpetrators.



Most victims of trafficking are dealing with multiple layers of trauma and addiction. Our shelter for trafficking victims cannot be up to full capacity because of insufficient staffing. Many domestic violence shelters will not accept trafficking victims because they often face complex mental health issues. We need more funding to shelter these victims and training dollars for local shelters to learn how to support them.

## Historical Trauma

Many of our families suffer from generations of violence, substance abuse, and dysfunction. We estimate that 90 percent of the adults have personal experience with family violence. Many of us feel that family violence extends from the violent history of the Crow Creek Reservation. It was established by executive order as a prison camp for the Dakota and Winnebago survivors of the Dakota War, which culminated in the largest known public execution in U.S. history: the hanging of 38 Dakota men. The promised supplies never arrived at the camp, and approximately 300 people died from starvation, exposure, and disease. The women faced continued rape and abuse from the soldiers, who called them filthy hags. The lack of supplies sometimes forced women to sell themselves or their daughters for food. This was the start of sex trafficking of Native people. Our community members still suffer the repercussions of this treatment. Soldiers of the U.S. government began the sex trafficking of Native people, and now it is up to that same government to help us stop it.

## Law Enforcement

The reservation area is too large for consistent coverage by police officers. We need a stable police department with more officers. Protection orders are not served in a timely manner due to the lack of law enforcement. The courts and prosecutor's office are also underfunded, which interferes with the prosecution and conviction of offenders.

The most obvious gap in services is the lack of competent special agents to investigate sexual assault. Investigations need to occur in a more timely manner. Victims often fail to report sexual assault because other women tell them nothing will be done.

A lack of funding to train law enforcement officers has resulted in many women being revictimized. Untrained officers often see trafficking victims as prostitutes and arrest them, while the traffickers go free. BIA law enforcement officers need training regarding human trafficking, sexual assault, and domestic violence, and they need to be held accountable for implementing what they learn, rather than simply attending training because it is mandated.


## Murdered and Missing Women

My 15-year-old relative was murdered on the Lower Brule Reservation, and another relative, who was a mother of seven, went missing. Law enforcement did not respond, so the communities took the initiative to look for these women. Neither crime has been solved.

## Healing for Child Victims

Children on our reservations experience high rates of physical and substance abuse, teen pregnancy, school drop-outs, and delinquency. The suicide rate is seven times the national rate. Between the two reservations, there are 50 sex offenders, in a combined population of 3,220 people, who have committed crimes against children.

We also need to provide services to those who witness violence. There have been no healing opportunities for children who witness or experience abuse, which can lead to them becoming offenders. No federal agency has taken on the responsibility of working with families who have instances of a child sexually abusing another child. No one wants to intervene and help those children. We are failing our children by not providing the services they need. One in three of our girls are sexually abused before age 18, often by multiple perpetrators, and I believe the numbers are the same for our



young men. In the past year, I have talked to five or six men who have disclosed to me that they experienced sexual abuse.

*“We’re not going to see crime against women and children go down until we start helping our men and strengthening them so that they can become the protectors of our women and our children and our lands.”*

### Funding

Treatment programs need the flexibility to use traditional healing methods. One of the grants we had denied us a no-cost extension because they did not understand the traditions we incorporated into the program. Grant administrators need to learn about our customs and traditions when they come aboard.

Competition among tribes for funding creates barriers. We have to operate within the shelf life of a grant, knowing that it is going to expire and we may not be awarded again. How can we run our programs with inconsistent funding?


The budget approval process for OVW grants means 1 to 10 months may pass before we can access award funds. This delay is unacceptable. In 2015, we were awarded an OVW human trafficking grant, and it was not funded until a year and a half later, which severely impacted victim services.

### Recommendations

- Provide funding to shelter human trafficking victims and training dollars for local shelters to learn how to support them.
- Ensure training for BIA law enforcement officers regarding human trafficking, sexual assault, and domestic violence.
- Support the development of services to address trauma in children who witness or experience violence.
- Provide tribes the flexibility to use traditional healing in their victim services.

### Lower Elwha Klallam Tribe

*Frances Charles, Chairwoman*



As a tribal leader, I am on call 24 hours a day. I receive phone calls at 3 a.m. about domestic violence. I am caring for my nephew’s two children because of domestic violence. The children were in the bedroom with their intoxicated parents and witnessed the abuse. The older child, who was five, covered and protected her 1-year-old sibling as the abuse happened. She had to endure many days not knowing right from wrong and not understanding the services that were available to help her. She finally opened up to me one day because her older brother told me that I needed to ask her about what she had seen. These are the kinds of things we face in our community. Many people think what happens in their houses is their own business and that they cannot call anyone to help.

*“I ask every one of you to take a look at what’s going on in your homes, what goes on with your families. Get those skeletons out of the closet and talk about it.”*

### Barriers to Justice and Safety

Alaska Natives face many difficulties because of their isolation. We cannot forget the rural, landless tribes. Many of them have great need.

More and more elder abuse is happening in our communities. Mental health services are lacking due to limited resources that result from cuts to federal funding. As tribal nations, we signed treaties that guaranteed us health and safety for our communities. Violence affects the entire community. School absences because of domestic violence affect children in the long run.

Safe havens for domestic violence victims are scarce. We often transport them elsewhere in the area. Since we are a small community, we do not have a shelter because we and the victims fear that the perpetrators will know to find them there.

#### **Law Enforcement**

Law enforcement officers frequently leave for higher-paying jobs, which creates an ongoing need to retrain officers.

We have communication dead zones where there is no radio contact and no cell phone service. Law enforcement officers who respond to incidents in those areas cannot call for backup.

#### **Jurisdiction**

Another challenge is our lack of jurisdiction over non-Native community members who are often spouses of our tribal citizens. One of our women was sexually assaulted by a military man. The military court prosecuted and sentenced him 3 years after the assault, but the state did nothing to help. Jurisdiction is complicated on a checkerboard reservation. We need responsibility from other jurisdictions, since our hands are tied by our lack of jurisdiction over the abused and those who continue to abuse them.

#### **Funding**

We ask that OVW work with us toward much-needed reform for tribal public safety funding systems to better fit local needs. Often, funding awarded to the state is not channeled to tribes, even though tribal lands and citizens are counted toward states' overall population and land base. Funding must be provided to tribes directly.

Many good things come from the funding we receive, including our language program and afterschool cultural programs for children. Thank you for funding programs for the Lower Elwha Klallam Tribe. It has allowed us to provide services for victims of domestic violence and sexual assault, reintegrate culture, and educate our youth about dating violence.

#### **Recommendations**


- Provide direct funding to tribes.
- Invite tribal leaders to the White House for meetings about addressing violence against women.

#### **Lummi Nation**


*Nickolaus Lewis, Tribal Council Member*

VAWA has opened many doors and provided much-needed tools for protecting our people. However, many gaps remain in the system and limit tribes' effectiveness. Lummi Nation has a tribal police department, tribal court, attorney's office, and many other services for victims. We have updated the codes that govern our nation, such as the harassment code, to protect our people. We were just awarded access to the TAP, which will help us better protect our people.





In 2016, 56 domestic violence cases, 149 sexual assault cases, and 31 elder cases were opened. According to our 911 call reports, 156 calls were made in 2016, for an average of 3.25 per week. This data shows that not all cases are reported to law enforcement initially. So far this year, 171 calls have been made for an average of 4.75 per week.




Men are often victims of violent crime, though they may hesitate to report these crimes. In 2012, I was accused of something I did not do. A woman accused me of beating her with a baseball bat when I was actually the victim of that beating. I had marks across my body from the baseball bat. The police did not believe me, and I went to jail. I lost my job, and my life was destroyed. The system failed me. The truth came out, but I still had to rebuild my name in the community. We need to emphasize the role that mental health plays in these issues. I did not know it at the time, but the person who accused me of this crime suffered from mental health problems.



### Jurisdiction

Like many other tribes, we do not have full jurisdiction over crimes that occur on our own lands, and we believe we should. One of many challenges is that, when outside law enforcement is requested, our law enforcement is not able to continue patrolling our community. Sometimes, the outside jurisdiction responds quickly, but sadly, it is often a waiting game. The delayed response reinforces a widespread belief among our community members that outside jurisdictions do not care about what happens to our people on the reservation.



As a Veteran of the U.S. Navy, I understand that if I travel elsewhere in the United States or outside of the country and I commit a crime in a foreign jurisdiction, I answer to that jurisdiction. I do not have a “get out of jail free” card because I am a U.S. citizen or a citizen of Washington state or Lummi Nation. Yet, we allow reservations to be a haven where people do not have to answer to the tribe for crimes they commit against our people. That is wrong.



### Emergency Shelters

Through the Victims of Crime program, we have a women’s shelter that provides a safe place for those fleeing domestic violence. In the past year, 36 women and 39 children were housed in the shelter. However, the need is far greater than the resources allocated. The Lummi Stepping Stones, a nonprofit program run by Lummi community members, runs two homeless shelters that house over 44 people today. Half of those people are children, and 15 percent of those people are homeless because there was no place for them to go and homelessness was safer than the situation they were in. Even with two shelters on our reservation, we still cannot answer all the cries for help. We still do not have the capacity to protect all of our people, and this is an unfortunate failure of leadership in all governments. We must do better. Too many of our women are suffering at the hands of people who do not value them as they should be valued. Our women, children, and elders are sacred and should be treated as such.



### Historical Trauma

Historical trauma is at the root of these issues. When the settlers came to our homelands, our ancestors were beaten, raped, and murdered for simply being who they were, for the color of their skin, the language they spoke, and their beliefs. This country wanted to change who we are, and they did it through violence against our people. Domestic violence is not our way. It has been taught to our people over time. Domestic violence is foreign to us, much like the drug and alcohol epidemics that now afflict our people.

*“Violence against women is not a political matter. It’s a personal matter that affects each and every one of us. And we need to break this cycle that has destroyed so many we hold dear.”*

### Government-to-Government Relationships

At tribal consultations, we are often told what we want to hear, but the follow through fades over time. We return year after year with similar requests. Today, the tribal leaders are advocating for common-sense things that we need so we do not have to continue to fail our people. We need the federal government to fulfill its obligations as our trustee. If you cannot, please step aside and allow someone else to do it. Enough is enough. It was mentioned that the Trump administration values tribes, but this feels like the fake news we have become accustomed to since the signing of our treaties. I do not support the current administration’s desire to cut funding to vital services. I hope your actions moving forward will prove your words. I believe that those of you representing the federal governments have good hearts and that you do this work for a reason you believe in, so I ask you to stand up to your superiors when they threaten to cut funding that will harm our people.

Tribes signed their treaties with the federal government, not with the states, which were created after treaties were signed. We are the big brother to our state, but the federal government often forgets that and allows states to guide many decisions and basically silence the voices of our people. When the federal government’s trust responsibility is given to states, they need to be held accountable for engaging with tribes appropriately.

### Recommendations

- Continue to raise awareness and remind those affected by domestic violence that they are not alone and their voices will not be ignored.
- When the federal government’s trust obligation is given to states, ensure that tribes are treated as partners in decisions that affect tribal people.

*Lorayne Dennis, Program Coordinator, Lummi Victims of Crime*

### Sexual Assault


We are facing an epidemic of sexual assault and sex trafficking, and it seems that the victims and offenders are getting younger and younger. We continue to see this issue swept under the rug.

### Multiple Victimizations

When I was the shelter manager, I met a girl who came to the shelter, and she told me our tribe had failed her. She was removed from a mother who had mental health issues and was in a violent relationship. The girl was transferred to a non-Native foster home where the foster parent’s sons and their friends sexually assaulted her. At 13 years old, she ran away. CPS found her and placed her in a different foster home, which was 300 miles away from her tribe and family. She lived in their basement and was physically and emotionally abused. She ran away again. To cope with this pain, she used drugs and entered relationships with men who abused her. This is a powerful example of multiple victimizations.

### Male Victims

We are seeing more male victims come forward. Many are afraid to speak up because boys are taught that it is not manly to call the police, and sometimes, if the police are called, they do not take the male



victims seriously. I have two sons, and one of my sons was the victim of sexual assault and intimate partner violence. He refuses to talk about what happened to him. In another example, 2 weeks ago, a man sought a protection order against his wife, but the police did not recognize the protection order. In the past, three men have sought shelter from us, but our shelter is strictly for women. We have had to place these men and their children in a hotel.

#### Recommendation

We need more resources to help men and to educate police officers about how to deal with male victims in a culturally sensitive manner.

#### Muscogee (Creek) Nation

*Written comments from James R. Floyd, Principal Chief*

*Gregory Bigler, Judge*

Mr. Bigler delivered oral testimony that reflected many of the concerns and recommendations in a written testimony from Principal Chief Floyd. Both testimonies are summarized in this section.

Muscogee (Creek) Nation expends substantial resources to address justice and safety issues, such as domestic violence, dating violence, sexual assault, stalking, and sex trafficking. The Nation's judicial, legislative, and executive branches have distinct roles in combating violence, abuse, and trafficking, primarily of Native women and children. We remain deeply concerned about the impact of violence on our tribal nation and are committed to restoring the health of our communities.

#### Freedom from Violence as a Human Right

Muscogee (Creek) Nation has been working on translating the United Nations Declaration on Rights of Indigenous Peoples into our language. Section 2, Article 22 of the declaration says:

*“States shall take measures in conjunction with indigenous people to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination. Thus, the role of the United Nations, in particular, has recognized that being free from violence is a human right.”*

The right to be free from violence is not just a right created by an international organization; it is a foundational principle of the United States. The Declaration of Independence is also a statement of human rights.

Too often, our women's lives are put at risk and cut short. Without life free from domestic violence, there can be no happiness. Thus, allowing this abuse to continue is a violation of the fundamental founding principle of the United States.

We face challenges on two fronts: (1) What will we, as tribal nations, do about this problem? (2) How will the federal and state governments assist us?

I found children playing by hiding in the closet, and when I asked what they were doing, they responded that they were pretending their parents were fighting. No child should have to learn to play that game.

## Tribal Sovereignty

We know our people. At the tribal level, we know best how to deal with our problems. Our expertise demands we handle our own problems, be true partners in protecting our women and children, and be listened to when we offer suggestions or ask questions.

Our tribal courts have dealt with the problems of our people consistently, regularly, and to the best of our abilities despite our courts being suppressed. We use our courts, law enforcement, prosecutors, and advocates to protect our women and children. We need to increase our authority. We have a lack of shelters and law enforcement within our territories, in part, due to insufficient funds. We cannot fully control our economy when the state is involved.

## Tribal Jurisdiction

Please provide a legislative fix for *Oliphant vs. Suquamish Indian Tribe*, which reduces our ability to assert full jurisdiction over incidents that occur within our territory. We have controlled our territory before and need to do so again.

We cannot solve problems by looking at only one issue. Addressing the safety and justice issues that impact our expansive jurisdiction requires substantial resources, especially in terms of funding. A lack of adequate funding can be attributed to the inability to control our economy because we are subject to the state jurisdiction in the form of taxation and regulations, in addition to criminal jurisdiction.

*Murphy vs. Royal* determined that our nation's reservation boundaries are still intact. The federal judge panel found that, because our reservation continues to exist, there is no state criminal jurisdiction on our lands. This decision had an immediate effect on the tribal court's operations and reaffirmed our court's authority to issue protection orders within our historical reservation boundaries. Previously, the tribal court was reluctant to issue protective orders to women who lived in areas that the tribe was not sure were within its jurisdiction. Since that ruling, the tribal court issues protection orders for any tribal citizens within tribal boundaries. We ask OVW to support us in upholding our jurisdiction.


## Collaboration

We still see failures on the federal side in partnering with us. We offered to host a Tribal Victim Service Roundtable session and asked that we review the agenda and provide our input before it was set. Then, we were told that another tribe would host the roundtable. To truly partner with us, you must be open to our input.

True partnership would involve inclusion of tribal nations in the human trafficking task force, which currently includes the U.S. Attorney's Offices and non-tribal law enforcement.


Familiarity fosters empathy. Congressional staff have repeatedly told me that tribal people must walk the congressional halls to raise awareness of tribal issues. That effort goes both ways. Regulators, policymakers, funders, and law creators need to be aware of who and where we are. Raising awareness of our needs and concerns and providing examples will remind them, when an issue surfaces, they may be more inclined to increase tribal funding or lessen restrictions to help tribes protect their people.

We continue to experience lengthy delays in the filing of federal cases against perpetrators of violence. These delays, some in excess of a year, deny victims access to justice and result in offenders not being held accountable for the violent crimes they commit within our Nation. A recent example is a case presented to the Eastern District of the U.S. Attorney's Office by tribal law enforcement involving a child




sexual assault, which took nearly a year before the office reported that the case was officially opened. We expect that cases presented to the U.S. Attorney's Offices will receive timely attention and include on-going coordination and collaboration with the Nation's prosecutor, law enforcement, and advocacy program.

### Funding




Funding equals policy. If we do not receive the funding needed to implement a policy, that policy is meaningless. Funding is a critical need for developing and implementing coordinated responses to crime in Indian Country. Additionally, if we are to impose extended sentences under Enhanced Special Criminal Jurisdiction pursuant to VAWA, then re- authorization of the BOP Pilot Project allowing federal housing of tribal prisoners is also needed.



Our Family Violence Prevention Program, a current recipient of three OVW awards, is the only victim service provider in the three counties within our jurisdiction. While the program prioritizes services for AI/AN women and children, it serves many non-Native people, too.

At some point, after going through probation, an abuser will return to the community. Due to a lack of funding, there are no domestic violence counseling services in our area.


### Recommendations

- 
- Uphold and support tribal sovereignty.
  - Provide a legislative fix for Oliphant vs. Suquamish Indian Tribe.
  - Engage in collaborative dialogue with tribes to plan the Tribal Victim Service Roundtable meetings.
  - Involve tribal nations in the human trafficking task force.
  - Give timely attention to tribes' presentation of federal cases against violent perpetrators and collaborate with the tribal prosecutor, law enforcement, and advocacy programs to address these cases.
  - Provide sufficient funding for tribes to fully implement policies on crime in Indian Country.
  - Continue to seek and hire OVW staff who have direct experience in victim services in Indian Country.

### Native Village of Bill Moore Slough

*Stella Fancyboy, Tribal Council Member*

### Law Enforcement



Alaska Native villages lack local law enforcement due to a lack of funding by the state and federal governments. As a result, domestic and sexual violence are all too common. Many of our children struggle in school because they witness abuse of their parents at home and may experience abuse themselves. Many cases remain unsolved or are forgotten. Murderers walk around in our villages as if they have committed no crime. I fear it is unsafe for our children and teens to be out in the village. In July, a 19-year-old girl was murdered in the village of St. Michael. She had just graduated high school and was planning to attend the University of Anchorage, but she was found dead on the beach, half-naked and badly beaten. The investigation is ongoing, and the killer has not been brought to justice.



## Emergency Shelter

There are no safe places for victims to go in our village. They do not want to seek safety in the homes of family or friends because they do not want to create conflicts or endanger their loved ones. Victims live with no help, and the offenders get away with the abuse. Victims have no one to call, and some have hidden in the bushes near their house with their children because they have nowhere to go. I have housed victims of domestic violence and received calls from children asking me to pick them up because their father is angry and their mother is afraid. I have called around to try to reach law enforcement, but all I could do was ask a few men in the village to accompany me to pick up the mother and children. We need safe shelter for victims.

*“These cases are dangerous for everyone: the victim, their children and loved ones, and tribal leaders, like myself, who respond to their calls for help. If my village had a shelter, I would be more than happy to open the place for the victims and their children. It breaks me knowing these families go through this type of crisis and receive no help, no cops, no shelter, no place to go.”*

I am thankful that I can present our concerns. Without the mandated tribal consultation, no one would listen to our village’s problems. Are they waiting for someone like me to get murdered or go missing? Our women are suffering and dying. How can tribes acquire the limited federal assistance to help our victims?

## Recommendations

- Provide increased resources directly to our villages for services for victims of sexual assault.
- Support a dedicated funding stream for tribes under VOCA.
- Increase funding for shelter services in Alaska Native villages.

## Native Village of Tetlin

***Nettie Warbelow, Domestic Violence/Sexual Assault Program Coordinator***


Many of our tribal citizens practice traditional Athabaskan ways of life today. However, colonization introduced high rates of alcoholism and drug use, domestic violence, dating violence, sexual assault, stalking, trafficking, depression, child abuse and neglect, and other issues, such as poverty. Our leaders and citizens work hard to return to our traditional way of life and uphold Athabaskan laws and customs.

The Native Village of Tetlin experiences high rates of sexual assault with totally inadequate law enforcement response. Victims must travel 225 miles to Fairbanks, AK, for a forensic examination.

*“The health and safety of our Alaska Native women should be paramount, but when sexual assault occurs, victims do not have access to forensic examinations. Her needs, including health care and other services, are completely ignored.”*

We do not have transitional housing services for victims. We receive FVPSA funding for safe homes, but these provide only short-term stay options.

We believe that by continuing to build alliances and promoting the voices of Alaska Native survivors, advocates, and tribal leaders, we can move forward and stand stronger in our advocacy efforts.



*Additional comments and recommendations from the Native Village of Tetlin are listed under the combined Alaska Native Villages' testimony on page 6.*

## **Navajo Nation**

*Amber Kanazbah Crotty, Council Delegate*

*Nathaniel Brown, 23rd Navajo Nation Council Delegate*

*Written comments from Russell Begay, President*

Two Navajo Nation delegates delivered testimony at the tribal consultation. Additionally, Navajo Nation President Russel Begay provided written comments. The three testimonies are summarized below.

Navajo Nation, much like many other tribes, needs funding to improve public safety, particularly related to violent crimes against women. The laws and policies created by the federal government have affected our ability to protect our women on our reservation. Challenges arising from the complex nature of tribal criminal jurisdiction have led to high instances of declination by the federal government to prosecute violent crimes in Indian Country, which has led to distrust among victims for the federal and tribal criminal justice systems. More importantly, this disparity often leaves victims without justice.

### **Law Enforcement**

Perhaps equally problematic, and uniquely tied to the issue of tribal criminal jurisdiction, is the rural nature of the Navajo Reservation. Navajo Nation currently lacks sufficient police officers to effectively monitor all public safety issues. Tragically, domestic violence is not spared from this reality. In 2015, the Navajo Nation Police Department received 4,628 domestic violence calls.

Serving as a Navajo Nation police officer is one of the deadliest occupations in the nation. We lost three officers within the past 2 years. There are not enough police officers to cover the entire Navajo Nation. They lack backup, and the response time is long—3 hours on average. The national average number of police officers for a population of 10,000 is 20, and Navajo Nation has 12 officers to serve a population of almost 175,000 people. Consequently, Navajo Nation is not equipped to effectively address every incident of domestic violence. Domestic violence victims often go without justice, and Navajo Nation police officers are placed in elevated zones of danger.

In March 2015, we lost a police officer while he was responding to a domestic violence call where a man was holding his family hostage with an assault rifle. The officer was shot and killed while the perpetrator fled the scene. The incident sparked a manhunt that led to two other officers being wounded in the suspect's apprehension.

In the past few weeks, we also lost another Navajo Nation police officer. He was struck down by a habitual offender while responding to a domestic violence call. This incident shed light on the lack of communication and infrastructure in our communities. He was in a gray zone of communication, which refers to underdeveloped areas where the victim or first responder does not have connectivity to call for support.

### **Lack of Emergency Transportation**

Often, we find that victims do not report being hurt or humiliated. They do not rely on emergency medical transportation to be able to find them in a rural area that has not even been zoned for 911 or rural addressing. Locating offenders to serve protection orders is also difficult. Victim advocates are

crucial to helping guide victims through the process and helping them overcome the hurdles inherent to the rural landscape.

One of our elders was sexually assaulted by her nephew, and she called in to ask for medical services. They told her the ambulance would take too long to pick her up, so she drove herself to the clinic. The nurse asked her if they could call someone to pick her up, but the only person she could call was the nephew in charge of her care who assaulted her. The nurse drove her home and cleaned up the carnage of the crime her own relative committed against her, because she had no one else to help her but wanted to return home to care for her livestock. This incident exemplifies how our people have normalized the violence that occurs to them and how the lack of advocates harms them.

Often, perpetrators are released too soon. Federal law limits the amount of time for which tribes can incarcerate their own people. The cycle of revictimization discourages victims from reporting domestic violence.

### Domestic Violence

There are not enough shelters and insufficient transitional services for those impacted by domestic violence. Currently, only one fully functional shelter operates on the Navajo Reservation. We have seen reduced funding for shelters.

Currently, we do not have a 24-hour hotline to provide domestic violence support for victims. Often, victims are hesitant to press charges because they fear retaliation from the perpetrator. Further, many victims lack access to transportation, which makes it difficult for them to seek assistance or become independent.


In 2016, the Navajo Nation Human Rights Commission published *The Status of Navajo Women & Gender Violence*, a report detailing the status of domestic violence on the Navajo Nation, the failures of the federal and tribal justice system, and the lack of resources for victims of domestic violence. In 2013, the Navajo Nation had only three women's shelters to serve the entire Navajo population of nearly 175,000 people. (Since the report's publication, two of the shelters have closed or reduced services.) The report emphasizes the shelters' inability to provide adequate resources to the women and children seeking refuge from domestic violence. The Navajo Nation Human Rights Commission recommended that the Navajo Nation judicial and law enforcement districts be provided additional resources to assist in the arrest, apprehension, prosecution, and monitoring of perpetrators of violent crimes.

### Sexual Assault

The sexual assault prevention committee received a recent report from one of the six Navajo Nation service units. The report indicated that 18 adult victims and 38 child victims of sexual assault visited the clinic. For the most part, it is us who are perpetuating these crimes—the family members who are supposed to look out for those children. We created the Navajo Men Against Violence program, and we are applying for federal funding to sustain it.


We need all of our federal partners involved to help us with TTA and funding. We were joined by DOJ, IHS, and BIA, but the U.S. Department of Education, Bureau of Indian Education, and U.S. Department of Housing and Urban Development were missing from the conversation. When we asked for data, the Attorney General's Office was reluctant to provide it. We demand that data be provided to our nation so






we can respond efficiently and effectively and so we can go home, look our children in the eye, and tell them we are doing everything in our power to protect them.

### Human Trafficking




We have done great work to address human trafficking on behalf of Navajo Nation and the states of Arizona, New Mexico, and Utah. Many other tribes have been involved.

The three affiliated tribes in North Dakota were the first tribal nation to pass a human trafficking law. However, they still lack resources to prosecute traffickers. Many traffickers are non-Natives who have encroached onto tribal lands.




We need to collaborate with our federal partners to find specific funding for shelters for victims of human trafficking. A local women's shelter advised us against housing domestic violence victims with human trafficking victims. Though these victims may face some similar struggles, their mentalities are different. We need shelters specifically for victims of trafficking, who include women, girls, young boys, and members of the LGBTQ community.



Sex trafficking is a \$34-billion industry. Transgender Natives are very marketable for sex trafficking. Many AI/AN people can also be marketed as Asian or Latino. Our children are sought after. They are being marketed online. Pimps and gang members know where to find victims. They target areas with high rates of poverty and chemical dependency, and that is in our backyard. These predators know that over 51 percent of cases of exploitation and missing women or children go unreported. On average, children who are trafficked are sold 12 separate times per day. One young lady who we recovered said that she was trafficked up to 50 times in 1 day.

Tribes need to put pressure on the FBI. The FBI said they have no documented cases of sex trafficking on Navajo Nation, so we need to ask them to gather that data. We need those numbers to support proposed legislation.


### Jurisdiction



Tribal leaders need to work together to demand Congress to change laws and judicial decisions that restrict tribal criminal jurisdiction. These include:

- the 1978 Supreme Court ruling in *Oliphant vs. Suquamish Indian Tribe*,
- the Major Crimes Act,
- P.L. 280, and
- the Indian Civil Rights Act.

Some of these laws limit the amount of time tribes can incarcerate their own people and the amount of money they can fine their citizens for offenses. The *Oliphant vs. Suquamish* ruling prevents tribes from prosecuting non-Native offenders on tribal land.



A Navajo Nation police officer reported being taunted by a non-Native man who is a habitual domestic violence offender. He recognizes that the tribal police cannot prosecute him on tribal lands. Native women are at the highest risk for domestic violence, stalking, sexual crimes, rape, and murder. This one rule limits all tribes' abilities to respond to these crimes, so I implore tribal leaders and our federal partners to work toward a remedy through congressional restoration of tribal jurisdiction. Senator Heidi Heitkamp (North Dakota) is working on legislation on human trafficking in Indian Country.

We need to ensure that our judges and attorneys have the proper education and experience. We found it was important to have a public defender on Navajo Nation to represent non-Native defendants.

### LGBTQ Community

We are working to pass laws on equality and against hate crimes for the LGBTQ community. If a transgender person is travelling across the Navajo Nation, they must plan where they can stop to use the bathroom or drink water with a lower risk of being harassed. Most of the time, they do not feel safe. Transgender people of color are 2.59 times more likely than non-people of color to experience police violence. Transgender people of color are 2.37 times more likely to experience discrimination, compared to non-people of color. Transgender women are 2.9 times more likely to experience police violence, compared with non-transgender people.

### Recommendations

- Provide Navajo Nation judicial and law enforcement districts with additional resources.
- Increase funding for shelters.
- Support transitional homes for trafficking victims. We would like to open a small shelter in the northern agency.

### Northern Arapaho Tribe

#### *Willard Gould, Director, Batterers Intervention Program*

The tribal government self-governance grants category under the CTAS application is one of the only grant opportunities that can be used to fund batterer intervention programming. This programming is essential to breaking the cycle of violence in tribal communities. The program is a form of prevention, as well as intervention. It helps change the culture of violence. It educates those committing violence about their personal thoughts, beliefs, and behaviors that contribute to their violent actions. That knowledge is necessary for change to occur. Batterer intervention programs can be required by courts as forms of diversion or probation, or they may be mandated in conjunction with incarceration. The programs also serve those referred by behavioral health care providers and those who voluntarily seek help. Through a trauma-informed approach, the program addresses violence by making a batterer aware of the trauma their behavior inflicts on their family and community; enabling insight into their own trauma, beliefs, and behaviors; and identifying the behavioral and thinking patterns that play a role in the violent behavior. Using evidence-based, culturally informed practices, this treatment delivers education and provides referrals for ongoing treatment. To truly serve victims of violence, we must change the behavior and thinking that leads to violence. This program is cost-effective because it lessens incarceration costs of offenders and decreases the amount of victim services needed.

*“Tribes are families, and violence affects everyone in that family. We must address the real cause of violence [and] the intergenerational trauma it causes that results in so many deaths, incarcerations, and ruined lives.”*

### Recommendation

I implore you to make available flexible funding for tribal governments that can be used for batterer intervention programs.





## Oneida Nation of Wisconsin

*Tsyoshaht Delgado, Area Manager of Social Services*

When women suffer, children and men suffer, too. We all suffer, including the federal government. Indigenous people have been abused, neglected, and shamed for who we are. In turn, we do that to ourselves and each other because it is a learned behavior.

We have our own cultural ways of healing, and we need the federal government to acknowledge and accept this. We need you to listen even when you do not understand. We know that, when a woman carries a child in her womb, if that child is female, the mother is carrying two generations with her. By 14 weeks, the growing baby has all her eggs, meaning the mother carries the spirit of the grandchildren too. When you think of the atrocities that our people have experienced, and you wonder why the trauma is carried down through the generations, it is because we are always carrying two generations. When a child is afraid of the dark for no apparent reason, perhaps it is because their mother or grandmother was afraid of the dark because of what happened to them while carrying that child.

Healing comes from education, love, and compassion. It comes from physical exercise and from going outside every day to spend time with the elements of creation and our mother earth.

Our strongest need is for ongoing funding. I used to work in corrections doing reentry for offenders who were returning to our homelands. One day, that funding got cut off because it went to another tribe. I do not understand that.

Remember, when you make decisions that affect our people, do so with empathy, understanding, and compassion.

All nine of my siblings and I were abused. Back home, we have boys as young as 7 abusing their mothers because they witnessed their fathers doing the same. The healing needs to begin early. It needs to begin when the baby is in the womb. We must start the healing with the women, and then move on to the children and men. Ceremony is an important part of the healing process.

### Recommendations

- Allow flexibility for tribes to use traditional healing methods.
- Provide consistent funding for tribal programs.

## Organized Village of Kake

*Michael Jackson, Appointed Circle Peacemaking Coordinator*

I am a retired state magistrate judge. Working in the Alaska court system was a challenge because I was brought up in a traditional way of peacemaking. The traditional approach is non-adversarial since, in our little communities, we must walk down the same trail with those who commit the crimes. Within the state court system, all the energy is applied to conviction. I was disturbed by the high rate of recidivism among offenders.

### Circle Peacemaking

A young man came through the court system who, as a child, witnessed his mother's fiancée shoot and kill his mother, point the gun at the child, and then shoot himself instead. I knew the young man's grandmother. She was the one he committed crimes against. He would get drunk and go to her house to break things. I asked her to come to the court and bring his other relatives and friends. His family knows

best how to come up with a traditional, holistic plan to help him. We sat there and talked with him and developed a plan. We called upon tribal, clan, family, and traditional values.

This case began what we call the Kake Circle Peacemaking. In the court system, I must recuse myself if my family member comes in for a crime, but circle peacemaking centers on relationships. The circle peacemaking helps the community move forward from crime and teaches us to respect the earth and hold it sacred. Community and family core values are the laws of the land. Sticking to traditions is our source of strength.

July 2018 will mark 30 years of the Organized Village of Kake's annual culture camp. Children from preschool age through high school age go out on the land and learn about their culture. The culture camp was started as a suicide prevention initiative.

The Little Traverse Bay Bands of Odawa Indians and the Pokagon Band of Potawatomi visited Alaska to sit in on the circle peacemaking and apply it in their own courts. Peacemaking has worked well for courts all over, from the Hmong community in St. Paul, MN, to the Harvard JFK School of Government.

I invite the federal agencies here to visit the Organized Village of Kake so we can show you who we are.

#### **Law Enforcement**

Five years ago, a 13-year-old girl was raped and murdered, and it took 16 hours for the state troopers to arrive from Juneau, AK, which is 80 air miles away. Others in Alaska say the police sometimes take days or weeks to arrive. However, if you shoot a moose outside of moose season, a state trooper will knock on your door within 2 hours and break it down if you do not answer. Two months ago, a 19-year-old girl was murdered next door to my brother-in-law and sister-in-law. The case is still under investigation. The Wall Street Journal covered these two cases to illustrate the selective justice that takes place in Alaska.

The lives of these two girls were taken when no law enforcement was available. I implore you to take back a message about the crisis that our villages face of no law enforcement. When Alaska became a state, it swore that everyone would have equal access to all state resources, but that is not happening. Even though the federal government transfers plenty of funding to the state, those funds are not passed down to the villages.

We support the NCAI priority list and the recommendations made by others during this tribal consultation.

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

*Juana Majel Dixon, Legislative Councilwoman*

In California, many tribes were created by executive order. Tribes have various kinds of jurisdiction depending on how they were set up, but we are all sovereign nations. The federal government needs to consult with tribes to develop a proposal that would reform public safety and protection of our women.


The commonalities across tribes are our sacred ways and spirituality. Sacredness is not quantifiable; it cannot be presented as data within grant applications. We are trying to develop language that presents our knowledge in a way that those who read grant applications will understand. We agree to complete your grant applications, even though we are not always speaking the same language. We need to work together so our need is documented.






### Sexual Assault

We have limited tribal SART training. There is no database that notes who needs a SART kit. IHS had \$7 million for distributing SART kits. They doled out these kits to tribes depending on tribal population, and some tribes without SART services received these kits. Had HHS and IHS partnered with tribes on how to spend these funds, this distribution would have been done more effectively. Tribal women have been refused access to SART facilities. The rapes still occur, so we took what we learned and made our own SART kits and do our own exams.




We took all of the tribal youth and children out of the public school system because of the racism and the sexual violence committed against them. At the high school level, they were raping the boys in the gym showers. One of the rites of passage for the predominantly White high school boys is to rape an Indian girl. This is an example of how our people are invisible. They are not treated as human beings, but as accomplishments to check off. I hear the same stories in other parts of Indian Country and Alaska.



We recommend that DOJ and DOI create standards for industries that bring in many employees to tribal areas. These industries need to be held accountable and comply with protections for tribes. There are stories of women in these areas going to a convenience store and being surrounded by men. They rape her in the store, and nothing can be done because the circle of men is shielding her from the camera.


### Sex Trafficking



Sex trafficking has increased by 11 percent this year, and the year is not over yet. This issue is especially rampant in the Bakken area and with tribes whose lands border Mexico. One in seven of our women is abducted and trafficked. A coordinated response to sex trafficking is needed that involves all partners. Recently, we discovered a trafficking incident in which 57 women were involved.


We also ask that HHS enhance services for victims of domestic violence inflicted by industry workers who cannot be held accountable by local tribal authorities. The tribes care for any women affected by domestic violence, not just AI/AN women. We would also like to see an increase in federal penalties for these offenses.

### Tribal Access Program




The TAP is working. It helps us see if someone is a perpetrator when they visit the reservation. Previously, we could not obtain that information from local authorities; now, we can find it on our own. TAP also helps with the full faith and credit given to tribal protection orders, as it records them and allows them to be viewed. We need to receive further funding for this program. We need to partner so that tribes with the capacity to use TAP have access to it.

### CTAS Funding



The coordinated application for CTAS needs to be more flexible. We were never consulted about CTAS or involved in developing the priorities. We need a robust discussion together about how CTAS works. One year remains in the current funding model. We would appreciate it if you consult with tribes in developing the new funding structure.

### Detention Facilities



I found a memo confirming that no regulatory authority permits the exemption of tribes in P.L. 280 states from BIA services. However, DOI does not provide support for detention facilities, courts, law

enforcement, and justice programs for P.L. 280 tribes. There are stories of prisons being torn down because BIA funded the construction of the facility, but never provided funding for staff.

### Tribal Consultation

For the next violence against women tribal consultation, we request that elected officials stay for the duration of the event. We are glad they came, but disappointed they could not stay. Elected leaders on the tribal side are here, so we expect the same from the federal government. I appreciate that you altered the agenda to make more time for tribal testimony. As this event grows and these partnerships grow, the time allotted for testimony will need to expand. I also ask that tribal consultation materials be circulated well in advance of the event so we have sufficient time to review and discuss the framing papers.

### Recommendations

- Create protection standards for industries that bring in many employees to tribal areas.
- Enhance services for victims of violence inflicted by industry workers who cannot be held accountable by local tribal authorities.
- Create a tribal set-aside for OJP funding.
- Earmark OVW Title IX funds for the protection of AI/AN women.
- Provide an update on where VAWA funds are going and what is being accomplished.
- Provide funding for tribes to continue using the TAP.
- Work with tribes to increase the flexibility of the CTAS funding structure.
- Work with BIA on effectively funding prisons for tribes.
- Ensure that elected officials participate for the duration of tribal consultations.
- Send out tribal consultation materials no fewer than 60 days before the event.

### Ponca Tribe of Oklahoma

*Earl Howe, Chairman*


The shawl ceremony is touching. Most of us can assign faces to the shawls. I place faces on them, because I know personal stories about victims of violence.

### Domestic Violence

The director of our tribal domestic violence program, who helped many victims, lost her own battle with domestic violence. Days after filing for a protective order, she was ambushed by her ex, who stabbed her several dozen times. He murdered her in front of her children over 4 years ago, and he has not yet been brought to justice.


My sister is a survivor of domestic violence. The situation was difficult for our entire family. We would receive calls any time of the day or night notifying us that he had beaten her up and put her in the hospital again. Our law enforcement is stretched very thin in tribal communities.

As a proud veteran and past law enforcement officer, I consider myself a protector of those around me, but during that time, I felt helpless. Like many domestic violence situations, no matter how many times these incidents happened, she returned to her abuser. Because of that relationship, she lost her 15-year-old son, my nephew.



Her abuser went to prison. One day, an FBI agent visited me to tell me that, from prison, he put out a hit on me. He wanted me dead just because I tried to protect my sister. She is still trying to pick up the pieces of her life and is fighting depression. As a family, we rallied together to help one another.

### Funding



There are many more stories like these. I encourage OVW to take these stories to heart. It is important that those in charge of the funding consider the stories of the many underserved communities across Indian Country. We are underfunded, and this is what happens to our people. We need funding to provide resources and direct services for victims. Even more importantly, we need funding for education. We need to educate people who are putting their families back together and provide classes for our youth. Men must be part of the solution, even by simply living by example.


*“Provide education to those young adults even before they’re in relationships. Show them that this is not acceptable behavior for men or women.”*

### Recommendations

- Provide funding for victim services.
- Provide funding for community education.

### Pueblo of Zuni


*Arlen Quetawki, Tribal Councilman*



Violence against women is a sensitive issue, but we must discuss it to educate our community members, law enforcement, and courts.


We must determine what we can do to change so the children who follow us and represent the future of our tribe live in a better world without violence. However, while looking to the future, we must not forget our traditional pasts. Our elders have taught us how tribes should be. Violence was not there. We never hurt our women or children. We respected each other. Our elders are telling us violence is not the way, but we are not listening to them. It is sad to hear of elders being sexually and verbally assaulted. We need to protect our elders.

### Jurisdiction



The Pueblo of Zuni faces jurisdictional issues related to non-tribal members and non-Native people committing crime against our tribal citizens on our reservation. We call for DOJ to consult with tribal governments to develop a bill that would expand tribal jurisdiction and fill gaps left by VAWA 2013, specifically those related to violent sexual crimes and crimes against children.

### Rehabilitation for Offenders



There is a lack of funding for batterers intervention programs. We need more funds to channel into helping our men lead lives of nonviolence. Other tribes provide examples of best practices for these programs. We ask that you support funding for culturally responsive public safety programming. Many batterer intervention programs focus their success on recidivism rates for offenders, while tribes may be more likely to measure a program’s success based on the offender’s level of behavioral and attitude change.



## VOCA Funding

The Crime Victims Fund pays for itself through the collection of criminal fines and penalties. We request that funds be allocated and distributed according to those who experience the highest victimization rates in the country: AI/AN victims. VOCA funds are administered through the state, and we receive less than .5 percent of the funding. Tribes need direct access to the funding. We request a tribal set-aside.

## Violence Prevention

Tribal leaders should prioritize violence prevention efforts for Native youth. Simultaneously investing in offender intervention services helps ensure that offenders who return to their communities have the support and services they need to lead healthy, violence-free lives.

## Recommendations

- Through federal funding and legislation, support and expand tribal jurisdiction over all non-Native perpetrators who commit crimes on tribal lands.
- Support the reauthorization of VAWA in 2018.
- Request the appointment of a U.S. attorney for the district of New Mexico immediately.
- Request that notices of cases declined for prosecution be delivered to tribes for follow-up.
- Hold a tribal consultation at the state level.
- Reaffirm tribal sovereignty and allow tribes to set their own measures for federal, state, and other public safety funding.
- Support the McCollum-Cole Amendment on tribal public safety and victim services.
- Administer a 5 percent tribal set-aside under VOCA funding.
- Invest in violence prevention and early intervention.

## Red Lake Band of Chippewa Indians

*Written comments from Tom Cain, Executive Administrator*

*Robert Smith, Councilman*

Mr. Smith delivered oral testimony that reflected many of the concerns and recommendations in a written testimony from Executive Administrator Cain. Both testimonies are summarized in this section.

Our tribe operates a women's shelter that serves over a thousand people per year. This facility is funded through various competitive grant funds. We also employ a tribal prosecutor who addresses domestic violence and sexual assault in the court system, community cultural mentors who provide teachings to the community, and a men's support group to promote harmony.

If our testimonies stay at this level, this consultation will not help us. Our testimonies need to be forwarded to representatives and senators so they know who we are, what we are doing, and what our concerns are.

## Government-to-Government Relationships

To comprehensively address these issues, government-to-government relationships should include tribal consultations with the federal government and meetings between tribes to assist one another, share successful strategies, and work together to develop effective models. However, many tribes lack the funds to implement such a meeting, so we would like DOJ funding to support this endeavor.



## Funding

President Trump has talked about deregulation. Tribes are some of the most regulated entities, and we are expected to use funding streams in the same way even though all tribes are different, which hurts us. In line with the deregulation approach, we would like more flexibility in our funding. Base funding, rather than competitive funding, would be helpful. The federal government needs to consult with tribes on the formula for the base funding. We have seen funding formulas be disastrous to some tribes.

Programs from all departments are always underfunded. Our police program staffs a dangerously low number of officers, but the funding never increases. When we talked to our senators and representatives about potential cuts to the TLOA funding, they had no clue about TLOA. Although we have been working to implement VAWA, we lack sufficient funds to accomplish this implementation in a timely manner.

## Sexual Assault

No SANE nurses are available at the IHS clinic. Sexual assault victims who visit IHS must travel to another town to see a SANE nurse, where the process starts over again.

## Recommendations

- Develop recurring block grants, in consultation with tribes, to support tribal implementation of VAWA.
- Expand tribal criminal jurisdiction under VAWA to include crimes against children and drug offenses.
- DOJ and HHS should work together to mandate that IHS clinics have SANE nurses on staff. Adding this one staff member would help provide appropriate care for victims of such traumatizing events.

## Rosebud Sioux Tribe

*Cheryl Three Stars Valandra, Tribal Judge*

### Tribal Courts

Our court serves approximately 29,000 tribal citizens and other AI/AN community members. We have a criminal, civil, and juvenile court. Currently, we are implementing the VAWA provision that includes prosecution of non-Native offenders.

We have a public defender, two lay advocates, and two prosecutors. Lay advocates and licensed attorneys must pass the bar exam. We have concerns about whether lay advocates are adequately trained to handle serious offenses, particularly against non-Native defendants who may challenge the tribal court's jurisdiction. I asked one of our new prosecutors what would happen if a non-Native person assaults a tribal citizen on our land, and she responded that the police officer takes the accused to the state jail, which is incorrect. The federal government has jurisdiction over the non-Native offender. This example demonstrates a need for training.

A defendant challenged a federal conviction based on an underlying domestic violence conviction from the tribal court, stating that he did not receive legal counsel from a licensed attorney. The Eighth Circuit Court of Appeals determined that representation by lay counsel was sufficient in the tribal court. OVV may want to consider more clearly defining *legal counsel* in future changes to VAWA. If it is determined that legal counsel requires counsel from a licensed attorney, tribes will need appropriate funding to hire

these attorneys. Tribal courts need more funding so licensed attorneys can be hired as prosecutors and public defenders.

We have two court services officers, one of whom is funded by the local domestic violence organization. They also provide one process server. We have juvenile and adult detention facilities. We need court advocates to represent victims in the courtroom. It is difficult for a victim to effectively represent herself to obtain a protection order when the perpetrator is sitting at the next table.

If we lose funding, we will have inadequate staff to handle the caseload, which means cases will be put aside or backlogged. Our constitution entitles defendants to a speedy trial. Tribal law enforcement receives more funding than tribal courts. The capacity to arrest a high number of offenders does not equate to an effective system if the court lacks the staff and resources to process defendants through the court system. I encourage OVW to prioritize funding for tribal courts.

### Violence Prevention

My concern is how to prevent our young people from becoming abusers. What education or services are we going to provide them? More young people are coming through the juvenile court system for committing domestic violence against household members, and this violence includes young women assaulting their mothers, grandmothers, or siblings. We see sexual assault cases in the juvenile court. We need to rehabilitate these children so they do not grow up to be habitual offenders. Drug use has become an epidemic on the Rosebud Indian Reservation, so drug-related domestic violence and sexual assault are likely to increase.

### Tribal Sovereignty

Tribes should exercise their sovereign rights to hold their own citizens accountable for crimes. I believe we can keep people in the community by sending them to our jail and providing them the needed services on our reservation, rather than sending them to a federal penitentiary in another state with offenders who have committed more serious offenses.

### Recommendations


- Provide sufficient funding for tribes to hire licensed attorneys as prosecutors and public defenders.
- Prioritize funding for tribal courts.
- Ensure sufficient funding for tribes to hire victim advocates.

### San Carlos Apache Tribe


*Allred Pike, Jr., Councilman*

One of our community members was a victim of domestic violence. First, her boyfriend threw hot water on her face while she slept. Then, he beat her for no reason. Eventually, he killed their young child. He is now in prison for the murder. Currently, she and her two surviving children are homeless. I hear stories like this from our community members too often.


San Carlos Apache Tribe has a domestic violence program, and the tribal prosecutor's office has a victim advocate who assists victims of domestic violence. However, we lack sufficient funding to help our victims. Without corresponding funding, federal laws, such as VAWA, TLOA, and the Sex Offender Registration and Notification Act, only stretch tribal resources and personnel. We have 12,000 tribal citizens, but fewer than 20 police officers. We need funding for additional law enforcement and to fund



counseling for abusers. Currently, the only service we have available for rehabilitating abusers is anger management, which does not appropriately address the issues the offenders have.




We passed the Reservation Residency Act, which requires non-Native people who move to our lands to register with the police department, which then conducts background checks.



Victims' tendencies to reunite with their abusers is a troubling issue. Often, victims fail to appear in court because they return to relationships with their abusers. I have seen the same victims and abusers return to court multiple times. Other times, victims have become discouraged by multiple continuances and have failed to appear in court.


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

*Jennifer McLeod, Board of Directors*



Ms. McLeod provided oral and written testimony. Her combined testimony is summarized below.

As always, my tribe sincerely wants to work in partnership with OVW. Tribal consultation is critical to improving the safety of tribal communities, since it enables the federal government to learn how it can best meet its federal trust obligations.




Most of my concerns involve treaty obligations and tribal sovereignty. There is basic wrong in forcing tribes to compete with one another to support their people. Based on treaties, tribes were expecting to have the resources to care for their own citizens, so forcing them into competitive situations is unfair. Competition between large tribes with resources like ours against small, remote tribes, like those in Alaska, puts the smaller tribes at an unfair disadvantage.

### **Jurisdiction**

Today, victims across tribal nations are without justice due to the continued jurisdictional gaps created by the 1978 *Oliphant vs. Suquamish Indian Tribe* ruling by the Supreme Court.

Under Section 904 of VAWA 2013, special domestic violence criminal jurisdiction is in place for tribes, but it does not extend far enough. It applies to a narrow category of intimate partners and does not allow for prosecution of co-occurring crimes, like drug and alcohol offenses, property damages, and crimes against children. It is an atrocity that perpetrators are not held accountable for such offenses and are left to continuously prey upon others. Many of our tribal citizens are not able to obtain justice because of these jurisdictional gaps. For example, last year, a young tribal citizen was sexually assaulted by a non-Native member of the household. The case was not referred to the U.S. Attorney because it did not meet the threshold necessary for prosecution. Tribes need full jurisdiction over people who commit crimes against our people on our lands.

### **TLOA Implementation**



Although the Sault Ste. Marie Tribe of Chippewa Indians implemented special domestic violence criminal jurisdiction in 2016, we cannot exercise it because it remains unfunded. As of August 2017, only 11 tribes had implemented TLOA 2010, which authorizes enhanced sentencing authority for tribes. The U.S. Government Accountability Office issued a report indicating that 96 percent of responding tribes most frequently identified limited funding as a barrier to exercising sentencing authority. This barrier points to a need for additional resources. My tribe cannot implement the enhanced sentencing authority allowable under TLOA due to a lack of resources specifically related to imprisonment expenses.



### Exemption from Funding Rescission

There is a proposed permanent rescission of \$1.31 billion from the Crime Victims Fund, established by VOCA. This recommendation cannot stand, because it contradicts the federal trust responsibility owed to federally recognized tribes. The Sault Ste. Marie Tribe of Chippewa Indians urges all federal funding streams for tribal programs to be held exempt from these cuts, based on the federal government's unique government-to-government relationship with tribal nations.

### OVW Funding

For over 15 years, our tribe has operated a legal assistance for victims (LAV) program. For the last 3 years, the program was funded by a tribal focus legal assistance grant that was available in 2014. While 67 percent of LAV applicants were funded in 2014, only 26 percent are estimated to be funded in 2017, since 171 tribes had to compete for limited funding under CTAS Purpose Area 5. By December 2017, our LAV program will be forced to cease operations, as we were among the unfunded applicants. The 2017 LAV grant allocation fell short of the documented need by \$66 million. This limited funding will force thousands of victims and their children to remain in volatile living and custody situations without access to legal relief.

Additionally, due to award amount limitations within CTAS Purpose Area 5, tribes are restricted from applying for Purpose Area 5 annually. Preventing tribes from applying annually for victim service program funding often eliminates these programs.

OVW grant award announcements must occur sooner than September. On September 27, we received the notification that our LAV grant would not be funded for the next year, which began on October 1. Had we not been approved for a no-cost extension, our grant-funded program staff would have had only 2 days to vacate their offices.

Based on the current funding systems, AI/AN victims may have an advocate today and none tomorrow. Every tribe, every year, struggles financially to maintain accessible victim services.

### VOCA Funding

Programs that served AI/AN victims of violent crimes from 2011 to 2014 received less than .5 percent annually from the VOCA fund. While we have access to some VOCA funds through the state of Michigan, they are insufficient to meet our needs. Despite strong support for the proposed 5 percent VOCA tribal set-aside, an objection in the House of Representatives resulted in this measure's removal from the bill. The set-aside must be re-added in VOCA's next reauthorization.

### Child Advocacy Centers


Currently, most child advocacy centers are out of reach for children living in rural areas. Child victims in our community must travel at least 3 hours one way to visit a child advocacy center. Funding opportunities must be developed to allow for the establishment of child advocacy centers throughout Indian Country, whether they are tribally operated or involve tribes as partners.

### Inequity in Public Safety and Justice Funding

A 2003 report by the U.S. Commission on Civil Rights evidenced inequity in funding allocated to public safety and justice programs in Indian Country. 2016 data showed that only 40 percent of tribal law enforcement needs and 6 percent of tribal court needs are met by public safety funding. When the federal government ratified treaties with tribes, it obligated itself to provide for the health and







wellbeing of tribes. We held up our end of the deal; the federal government has almost all of our land and resources. Now, the federal government needs to hold up its responsibility and provide us with the services we need.

### Recommendations

Sault Ste. Marie Tribe of Chippewa Indians recommends the following to OVW:

- Expand Section 904 of VAWA 2013 to include sexual assault, stalking, sex trafficking, and crimes against minors.
- Create a funding solicitation that includes financial support for imprisonment costs necessary to fully implement TLOA.
- Hold funding for tribal programs exempt from budget cuts.
- Reimplement the 2014 tribal focus grant for LAV programs as an annual, stand-alone solicitation or a new purpose area within CTAS.
- Allow tribal nations to apply annually for CTAS Purpose Area 5.
- For OVW grant applications, accept proposals in February of the grant solicitation year, announce awards in June, and set the start date as October 1.
- Establish a tribal set-aside within VOCA funding.
- Prioritize the development of child advocacy centers within rural and underserved communities.
- Do not impose a time limit upon tribal representatives who present testimony during the OVW annual tribal consultations. It is important not to interrupt the speakers and allow sufficient time for testimony, while also scheduling adequate time for breaks.
- Issue tribal consultation framing papers at least 120 days in advance of the event.

Sault Ste. Marie Tribe of Chippewa Indians recommends the following to HHS:

- Allocate increased funding for the IHS Domestic Violence Prevention Initiative.
- Implement an annual tribal consultation hosted by Family Violence and Prevention Services, similar to the OVW Government-to-Government Violence Against Women Tribal Consultation.

Sault Ste. Marie Tribe of Chippewa Indians recommends the following to BIA:

- Address tribal program funding disparities and meet the needs of tribal services and programs.

### Shoshone-Bannock Tribes

*Nathan Small, Chairman, Fort Hall Business Council*

Chairman Small provided oral and written testimony. His combined testimony is summarized below.

It is encouraging to see federal agencies upholding their trust responsibilities for the health, welfare, and safety of our tribal people through federal laws and regulations, tribal consultations, and funding for tribal programs. The tribal provisions of VAWA are key to assisting our tribal populations who are often silent, but are the most vulnerable to and impacted by violence.

The tribe's victims assistance program serves victims of domestic violence, stalking, sexual assault, trafficking, and teen dating violence. The program leverages community involvement to identify issues, develop action plans, and work directly with tribal officials. Creating an interdisciplinary team has

engaged people and encouraged them to discuss difficult situations. About 5 years ago, we built a justice center with our own money. It cost several million dollars, but we needed it.

### **Human Trafficking**

The Fort Hall Reservation is located along two major interstates. Thousands of people pass through, so these routes are constantly monitored. The risk for human trafficking is high on the Fort Hall Reservation, but there is little to no reporting of such cases, due, in part, to a lack of training on how to identify trafficking. We sponsored a training on human trafficking in October 2016, and more than 175 members of our community attended, including tribal law enforcement officers and staff from the courts, tribal enterprises, and the tribal government.

I worked in our tribal court system where I witnessed violence against the women. I visited and interviewed victims at the hospital, and I saw the damage a man can do to a woman. Sometimes, a judge would dismiss assault and battery charges against a man because the victim was his wife. The tribal police officers often would not arrest a man for assaulting his wife or girlfriend, because for some reason, this was considered acceptable. To treat women that way is not traditional or cultural. It was learned. It required a lot of effort from tribal leaders to convince our young men that you cannot treat women that way. Our voices were heard by the FBI, and they hired someone to investigate the domestic violence on our reservation.

We have a lot of gang members on our reservation, and they often mistreat women. Over 200 of our tribal citizens were identified as gang members. We have acted to dismantle the gangs. The state of Idaho did nothing to prosecute these gang members under P.L. 280. BIA never assisted us, either. Our jail was condemned for almost 30 years, and it was difficult to prosecute offenders when we did not have a facility where we could send them.

### **Missing and Murdered AI/AN Women**

Almost every week, women go missing from our reservation and from other communities in our part of the state. Some are found, but others are still missing. Because of the two interstates, there is suspicion that they have become part of human trafficking. Regional and local inventories of missing people are needed due to interstate linkages on Indian reservations.

### **LGBTQ Community**

The LGBTQ community is underserved by the tribe's domestic violence program. No special services are provided for this community. Law enforcement officers, victim advocates, and others need training on providing appropriate services to members of the LGBTQ community.


### **Domestic Violence Courts**

Domestic violence rates remain high on the Fort Hall Reservation. Sadly, it is often our men who commit domestic violence crimes against our women. We have identified tribal domestic violence courts as an effective strategy for addressing this problem. A specialized, culturally appropriate court would provide protective measures for victims, ensure follow-up to prevent future domestic violence situations, hold offenders accountable, and help restore family harmony.


### **Collaboration with State and County Agencies**

We support interagency cooperation. We sponsor interagency training and forums and provide opportunities for discourse on social justice issues. For example, our annual domestic violence





symposium has garnered high attendance from local law enforcement, county agencies, and local court advocates.




Idaho is a P.L. 280 state. The state has ignored or interfered with the tribe's efforts to serve our own members. The four other Idaho tribes each have different relationships with state and county agencies, but they all face similar domestic violence issues. A state forum for open tribal discussion would help develop effective collaboration strategies.

### Internal Collaboration

To improve the overall justice system, tribes must increase internal collaboration between tribal courts, victim assistance programs, detention centers, and law enforcement. When programs become too specialized, achieving the larger goal of reducing disparities becomes difficult.

### Tribal Grant Administration




As sovereign nations, each tribe has its own internal financial management system. To receive and administer grants, we must comply with federal financial requirements, which can be a challenging process.

### Tribal Consultation


We appreciate the tribal consultation efforts made to help ensure the safety of our people. In accordance with the federal trust responsibility, we invite you to visit Fort Hall and talk directly to our people who are impacted by the laws, regulations, and actions discussed today.

### Recommendations

- 
- Provide additional funding to train tribal and local police and gaming employees about human trafficking. Offer simulation training and other interactive training methods for identifying suspicious activity.
  - Establish and fund a program to examine murdered and missing AI/AN women at the regional level. Additionally, provide a specific program to inventory missing and lost people on Indian reservations.
  - Provide specific OVW funding to help tribes provide services, including sensitivity training for law enforcement, victim advocates, and tribal court personnel regarding the LGBTQ community.
  - Develop and fund a program for establishing tribal domestic violence courts.
  - Develop and fund programs to help state, county, and tribal agencies engage in open communication and actively collaborate to address domestic violence.
  - Provide more funding and training opportunities that promote collaboration among tribal programs to more effectively address domestic violence and sexual assault.
  - Streamline the grant application process and reporting requirements.
  - Provide additional training and technical assistance for tribal programs.

### Sisseton-Wahpeton Oyate of the Lake Traverse Reservation

*Shaun Eastman, Attorney*



Our reservation is a checkerboard reservation with fee and trust lands within the boundaries, which makes jurisdictional issues a constant hindrance to public safety. The tribe has a long history of commitment to protecting public safety. We implemented the Adam Walsh Act and established a tribally operated sex offender registry. We worked with South Dakota and the Department of

Corrections to implement a pilot program to address recidivism among tribal citizens. We were among the five pilot tribes to implement the special domestic violence criminal jurisdiction under VAWA. Additionally, we implemented TAP. Last week, our lead attorney was sworn in as a Special Assistant U.S. Attorney to prosecute certain public safety crimes.

### **Tribal Courts**

Our tribal court system includes a drug court and an appellate court, which handle an ever-increasing case load. Incidents of domestic violence are rising, and it is now the second most prosecuted crime, after driving under the influence charges. Recently, BIA shut down our detention facility, which jeopardizes our ability to protect public safety. We have been working to build a community justice center that will serve as a detention center and provide substance abuse treatment and behavioral health services. This system will allow us to take a holistic approach to criminal activity on our reservation, which is deeply rooted in substance abuse and mental health issues.

### **Trafficking**

Our reservation is located along several busy highways, which has increased our exposure to violent crimes, including sex trafficking and drug trafficking. The violence that accompanies drug trafficking has created a critical situation in our community. More and more young women are falling victim to sexual assault, domestic violence, and drug use. Recently, an outside jurisdiction busted a meth operation just north of the reservation, and they found two young members of our tribe who were victims of sex trafficking.

### **Law Enforcement**

Like many tribes, we struggle with having insufficient law enforcement to cover the over 111,000 acres of trust lands that span over 1,400 square miles. Response time can be slow when an officer is patrolling one community and receives a call from another community nearly 2 hours away. We also struggle to provide services for victims and funding for our tribal court. Our law enforcement and courts also need training about trafficking.

### **Jurisdiction**


While VAWA 2013 was a leap forward in recognizing tribes' inherent sovereignty to address crime on their own lands, it is not enough. The Sisseton Wahpeton Oyate Tribal Council enacted tribal resolutions in 2010 and 2012 that proclaimed that, to best protect tribal citizens and those working and living on or visiting tribal lands, tribes need jurisdiction over non-Native people who commit crimes in Indian Country.

Tribal prosecutorial authority is still too narrow to address all issues related to domestic violence and dating violence. We need full federal recognition of tribes' inherent authority to address crime on our own lands against any person for any crime. We encourage the new administration to support legislation being introduced, which addresses sexual assault, stalking, and child abuse crimes that co-occur with domestic violence crimes, and the Securing Urgent Resources Vital to Indian Victim Empowerment Act.

### **Human Trafficking**


The Intertribal Technical Assistance Working Group on Special Domestic Violence Criminal Jurisdiction has provided vital information for tribes about prosecuting non-Native domestic violence offenders. A similar group would be helpful for addressing human trafficking. Additionally, more data is needed to





help clarify the prevalence and nature of human trafficking. Unless we know the cause, manner, and effects of trafficking, we cannot truly address the issue.

### Funding



The largest funding source for victims of crime is VOCA, and tribes are not provided a set-aside under that funding. We are pleased that the Securing Urgent Resources Vital to Indian Victim Empowerment Act would amend VOCA to create a 5 percent tribal set-aside.


### Recommendations

- Provide a full Oliphant fix to fill the huge jurisdictional gaps caused by this case.
- Expand tribes' special domestic violence criminal jurisdiction.
- Allocate funding to educate law enforcement and courts about trafficking.
- Establish a working group to address human trafficking, and sex trafficking specifically.
- Provide a long-term, direct funding stream for Indian Country.
- Promote information sharing to address crimes in multi-jurisdictional areas.
- Focus research on trafficking tactics and how to identify trafficking situations.
- Fund tribal initiatives and end the competitive grant process.
- Increase DOJ funding for Indian Country to a 7 percent tribal set-aside.

### Three Affiliated Tribes


*Sadie Young Bird, Executive Director, Victim Services*

#### Missing and Murdered Indigenous Women




In the past year and a half, our victim services program has dealt with five cases of murdered or missing women. Because of these cases, 18 children have lost their mothers. Two of the five cases were due to intimate partner violence. Only one incident has been prosecuted as a murder, and it was prosecuted by the state since the body of the deceased was found on state land.

In one case, a beautiful 21-year-old mother of three was shot and killed. The perpetrator tried to make her death look like a suicide, but her body was moved and shoved into a crawlspace under the house and the blood was cleaned up. He was only charged with a firearm-related felony due to a poor investigation that involved entering the property without a search warrant.



My cousin, a mother of six, went missing and was tortured, murdered, and buried in a shallow grave by a family member of her former partner. She lived on the Standing Rock Indian Reservation, often spent time on the Fort Berthold Indian Reservation where she was enrolled, and was killed on the Spirit Lake Indian Reservation. This example shows how closely connected Indian Country is and demonstrates a need for a standard protocol to address missing people across reservations so we can find them alive.



Our people go missing at an alarming rate, and we would not hear about many of these cases without Facebook. Cases of murdered and missing women are not covered under OVW funding unless they fall under intimate partner violence. We are fortunate to have other funding sources to address these crimes, but other tribes do not.

#### Rehabilitation for Offenders

Most offenders return home after serving their sentences. We need to give them tools to become upstanding members of society, rather than simply being institutionalized and then returning home to



commit the same crimes. How do we find more funding for our offenders without taking funding away from the victims? Other barriers include low prison space for inmates and difficulty funding medical care for inmates, since they are not eligible under IHS.

### The Role of Substance Abuse in Violent Crime

Our reservation, like many others, is amid a substance abuse epidemic. My sister, a survivor of childhood abuse, has turned to self-medicating through drugs. She spiraled out of control and began getting into relationships with drug dealers and gang members who have inundated our reservation due to the oil boom. She has endured physical and sexual abuse from these men, which triggered trauma related to sexual abuse from her childhood. She became pregnant, but because of her addiction, she kept using drugs. I now have a 2-year-old daughter with heart, lung, and behavioral problems. She goes to occupational therapy 2 hours away twice a week and regularly sees a pulmonologist and cardiologist who are 6 hours away. She has been hospitalized for pneumonia 11 times due to scar tissue in her lungs from meth attacking her body in utero. She has a 9-year-old sister who still lives with her mother and has the survival skills of someone far older. She has had her childhood stolen from her. She shows signs of sexual abuse and other issues, and we have no idea what she has endured. This example illustrates the prevalence of historical trauma. We need to support mothers who are dealing with trauma.

### Emergency Shelters

We are blessed to have an off-reservation emergency shelter. Unfortunately, our on-reservation shelter has been closed for 2 years, and we lack funding to build a new shelter. Many victims have no choice but to leave the reservation if they need shelter. Affordable housing is limited in our area, since the oil boom has set a high rental rate precedent. Many clients face homelessness after temporary stays in the emergency shelter.

### Integrated Domestic Violence Court

Currently, we face issues with having protection orders signed in a timely manner. Previously, we were awarded a grant for an integrated domestic violence court, and we had our own judge, prosecutor, and clerk. That judge would sign orders in the middle of the night. Prompt signing of protection orders is needed to protect our victims.

### Human Trafficking

Tribes desperately need funding specifically for dealing with human trafficking. The data is difficult to prove. No federal report includes data on tribal trafficking victims. No one comes to our offices and says, "Help me, I'm being trafficked." We often work with trafficking victims and do not realize until later that they have been trafficked.

### Child-on-Child Sexual Assault

Child-on-child sexual assault is a topic that no one wants to talk about. A child does not offend against another child for no reason. Often, the offending child has been a victim of sexual assault or domestic violence. We need federal resources to develop an action plan to deal with this issue.

*"We need to help our children when they are young if they have these behaviors and [are] acting out, versus when they are in prison as adults."*



## Funding

In the second week of September, our counselor told us she was not accepting more clients. Our funding extended through the end of September, and we had not yet been notified whether we would receive funding for the next year. She did not want victims to have only one session with her if her program did not get funded. We need a better plan for continuity of services. Finding out on September 29 whether we will be funded on October 1 does not give us enough time to plan. We do not have a secret pot of money lying around to continue funding the program ourselves. Thankfully, we were funded again, but we need time to plan our futures. Please consider announcing awards earlier. Tribal government grant programs should be among the highest priorities for OVW grant awards and budget approval, since most tribes lack the funds to maintain programs during gaps in funding access.

## Recommendations

- Classify cases of murdered and missing women as a crime that can be addressed using OVW funds.
- Support tribes in developing punitive systems that address historical trauma, cultural and spiritual healing, and rehabilitation.
- Develop specific programs for victims of abuse who are pregnant or have small children.
- Provide additional tribal funds specifically for emergency shelters.
- Provide funding for integrated domestic violence courts.
- Offer funding to specifically address tribal victims of human trafficking.
- Develop a campaign for Indian Country to raise awareness among victims of trafficking about how to get help.
- Provide technical assistance to tribes to help write strong trafficking codes.
- Supply resources for tribes to develop an action plan to deal with child-on-child sexual assault.
- Support the creation of a Native-specific violence prevention curriculum.
- Announce OVW grant awards earlier, in July or August.
- Prioritize tribal government grants for grant awards and budget approval.
- Provide intensive training for BIA so the declination rate changes at the federal level.

## Tulalip Tribes

*Bonnie Juneau, Board Member*

We were one of the first three tribes to implement VAWA and were among the first TAP pilot programs. We have learned from exercising the special domestic violence criminal jurisdiction and accessing criminal databases under TAP. We successfully prosecuted seven cases, which demonstrates our ability to exercise jurisdiction over all crimes on our lands.

## Funding

To serve our people more effectively, it is critical that we have consistent funds based on need, rather than competing with other tribes for funds. We need funding to train tribal law enforcement officers. We have been unsuccessful in attaining CTAS Purpose Area 1 dollars to fund training for our law enforcement programs. Our law enforcement officers are our first line of defense, so, without proper training for them, we cannot move cases forward. Further, tribes need direct access to VOCA funds. States have received increased funding, and some states have passed it along to tribes. However, tribes need to be able to determine their own needs.

## Jurisdiction

The Oliphant vs. Suquamish Indian Tribe ruling has created gaps in justice for victims by requiring that cases be handled by multiple jurisdictions, which creates loopholes for offenders. We support a tribal work group to develop amendments to TLOA and VAWA and ask that DOJ and HHS assist us in this endeavor.

## Recommendations

- Provide non-competitive grants for tribes.
- Offer funding for training tribal law enforcement officers.
- Allocate VOCA funds specifically for tribal use.
- Provide an Oliphant fix.

## Wabanaki Tribes of Maine

### *Written comments from:*

- *Ralph Dana, Tribal Chief, Pleasant Point Passamaquoddy*
- *Clarissa Sabattis, Tribal Chief, Houlton Band of Maliseet Indians*
- *Edward Peter Paul, Tribal Chief, Aroostook Band of Micmacs*
- *William J. Nicholas, Sr., Tribal Chief, Indian Township Passamaquoddy*

### *Oral comments from:*

- *Jane Root, Executive Director, Wabanaki Women's Coalition*

Ms. Root provided oral testimony in representation of four tribes:

- **Houlton Band of Maliseet Indians**
- **Aroostook Band of Micmacs**
- **Indian Township Passamaquoddy**
- **Pleasant Point Passamaquoddy**


The chiefs of the four tribes also provided written testimony that reflected similar concerns and recommendations. All testimonies are summarized in this section.

Economic deprivation and a lack of access to programs and resources have taken a toll on the citizens of these tribes.

Through CTAS funding, Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, and Indian Township Passamaquoddy have established Domestic and Sexual Violence Advocacy Centers to serve victims of domestic violence, sexual assault, stalking, and dating violence.


## Barriers to VAWA Implementation for Maine Tribes

The Maine Indian Claims Settlement Act created barriers to the safety of AI/AN women in Maine and full application of the tribal provisions of VAWA 2013. The law prevents federal laws that were enacted for Indian Country after October 10, 1980, and which affect or preempt state laws, from applying to tribes in Maine unless the federal law specifies that it is to be applied in Maine. It also prohibits federal Indian laws that give special status to tribes or tribal lands from being applied in Maine. Through several hard-fought years, tribes could regain sovereign rights to have tribal courts and police departments. However,




the state interprets this law to withhold sovereign tribal authority to implement the VAWA 2013 provisions giving tribes criminal jurisdiction over non-Native offenders.

#### **Tribal Access Program**




TLOA requires the Attorney General to permit Indian law enforcement agencies to access and enter information into federal criminal databases. While we congratulate the TAP initiative, this opportunity has only been provided to a select few tribes. Until our tribal orders and convictions appear in the database, perpetrators will continue to slip through the cracks.

#### **FVPSA Funding**




Small tribes, like the Wabanaki Tribes, receive about \$17,000 in FVPSA funding, which is woefully insufficient to address family violence. For many tribes, FVPSA is their only source of funding for victim services. FVPSA asked grantees if the funding formula should be changed to a base allocation of \$25,000, with remaining funds allocated based on tribal population. We would like to know how other tribes responded to this question, since most tribes fall into the lowest funding allocation bracket.

#### **VOCA Funding**



Tribes do not receive direct VOCA funding, and few receive this funding from their state administrators. States received a drastic increase in VOCA funding, but little to none goes to the tribes.


#### **CTAS Purpose Area 5 Awards**



The process of notifying tribes about funding awards needs improvement. In years past, all awards were announced at the same time. This year, the state was notified before the tribes. One of the senator's employees called to notify tribes that only one of the two tribal applicants was awarded. However, several days later, we received the official notice stating that both tribes were awarded.


Grantees must wait several months after receiving the award for the budget to be approved before they can begin using the funds. Victim services are negatively impacted by this delay, since many tribes lack the resources to operate programs between the grant start date and the approval of the budget.

#### **Transitional Housing Assistance**



The current OVW policy on transitional housing assistance requires victims to relocate to receive assistance. However, if the abuser was removed from the home and the victim stayed but struggled to afford rent and utilities, our advocacy program cannot provide her with assistance. However, if she moves to a different rental, we can provide assistance. This is not a victim-centered approach to services.

#### **Tribal Coalitions**



We are one of the fortunate regions across Indian Country with OVW-funded tribal domestic and sexual violence coalitions. The Wabanaki Women's Coalition provides technical assistance, training, and resources that support our tribal advocacy centers. They also monitor state legislation to ensure our concerns are included. We are thankful that the funding for tribal coalitions has been raised. Now, we ask that future FVPSA reauthorizations also include funding for tribal coalitions.

#### **Public Safety Funding**

According to a recent BIA report, only 40 percent of tribal law enforcement needs and 6 percent of tribal court needs are met by public safety funding. The unmet need is enormous and urgently needs to be addressed.

## Recommendations

- Include this language in the 2018 reauthorization of VAWA: *“The tribal provisions of the 2018 reauthorization of the Violence Against Women Act, all previous tribal provisions, and all subsequent tribal provisions shall apply within the state of Maine.”*
- If the reauthorization moves slowly, take immediate steps to allow for the full implementation of VAWA 2013 by Maine tribes.
- In the next VAWA reauthorization, broaden Section 904 to extend tribal criminal jurisdiction beyond domestic violence to include sexual assault, dating violence, stalking, and sex trafficking.
- Expand TAP to all tribes, and fund it fully so that all tribes can access the NCIC.
- Amend FVPSA to increase the tribal set-aside to 15 percent.
- Change the tribal FVPSA funding formula to a base allocation of \$25,000.
- Provide VOCA funding to tribes directly. Include a 5 percent tribal allocation in the VOCA budget.
- Improve the process for awarding CTAS funds by announcing all awards at the same time, and remedy the long budget approval process, which requires grantees to wait several months to begin using funds.
- Change the OVW policy on transitional housing to remove the word *relocate*, so victims who stay in their homes and have the abuser removed qualify for assistance.
- Exempt tribal programs from the Congress-mandated rescission of OVW funds.
- Support the Senate resolution to create a national day of awareness about missing and murdered indigenous women and girls.
- Provide increased victim services to families of missing or murdered AI/AN women, including counseling for children, burial assistance, and healing ceremonies.
- Include funding for tribal coalitions in future FVPSA reauthorizations.
- Increase public safety funding for tribes in the next reauthorization of VAWA.
- Move the annual tribal consultation date to early summer so tribal recommendations can impact the following grant cycle.

## Wampanoag Tribe of Gay Head (Aquinnah)

*Cheryl Andrews-Maltais, Chairwoman*

### Historical Trauma

Violence is a severe problem in Indian Country, but it is not a new problem. Our tribe has suffered through these offenses since the first visitations from the colonials. They raped our bare-breasted women along the paths, so we had to cover ourselves. Those were the first assaults on our traditional practices. Many have been taught that tribal men would offer tribal women to the colonials. This teaching is untrue and was perpetuated to justify the rape of our women and children.


*“What needs to happen is the truth be told and the healing to commence.”*

We have been doing a language reclamation project and have found that there are no words for the brutalization of our women and children that we face. As others have said, this is not our way.

### Jurisdiction


Of our tribal membership, 70 percent does not live on our tribal lands. Often, we cannot reach beyond the jurisdictional boundaries of our lands to protect our people.






The 1994 Congressional amendment to the Indian Reorganization Act, Sections F and G, clearly articulate that, when Congress passes laws, no tribe is to be treated differently than other tribes. However, federal agencies seem to believe that they can pick and choose the jurisdictional aspects of these regulations.

### Funding




The federal government is trying to create a standardized model for all tribes to follow, but it does not work that way. While tribes share many similarities, most tribal situations are vastly different.

The allowable expenditures are often inconsistent with most tribes' values and norms. For example, we must be able to use funding to renovate buildings as shelters for women and support law enforcement in protecting women. Tribal block grants could provide this flexibility. This way, tribes define the programs and report on the success of those programs. These block grants should be long-term, not single-year grants.




Often, tribes receive money for pilot programs. We plan and implement the program and, when the program begins to gain traction, the funding runs out. We lack the financial resources to fund these programs on our own. Then Congress will berate the federal agency, saying that the tribes did not do what they were supposed to accomplish with the funding. We do not receive enough funding for enough time to create sustainable programs.

I understand that federal agencies do not have the power to legislate. Tribal leaders have a responsibility to speak to legislators. However, federal agencies develop rules and regulations for the implementation of grants and programs. You have the ability to change rules to support tribal needs.



When a woman finally builds up the confidence to seek protection and the system fails her, what message does that send to her? The federal government always wants to see the data, but when we produce data, victims are shamed and re-traumatized, and Indian Country as a whole is shamed. People often fail to understand that we are not asking for a free ride. We are simply asking for the federal government to fulfill the obligations they created when we surrendered our lands.

### Sexual Assault



Wampanoag Tribe of Gay Head is located on the island of Martha's Vineyard. Until 8 months ago, no one on the island was trained on how to administer a rape kit. Now, we have nurses who are trained, but we do not have SANEs. If one of our tribal citizens is assaulted and visits the hospital, they must take a ferry to the mainland to see a SANE. That is unacceptable.

### Recommendations

- Administer funding to tribes directly.
- Ensure flexibility in funding that supports tribes in developing protections and services that best meet the needs of their own communities.

### Yavapai Apache Nation



*Lawrence Jackson, Sr., Vice Chairman*

When we talk about violence against women, the men need to be involved, as well.

The National Institute of Justice (NIJ) report on violence against AI/AN women states several times the intention to develop viable, comprehensive research. For research to be viable, you must determine the root cause of violence. Those causes lie far below the surface and are difficult to uncover with a survey.

Research is important, but we need systems in place and more behavioral health professionals to address the root causes. The issues that will be researched and analyzed are born from mental and social causes. We need an army of mental health providers because the battlefield is in the souls and minds of our people who have suffered for too long.

*“We need people who can treat the root causes of violence against women [and] children. We need to target what will be effective in our communities.”*

In 2016, OVW sought nominations for new members of its research task force and received few submissions. It is important for tribal leaders to step up, serve on the task force, and be part of the discussion.

### **Recommendation**

Prioritize mental health services to prevent violence in tribal communities.

### **Yurok Tribe**

*Written comment from Thomas P. O’Rourke, Sr., Chairman*

*Lana McCovey, Tribal Council Member*

Ms. McCovey delivered oral testimony that reflected many of the concerns and recommendations in a written testimony from Chairman O’Rourke. Both testimonies are summarized in this section.


Yurok Tribe operates one of the most advanced tribal public safety departments in the state of California. Many of our sheriffs are deputized with local county sheriff’s offices or BIA. We need direct, stable funding to sustain our justice programming.

The Yurok Hey-wech-ek’ program, a component of the tribal court system, provides direct intervention and assistance for victims of domestic violence, family violence, dating violence, and sexual assault. Services include culturally appropriate court advocacy, accompaniment to forensic exams and police interviews, assistance with restraining orders and related paperwork, client needs assessments, safety planning, transportation and relocation services, coordination with counseling and support groups, and referrals to community assistance programs, such as temporary shelter. The program is open to all people residing on or near the Yurok Indian Reservation. We need funding to sustain this program.

### **Barriers to Justice and Safety**


Our community is geographically isolated with high rates of poverty and unemployment. Most women and children on the reservation live well below federal poverty levels and experience high rates of school drop-out, mental illness, and suicide. Last summer, the tribal council declared a state of emergency due to the suicide epidemic among the young people on our reservation. Since that time, we have incorporated mental health services into our community, but much work remains. Alcoholism and drug use intensify incidents of violence against women and children.

Our reservation is split into two sections that are not connected by a road. Traveling to where most of our services are administered from another part of the reservation can take up to 3 hours.




The largest barrier we face in serving victims of domestic violence is the availability of emergency shelters. Deciding to leave a domestic violence situation is a huge step, but having no supportive place to go can be frustrating and dangerous for the victim. The limited availability of transportation is another barrier.

### Drug- and Gang-Related Crime



Dangerous groups have infiltrated our lands to set up illegal marijuana operations, which threatens the health and safety of our people, compromises our surface waters with potent pesticides, and harms the salmon in the Klamath River—one of our most precious resources. Over the past 6 years, we have identified four organized crime syndicate operations on the Yurok Indian Reservation. The cartels are here, and they bring a level of violence to our area that we have difficulty controlling due to a lack of police. Even though many states are legalizing marijuana, there is still illegal production. These people take our youth and use them as a free labor force.


### Funding



We need consistent services that reflect tribal values. It is hard to remain consistent if tribes must compete for funds annually.


*“If evidence is not collected properly, we cannot convict them, and the violence continues. If we do not have safe houses and shelters, there is nowhere for victims to escape to, and the violence continues.”*

### Human Trafficking




We are seeing an increase in human trafficking operations targeting our young people. Each of our social service workers has reported children involved with sex trafficking within our territory. We are currently investigating an attempted kidnapping of a girl 2 weeks ago. A relative of mine was a victim of sex trafficking. The local authorities thought she had run away, but we knew better. Because of the strength and resilience of this girl and her family, she was rescued. I have two relatives whose mother disappeared when they were small children. We have no idea what happened to her, and every time a body is found on the reservation, her children, who are adults now, wait for the DNA results to see if it is their mother. We need to build up resources to deal with sex trafficking and instill knowledge in our girls. I would like to see assistance with these efforts.

### Jurisdiction



Yurok Tribe strongly supports more local control of public safety efforts. The disparity between tribal and county police departments is clear. We can no longer continue under the assumption that states will provide law enforcement and justice services to P.L. 280 tribes. In the past year, two murders occurred on the reservation. Despite the incidents occurring 20 miles from the hospital and law enforcement, it took first responders hours to arrive at the scene, which compromised the integrity of the evidence and the safety of our community.

### Recommendations

- 
- Work with us to identify sustainable funding for P.L. 280 tribal courts and police departments.
  - Continue to affirm tribal criminal jurisdiction over non-Native perpetrators of domestic violence, sexual assault, and trafficking.
  - Assist us in identifying resources for a shelter on or near the reservation.

- Support tribes in P.L. 280 states in designing and implementing local, culturally relevant solutions to the lack of law enforcement.
- Follow up with the state of California and provide training to ensure that tribal court orders are enforced per VAWA's full faith and credit provisions.
- Set aside 10 percent of VOCA funds for American Indians, since statistics and testimonies reflect that this funding is greatly needed to serve the victims of violence.
- Offer training to county law enforcement officers about P.L. 280 to dispel hesitancy to provide law enforcement on Yurok lands.

## Closing Remarks

Ms. Moore and Ms. Neufville thanked the tribal consultation participants for attending. Ms. Neufville emphasized the importance of the testimonies. Even though some are similar, every story deserves to be told, and suppression of these stories contributes to the minimization of victimization.

Leanne Guy, Executive Director of the Southwest Indigenous Women's Coalition provided closing remarks.

Mr. Jones offered a prayer and traditional closing.

## Written Testimony

OVW welcomed written input from tribal delegates following the event through December 4, 2017, which provided an opportunity for tribal delegates who were unable to attend the tribal consultation to offer input. Some of the tribes represented at the tribal consultation also submitted written testimony to expand upon the comments they made at the event; concerns and recommendations from these written submissions are included in the summarized testimony above. In total, OVW received 27 written statements from tribal delegates. Stand-alone written testimonies are summarized in the following sections, alphabetized by tribe or organization name.

### Apache Tribe of Oklahoma


*Bobby Komardley, Chairman*

#### Background


After statehood, Oklahoma tribal lands became fractioned and checkerboarded due to the federal allotment policy, which disbanded and allotted former Indian lands. Thus, Oklahoma began treating tribal reservations as disestablished lands. Oklahoma is currently treating Indian land as comprised entirely of Indian land allotments. Recently, a new 10th Circuit Court of Appeals has opined that at least one reservation still exists in Oklahoma.

Several Indian law Supreme Court decisions have restricted tribes' criminal and civil jurisdictional powers and left jurisdictional red tape that requires an analysis of the race of the victim and perpetrator and a determination of whether the act occurred in Indian Country. Determining what qualifies as Indian Country in Oklahoma is very challenging. Tribes in Oklahoma refer to tribal service areas instead of reservation areas when determining how far a tribe's services reach.

The Apache Tribe of Oklahoma has no law enforcement officers or facilities, courthouse, transitional housing, detention facilities, or jails. BIA provides all law enforcement services for the tribe. The Apache Tribe of Oklahoma, along with six other federally recognized tribes in the area, use a Code of Federal



Regulations (CFR) court located in Anadarko, OK. BIA established CFR courts in the late 19th century during the strong assimilation era. BIA contracts with a local jail to house all adult AI/AN offenders prosecuted in the Anadarko area CFR court, including offenders who are enrolled in the Apache Tribe of Oklahoma. The CFR court is defined as a tribal court under the Indian Civil Rights Act. In addition, all juveniles are processed and sentenced in the state system. Currently, there are no formal pretrial, probation, parole, or re-entry services; cross-jurisdictional agreements; sex-offender registry; task forces; or communication-information sharing systems or similar arrangements available in the tribal system.



The Apache Tribe of Oklahoma Violence-Free Living Program is a tribal victim services agency that provides emergency transportation to shelters, advocacy, court advocacy, legal assistance, and emergency assistance to victims in the tribal service area. The tribe believes that mental and physical abuse are inconsistent with traditional tribal values. The tribe is committed to providing culturally appropriate resources, safety, and advocacy services in partnership with local law enforcement, health professionals, and the community until all individuals who have been victimized have control over their own lives and the cycle of violence has been broken.



### Tribal Victim Services


We wish to highlight the following serious concerns:

- We have sought approval from the Secretary of the Interior for a code tailored to the needs of our tribal communities regarding domestic violence, the issuance of protection orders, and the enforcement of those protection orders. These codes have never been approved.
- The CFR court does not input protection orders into the state or federal databases, making the enforcement of any CFR court protection order an illusion.
- The CFR court judges need training on VAWA's provisions for full faith and credit of protection orders and the dynamics of domestic violence, to include lethality assessment results and other victim safety issues.
- It is unclear whether CFR courts are willing to implement special domestic violence criminal jurisdiction and, given the difficulty getting tribal codes approved for use in the CFR court, it seems doubtful this jurisdiction is within reach for victims using the CFR court.
- Additional funding is needed for tribal victim service programs, to include legal assistance.
- Additional funding is needed to allow grantees, as a last resort, to provide filing fees and other costs related to litigating domestic violence cases.



### Working with the State

Oklahoma has a long history of minimizing tribal sovereignty and aggressively reducing the status of Indian Country. In many cases, tribes are not allowed access to enter protection orders in the criminal database, which directly affects the enforceability of tribal protection orders.



Some Oklahoma state courts are overtly hostile to AI/AN victims and may make derogatory remarks about certain tribes when the court recognizes a tribal victim in a case. Oklahoma state courts receiving federal grant dollars should be required to attend annual trainings developed by the Native Alliance Against Violence to ensure cultural awareness.



Oklahoma has victim rights statutes on the books, but there is no enforcement mechanism for those rights. Oklahoma state courts receiving federal grant dollars should be required to provide an enforcement mechanism.

### Responses to Tribal Consultation Questions on Research and Statistics

#### **What mechanisms would tribes recommend for collecting more data and information on the prevalence and nature of trafficking of American Indians and Alaska Natives, both within and outside of tribal communities, and on the needs of victims?**

Since Indian nations are sovereign nations, any mechanism should be discussed and authorized by each tribe. A good place to begin this discussion would be with the tribal coalitions, which are the hub for most tribal victim advocates.

#### **How do tribes view the costs and benefits of collecting non-representative and potentially identifying data on victims from federal grantees?**

The Violence-Free Living Program would be against collecting any potentially identifying data on victims as an infringement on tribal sovereignty, an invasion of a client's rights to privacy, and a potential danger.

#### **What other sources of data should be explored so that the data collected actually could generate prevalence estimates and other information on the scope of the problem?**

One area that might be considered is the prevalence of non-Native offenders in the domestic violence realm. Also, the availability of batterers programs and detention facilities might be explored. A third area is tribal funding focused on holding batterers accountable, such as law enforcement and probation.

#### **What solutions would tribes recommend for increasing the reliability of data collected on Native status and for preventing misidentification of Native victims?**

If tribes agree to the data collection, one designated point of contact might be assigned for the sole purpose of gathering and verifying data.

#### **Should research focus on all forms of human trafficking or specifically on sex trafficking?**

Research should focus on sex trafficking first, given the statistics and testimony coming out of some tribal nations.

#### **What other areas of research, beyond obtaining prevalence estimates of AI/AN victimization, should be funded?**

Other areas of research are necessary to identify the most pressing needs of each tribe. Research that would paint a picture of a tribe's tribal court system, law enforcement, probation, and tribal victim advocate availability would be crucial. Lastly, data should be captured regarding the training level of each service system on the dynamics of domestic violence.

#### **Should research focus on identifying who is trafficking AI/AN victims (e.g., parent/guardian, third party), as well as traffickers' recruitment tactics and harm to victims? Should research also focus on effective strategies for preventing trafficking of AI/AN individuals and serving AI/AN victims in a culturally appropriate manner?**



Yes to all, if the tribe agrees.

**Is it possible to prioritize the areas for further research or are they all equally important?**

From a tribal victim advocate perspective, victim safety and batterer accountability are most important, but each tribe should be individually consulted on this issue.

**Responses to Tribal Consultation Questions on Training and Technical Assistance**

**What additional types of training and technical assistance should DOJ consider funding that would be helpful to tribes and tribal organizations in addressing sex trafficking and labor trafficking?**

Offer TTA on the options available to tribes in the case of a state's failure to adhere to VAWA full faith and credit mandates. Provide TTA on loading tribal protection orders into the state and federal criminal databases. Provide TTA on mechanisms to enforce victims' rights in states that have statutes that address the issue but fail to adhere to those statutes.

**What additional types of training and technical assistance are needed for non-tribal grantees working on trafficking issues and for other entities that may encounter American Indian or Alaska Native victims but are not specifically focused on trafficking (such as law enforcement, homeless shelters, and medical and mental health providers)?**

Provide mandatory training regarding the basics of sex trafficking, tribal sovereignty, jurisdictional issues, and cultural awareness of an AI/AN victim's possible service needs.

**Do the needs differ depending on whether the focus of the training and technical assistance is only on sex trafficking or on both sex and labor trafficking?**

No, the needs remain the same.

**Asa'carsarmiut Tribe**

*Catherine Moses, Tribal Administrator*

As stated in Section 901 of VAWA 2005, "the United States Government has a federal trust responsibility to assist Indian tribes in safeguarding the lives of American Indian Women." When I see that nothing is done at the immediate moment when we need help in our village, I feel that these words represent an empty promise by the federal government.

**Lack of Village Law Enforcement**

We are in southwestern Alaska, approximately 150 air miles northwest of Bethel and 470 air miles northwest of Anchorage. Our primary mode of transportation includes skiffs during the summer months and snow machines during the winter months. Like many villages, travel into and out of our village by air may be severely restricted for days or even weeks, depending upon the weather.

We need law enforcement not just when the weather is good. Domestic violence and sexual assaults happen year-round, and we would like the state and federal government to acknowledge this reality and our repeated concerns about the lack of local law enforcement. Our standing recommendation is that Mountain Village and other villages be given the resources and full authority to respond to local crimes, domestic violence, sexual assault, trafficking, abductions, and other crimes that threaten the lives of our women and community. We were recently awarded three DOJ grants, but the grant funds will only last for 3 years. We need ongoing resources to continuously provide adequate tribal justice programs.

At many trainings, I have heard about the importance of an “immediate response” to hold offenders accountable for their violence. We do not have the resources or authority to provide an immediate response. Does this principle not apply to Yupik women in Mountain Village? In truth, there is no response to these crimes. No one is arrested. No one is prosecuted.

We are concerned for the safety of Yupik women living in Mountain Village and for those women who live outside of our village. With very limited resources, we advocate to the best of our abilities and capacities for our women, girls, elders, and others. Why are untrained civilian community members expected to play the role of law enforcement?

Many people come to my office stating that we need law enforcement. There is no one they can call. If the state of Alaska cannot provide immediate law enforcement, Alaska Native villages that want to provide law enforcement should be given the resources to do so. A woman cannot wait for response when she is being beaten, raped, or is in fear of being killed.

### **Felony Assaults and Murder of Native Women**

Our women and girls face a high risk of being assaulted. Aggravated assaults have increased dramatically in our community, since Mountain Village does not have adequate law enforcement. A young girl was recently assaulted elsewhere and left to die outside her home. Her parents discovered their daughter, and they do not know what happened to her. She is now trying to recover from a severe head injury. While I attended the OVW tribal consultation in Arizona, a young woman was brutally beaten to death. It took a while for law enforcement to respond.


Furthermore, this last year, we had attempted burglaries by young men forcing themselves into people's homes wearing masks and carrying guns. Before, this type of crime was seen only on TV, but now we live with these crimes in our communities. At one home, there was an attempted arson while the family was still inside. Those convicted of crimes who have been released are roaming our streets. We are left to defend ourselves.

Since the beginning of our history, we have safeguarded the lives of Native women, as a village. We can do so again, but we must have the resources to achieve this responsibility. The state and federal governments have limited our authority and committed acts that destroyed our traditional ways of life, and they now must take responsibility to help us end community violence.

It is one of our highest concerns that we be given the resources to provide law enforcement and the authority to address these crimes. Domestic violence and sexual assault threaten not only the victims, but our entire village. We are making it known, and we will not stop making it known, that we need to protect our people, especially the women, children, and elders. I want justice for our women and village. The starting point for justice is access to village-based services and village law enforcement.


### **VOCA Funding**

Because we do not have law enforcement and cases are not prosecuted, victims who need VOCA-funded services cannot access these funds. They do not have a police report or case number because no case exists. This lack of police support is unacceptable. It denies services for those most in need. VOCA should serve all victims, not just those who have the privilege of law enforcement services. Our village is Yupik-speaking, so this system of denial is even more frustrating because it is a western English system.



We ask DOJ to assist us in addressing this injustice by supporting legislation to provide tribes with direct VOCA funding.

### Implementation of the Consultation Mandate



We are pleased that OVW, DOI, and HHS responded to our request to extend the tribal consultation time by an additional half day for tribal leaders to express their statements, concerns, and questions.

### Recommendations


- Provide funding for tribal law enforcement.
- Support tribal authority to address crimes that occur on tribal lands.
- Provide direct VOCA funding to tribes.
- Describe actions taken during the year to respond to recommendations made from the previous year's consultation.
- Develop an action plan that addresses concerns and recommendations of Alaska tribal leaders and make it available to Alaska Native tribes within 90 days of the consultation.
- During the consultation, respond specifically to the 229 federally recognized Alaska tribes. Our villages have unique circumstances that must be addressed.
- Coordinate across departments and work together to improve services, address funding disparities, and decrease the long list of special conditions placed on tribal grants. Federal agencies need to work together so tribes have access to what we are owed. It would benefit many tribes to have annual, formula-based funding.

### Chippewa Cree Tribe




*Jody LaMere, Tribal Council Member*

Despite federal and tribal government attempts to reduce violence on Indian lands, Indian reservations continue to face staggering rates of violent crime and victimization. According to DOJ, Indians face violence at 2.5 times the national level, with violence on some reservations exceeding 20 times the national level. DOJ indicates that one in three Native women will be assaulted or raped in her lifetime, and three of five will experience domestic violence. I have seen, firsthand, the devastating impact that violence has had on families of the Chippewa Cree Tribe. Congress and the Supreme Court have acknowledged a federal obligation to provide for public safety on Indian lands, and we believe that federal agencies can do more to work with tribes to help meet this obligation.



Last year, the Chippewa Cree Tribe was pleased to receive a grant through OVW, which allowed us to hire two new advocates who will provide direct support to victims of domestic, dating, or sexual violence on our reservation. This funding helps us combat domestic violence and provide culturally appropriate healing and services to victims.



While federal funding was available this year for the first time to assist tribes in implementing special domestic violence criminal jurisdiction over defendants, regardless of their Indian or non-Native status, we were disappointed to see that the administration proposed cutting this funding from \$4 million to \$2.5 million in the FY 2018 budget request. More resources are needed so additional tribes can enhance their criminal justice systems and exercise this important jurisdiction.



Giving tribes full access to NCIC databases can also help us combat violence on our lands. DOJ's recent expansion of TAP provided more tribes with access to national crime information databases. DOJ should look at ways to expand this program further.

VAWA will be up for reauthorization in 2018, and we urge the administration to support expanded tribal jurisdiction and more resources to help us fight crime and provide services to victims.

While we were pleased to see that Congress has proposed to provide a slight increase for BIA public safety and justice programs in FY 2018, we hope that the administration will rethink the 28 percent cut proposed to tribal courts. Tribes cannot be expected to have an effectively functioning tribal court system while seeing such a sharp reduction in federal support. We were also troubled by the 22 percent cut proposed for BIA programs that provide social services, welfare assistance, and Indian Child Welfare Act protections. This cut would reduce funding for services to our most vulnerable members, including many who are victims of crime.

We are pleased that DOJ included a 7 percent set-aside for tribes from all OJP, Office of Juvenile Justice and Delinquency Prevention, and Community Oriented Policing Services programs in its FY 2018 budget request. These programs provide critical funding for many tribal justice programs, including law enforcement, prosecution courts, crime prevention and education, corrections, drug treatment and enforcement, assistance for victims of human trafficking, and juvenile justice programs. This set-aside will help stabilize tribal public safety funding and improve tribal public safety planning. It means tribes will receive an estimated \$45 million increase over what was allocated to tribes in FY 2017.

We would also like to applaud DOJ for including a 5 percent tribal set-aside in the Crime Victims Fund. Despite the profound need across Indian Country, tribes have largely been left out of annual disbursements from the Crime Victims Fund. Unlike state and territorial governments that receive an annual formula distribution from the Crime Victims Fund, tribes have only been able to access these funds via pass-through grants from the states or by competing for very limited resources administered by DOJ. From 2010 through 2014, state governments passed only 0.5 percent of the available funds to programs serving tribal victims, leaving a significant unmet need in most tribal communities. These funds can help tribes provide emergency shelters for victims; financial assistance for emergency needs, such as food, clothing, and transportation; access to counseling and mental health services; and access to legal professionals to help victims navigate the justice system. Funds can also be used to assist abused and neglected children and children who have been exposed to violence to access critical child advocacy services.

## **Kenaitze Indian Tribe**


*Bart Garber, Executive Director*

The Kenaitze Indian Tribe has a longstanding and successful partnership with DOJ. Throughout our partnership, the support of DOJ has been invaluable to ensuring justice and successful outcomes for victimized women and their children.


### **Funding**

We recommend equitable and adequate funding to support the needs of Alaska tribes in their pursuit of justice for Alaska Native women who are victims of domestic violence, sexual assault, dating violence,





and stalking. Fair, equitable, noncompetitive funding will strengthen our services. Further, we advocate for dedicated technical expertise and support to all Alaska tribes in these endeavors.



Due to the competitive nature of OVW funding, many tribal programs operate without the assurance of continued support. The inability to strategically plan for vital services and programs adversely impacts programs.

A greater depth of support through funding is needed for elder women who are victimized. The rates of abuse later in life is occurring dramatically. They are truly the silent minority in this fight.

### Information Sharing


We seek a greater stability within our judicial system. Far too many cases are pled down or pled out. Justice is limited and often short-lived. Full access to national crime information databases is, in many instances, piecemeal and difficult to navigate. Efforts that support the authorization to share criminal background information among tribal governments for legitimate purposes should continue.



### Training


Lastly, significantly increased training in the areas of domestic violence, sexual assault, and human trafficking should be a priority. While resources are available, they are limited, typically difficult to attain, and costly to receive.

### Challenges




Our primary goal is to put forth a collaborative effort founded upon the uniqueness of Alaska Native culture, traditions, and practices, to provide a more comprehensive community response to domestic violence and sexual assault. We are successful in that endeavor, but we cannot do it alone. Alaska Native victims are incomparably underserved. We seek stronger, more fully developed partnerships, protocols, and procedures.

Our most recent challenge is the epidemic of heroin use. For women who are victims of violence, addiction and proximity to the source of supply make it difficult to leave. Many perpetrators of violence can maintain a strong hold over a victim through addiction.



Women in Alaska endure higher rates of intimate partner violence, domestic violence, and rape than non-Native women. Alaska's forcible rape rate is 2.5 times the national average, and Alaska Native women are sexually assaulted 3 times more often than the state average. Alaska has the highest per capita rate of women killed by an intimate partner in the United States, with Alaska Native women killed by an intimate partner at 4.5 times the national rate. Alaska Native women are estimated to represent 24 percent of all domestic violence survivors in our state and 23 percent of rape survivors. The 2010 Alaska Victimization Survey showed that 59 out of 100 adult women who reside in Alaska have experienced intimate partner violence, sexual assault, or both. This high incidence is complicated by a tribal service structure that blocks children who have witnessed domestic violence, stalking, dating violence, or sexual assault from receiving services. We would like to put forth a “whole family” approach.



Underreported and unreported violence is more prevalent in AI/AN communities. Alaska Native women also endure more unsuccessful attempts at leaving an abusive environment than non-Native women. On average, Alaska Native women report at least 25 attempts at leaving an abusive partner before making a permanent break, compared to 8 times among non-Native women.

Culturally appropriate services for AI/AN children and youth survivors are not readily available in our area. The lack of identifiable, consistent, and relevant community engagement and support significantly inhibits victims from reporting domestic violence, seeking intervention, and pursuing justice.

Out of every 100 adult women who reside in the Kenai Peninsula Borough, 52 experience intimate partner violence, sexual violence, or both. Of AI/AN women, 61 percent have been assaulted in their lifetimes, 39 percent will be subjected to violence by an intimate partner, and 17 percent reported being stalked. Further, 85 percent of Alaska Native survivors are fleeing violence in their home communities and relocating from villages in Western Alaska to the Kenai Peninsula region. Many of these victims struggle with needs such as housing, transportation, and employment.

The prevalence of trauma in individual and collective experiences of families has become a focus of organizational culture when addressing the needs of domestic violence and sexual assault victims. Historical trauma is also a contributing factor to violence against Alaska Native women.

### **Progress through Partnership**

Kenaitze Indian Tribe's Na'ini Family Services Department provides an array of comprehensive prevention, intervention, and support services to survivors of domestic violence, stalking, dating violence, and/or sexual assault who reside in the central and upper Kenai Peninsula. Services include advocacy, crisis intervention, short-term or long-term mental health counseling, emotional support services, case management, referrals to community partners and in-house programs, transitional living referrals, financial assistance for essential needs, and the development and distribution of education and awareness materials.

The tribe's capacity to address issues and outcomes associated with domestic violence and sexual assault was significantly enhanced with DOJ funding. Funding, technical assistance and oversight, training and education, and access to a dedicate array of resources has proven to be invaluable.

We have grown to a place of strategically enhanced crisis response, long-term response, exceptional resources, and outreach and education related to domestic violence and sexual assault. Today, the Kenaitze Indian Tribe has expanded our reach to include culturally based educational and public awareness services, enhanced professional expertise, and services specifically directed toward adult victims, youth, and children. Our greatest asset is our continued partnership. Continued funding will ensure these service needs continue to be met.


Within our partnership, we are meeting many needs. These needs include domestic violence, stalking, dating violence, and sexual assault prevention education for victims; intensive, significantly enhanced family violence outreach services; support for the needs of children and youth who have experienced or witnessed sexual assault, stalking, dating violence, or domestic violence; specialized, trauma-informed approaches to care as an organizational culture; the use of the Healing to Wellness Tribal Court Services; strengthened expertise of the SART; improved crisis services and advocacy efforts; broader education and community resources dedicated to building independent living skills of survivors of abuse; enhanced collaborative partnerships across the service region; and demonstrated positive outcomes for victims. Each of these needs requires a more culturally relevant focus.






## Little River Band of Ottawa Indians

### Enhancing the Safety of AI/AN Women




I would like to start off by saying thank you to OVW for continuing to award funds for our victim service program and giving us the opportunity to consult and address issues and concerns. We look forward to working with you going forward, but we would like to start by humbly saying that we are not you. Our Nation is sovereign. We have our own constitutions, laws, cultures, histories, and forms of governance. Our ways of being, knowing, and governing are not the federal system, nor do we want them to reflect the federal system. We want to work with you, because you have a trust responsibility to us.




With regard to domestic violence in our tribal community, we provide victim services to a nine-county service area with OVW funds. The main issues we face are the lack of staff and not enough grant funds. While OVW funds are beneficial to addressing domestic violence, more funding was needed, and we obtained VOCA funding, which allowed us to expand our domestic violence services.

### Protections against Sex Trafficking




Sex trafficking has been a pressing issue for some time now, especially in Indian Country, and is a particular danger for our youth. It would be helpful to have direction when dealing with sex trafficking issues. Michigan experiences one of the highest rates of sex trafficking. The issue has touched every tribe in the state, but it is not a new issue. Our Native women have been trafficked since colonization. By providing awareness and education on these issues and reminding the federal government and prosecutorial bodies of their trust responsibility to our tribal nations, we can help address sex trafficking. This effort will require addressing the vulnerabilities that exist in our tribal communities due to many years of federal policies that have weakened tribal sovereignty.

*“If we cannot address our housing shortage, need for adequate medical and mental health care, severe poverty, educational gap, our resource disparity, or the underlying dehumanization of Native people, we will not be successful, together, at addressing human trafficking.”*




We ask that you also consider how you can address sex trafficking in tribal communities, as you are so charged.

### Strengthening the Federal Response



By developing programs for youth and adults, tribal governments can create the awareness and education that is sorely needed within our boundaries. Joining together to create safe havens, safer workplaces, and subsequent legislation has brought better living, but we still have a long way to go.



Recently, we have learned that DOJ will not be collecting data on sex trafficking of AI/AN people. We believe that such data may provide better understanding and better educational tools, and we echo the Minnesota Indian Women's Sexual Assault Coalition's concerns that the lack of data limits federal assistance for victims. Our communities are targeted, in some instances, and tribal citizens who do not reside on tribal lands are also at risk. Urban Indians do not have access to their tribes' hospitals or police departments, and they are reluctant to seek non-Native assistance. Even if they did, what is there to offer? Mainstream services are not appropriate for our people. How can we specifically assist those victims if we cannot refer to any data? How can we create awareness when we do not understand the depth of the issue?

## Funding

Strengthening the federal response should include providing tribal access to VOCA funds. We would like to stress how critical sustainable funding is in addressing domestic violence. To this point, it is imperative to establish a government-to-government funding stream for VOCA funds. Tribal governments have been shut out of this funding since the enactment of VOCA. This funding would be transformative for all tribal nations. The current system, where we must go through the state of Michigan for VOCA funding, is in violation of the basic principles of tribal sovereignty. Though OVW recognizes the need in tribal communities for these funds, it has not created a tribal set-aside. We ask, again, that OVW revisit this issue and act in a timely manner.

While we have been successful in getting funding from the state, we never know if the funding will remain, and the relationship depends on the state VOCA administrator. We still have a lot more work to do. Our number of victims served has grown, which we attribute to doing more outreach. Recently, we had our first domestic violence conviction, which was a huge milestone for our tribal courts. During the prosecution, we learned there are still many barriers to serving domestic violence victims in our sovereign community. We need additional resources and technical assistance for our tribal court and public safety department.

## Tribal Jurisdiction

Though we have not implemented VAWA 2013 at this point, we have long pushed for a full Oliphant fix. In the reauthorization of VAWA, we hope to see a reaffirmation of tribal criminal jurisdiction over non-Native defendants to include sexual assault, child abuse in the context of intimate partner violence, and other related crimes.

## Administering Grants

Another way to strengthen the federal response is better communication from OVW. In past years, we have requested that funding issues be resolved in a timely manner. For instance, timely notification of grant funding would be helpful so victims, advocates, and grantees may prepare for upcoming services. Due to a lack of communication, we are unable to plan for future services, employment, victim assistance, trainings, and so on. Being notified 6 to 9 months after application and waiting until the last day to receive notification is disheartening. Grantees are often held up, unable to assist a victim while waiting for a response from a grant manager. Messages are left unanswered, and grantees are often left guessing about what to do while waiting for an answer. This issue has not been resolved, and it delays assistance to everyone involved. We understand that OVW and grant managers work diligently for the grantees, and we appreciate their hard work. However, our time is just as valuable, and for us to provide services in a timely manner, we must rely on our grant managers and their communication efforts. Thank you, grant managers, for the hard work you do. If we can assist in any way to make your job easier, we are available to do so.








## Nottawaseppi Huron Band of the Potawatomi


*Jamie Stuck, Tribal Chairperson*

Thank you for your work on behalf of Indian women, girls, and families and for this opportunity to submit our written testimony.


### Administering Tribal Funds and Programs




Studies and reports drafted by the federal government and nonprofit law and advocacy organizations show that AI/AN women and girls are not safe. Violence against AI/AN people has reached epidemic levels in Indian Country and Alaska Native villages. AI/AN women are overrepresented in all categories of domestic violence. In *Restoring Safety to Native Women and Girls and Strengthening Native Nations: A Report on Tribal Capacity for Enhanced Sentencing and Restored Criminal Jurisdiction* from the Indian Law Resource Center, findings show that rates of violence against AI/AN women and girls are 2.5 times higher than violence against any other group of women in the United States. Native women and girls are twice as likely to be stalked, 1 in 3 Native women will be raped in her lifetime, and 6 in 10 Native women will be physically assaulted. On some reservations, the murder rate for Native women is 10 times the national average. Alaska Native women are subjected to the highest rate of sexual assault in the country. One in two Alaska Native women will experience sexual or physical violence, and an Alaska Native woman is sexually assaulted every 18 hours.




The Tribal Law and Policy Institute conducted a focus group and issued the *Final Report: Focus Group on Public Law 280 and the Sexual Assault of Native Women*. They found several themes of concern including: funding problems, data collection issues, a lack of reporting of sexual assaults, not enough use of SANEs and SARTs, a lack of understanding at the state level of tribal culture and P.L. 280, and policy problems within IHS. According to the NIJ report *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*, more than four in five AI/AN women have experienced violence in their lifetimes. More than one in three AI/AN women and men have experienced violence in the last year. The impact of this violence is staggering. Among the AI/AN victims of physical violence by intimate partners, stalking, and sexual violence, 66.5 percent of women and 26.0 percent of men were concerned for their safety. Further, among these victims, 41.3 percent of women and 20.3 percent of men were physically injured.




Data on violence against women and girls is lacking. Most rapes and assaults go unreported and data is not collected at all for most victims of sex trafficking.



Funding is being cut and appropriations are slated to be reduced despite the overwhelming proof that this funding is needed more than ever in AI/AN communities. Part of the federal trust responsibility is to appropriate tribal funding in the federal budget. Congress should consider what devastating effects these cuts will have on AI/AN communities.



Programs that give states discretionary funding for tribes is a persistent issue that creates gaps in the services that tribal citizens could potentially receive.



We request that the federal government increase funding so that tribes can create programs to facilitate comprehensive services for tribal citizens, create housing opportunities, provide services for the children and families impacted by domestic violence, and implement TLOA. Due to the great financial costs, tribes across the country are limited in the services they can provide for their communities. Tribes



should not have to choose which members of their community will and will not receive assistance. The federal government has systematically created this disparity by not providing necessary grant funding directly to tribes and, instead, providing funding to state governments, falsely believing that tribes would benefit from state-distributed funds.

Services, Training, Officers, Prosecutors (STOP) Violence Against Women formula grants are DOJ's largest funding stream and requires each state to allocate 30 percent for victim services, of which at least 10 percent must be distributed to culturally specific, community-based organizations. Across the country, states have failed to hold meaningful consultations, respect the sovereign status of tribes, and conduct fruitful planning and coordination with tribes to create meaningful victim services for the most vulnerable communities within their states. The 10 percent STOP funding designated for culturally specific, community-based organizations is insignificant and should be increased. Many tribes do not apply for STOP funding because they do not know it exists. The information is not publicly available.

We suggest that OVW grants be made directly to tribes. These grants should be non-competitive and more flexibility should be allowed to use this funding as it relates to each unique tribe, based on the needs of survivors.

Funding is necessary to provide safe and affordable transitional housing programs and services to assist in reporting violence in our communities. We request that tribes and Alaska villages receive direct VOCA funding so services to survivors may be provided in their own communities.


We specifically request that funds to further implement TLOA in all tribal communities be made a priority. Tribes need access to basic law enforcement resources and training for state and federal law enforcement to ensure the implementation of federal statutes to protect communities. It is imperative that tribes have access to national crime information databases. Pursuant to TLOA Section 221, which establishes tribal concurrent jurisdiction, tribal law enforcement departments must be respected and acknowledged by state law enforcement. Particular attention needs to be focused on states with P.L. 280 jurisdiction, with funding allocated for trainings to ensure that tribes can implement jurisdiction over non-Native offenders without state interference.

*“The four core federal statutes—the Violence Against Women Act, the Tribal Law and Order Act, the Family Violence Prevention and Services Act, and the Victims of Crime Act—have the purpose of improving the safety of Native women, but they must be fully implemented and funding provided to tribes so that there are sufficient resources for all tribes and Alaska villages.”*


### **Enhancing the Safety of AI/AN Women**

Funding is critical for the expansion of tribal criminal jurisdiction for prosecuting non-Native perpetrators of violence. We request increased funding allocations and broadened criminal jurisdiction over perpetrators of domestic violence, sexual assault, dating violence, sex trafficking, and stalking.


Tribes must have the ability to protect our Native women and children by prosecuting perpetrators of these heinous crimes. To enhance the safety of Native women, tribes need continued implementation of VAWA 2013 special domestic violence criminal jurisdiction across Indian Country and funding to implement this important and necessary law.



Paramount to the safety of Native women is proper training for law enforcement, court staff, and service providers. Sensitivity to the unique culture that exists within an Indian community and within major urban Indian areas needs to be appropriately identified. Each tribe is unique in its government structure, community traditions, and cultural values, and each must be treated and respected as such.




We support establishing a national day of awareness for murdered and missing Native women and girls. Tribal communities often perceive federal officials as outsiders who do not care about justice within their communities. This stigma may be overcome if BIA and DOJ engage in local coordination with tribes to improve investigation, prosecution, and detention. Bringing attention to Native issues and respecting the uniqueness of tribes will further enhance the safety of Native women.



Often, issuance of protection orders is a tribe's only means to prevent serious injury to tribal citizens, and VAWA 2013 requires that tribal protection orders be recognized by states. States and perpetrators often fail to recognize the validity of these orders and some tribes have a limited ability to enforce them. Proper training of state court personnel is necessary to ensure compliance with full faith and credit of tribal court protection orders issued under the VAWA 2013 provisions.


### **Strengthening the Federal Response**




Strengthening the federal response to crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking of Native women, girls, and men within AI/AN communities can be achieved through legislation passed by Congress. Under the trust responsibility, it is the federal government's obligation to protect tribal property, support tribal self-governance, guarantee law and order in Indian Country, and provide services to AI/AN people. Just as Congress has passed several important pieces of legislation in the past that protect and promote AI/AN child welfare, so, too, can Congress pass legislation that protects AI/AN women and communities from the atrocities that are currently perpetrated against them by sex trafficking and human trafficking.

TLOA must be reauthorized and amended to:

- extend the BOP pilot program;
- make permanent the Shadow Wolves Program within the Department of Homeland Security;
- direct the federal public defender to designate a tribal liaison for each district that includes tribal nations; and
- improve justice for Native youth by requiring the Secretary of Interior, Attorney General, and administrator of Office of Juvenile Justice and Delinquency Prevention assist tribes in addressing juvenile offenses, consult with tribes about delinquency prevention, develop a means for collecting data on AI/AN youth, and notify tribes when a tribal youth encounters federal, state, and other juvenile justice systems.



Also, please approve Savanna's Act, which would improve the response to murdered and missing Native women. This legislation would improve access to the federal criminal information databases and require data collection on missing and murdered Native people by directing the Attorney General to review, revise, and develop law enforcement and justice protocols to address this issue.



Finally, the federal response to crimes could be strengthened by updating the current consultation process. Response would be strengthened if tribal leaders received the consultation framing paper 90 days prior to the consultation. The consultation would be better attended if it was held in the summer.

This schedule would allow tribes time to submit consultation comments prior to grant awards to influence that process. The consultation should also be extended to allow longer periods of time for testimony.

### **Recommendations for Human Trafficking**

Human trafficking is an epidemic in Indian Country and requires a unique response. Across the country, AI/AN individuals are targeted because of severe social and economic disparities. Although they have similar needs as domestic violence survivors, such as emergency housing and comprehensive services, individuals subjected to trafficking are stigmatized. Services for trafficking survivors require specific trainings for tribal law enforcement and tribal employees.

Reports recently produced by DOJ and the Government Accountability Office underscore the need for more victim services and public awareness. Federal agencies should be doing more to collect data on human trafficking in Indian Country. There is little to no information known about trafficking in Indian Country, and few perpetrators, if any, are charged with trafficking in Indian Country. While data is collected on investigations and prosecutions, there is no data collected on whether the victim is Native American. Federal agencies should be held accountable for working with tribal governments to end human trafficking and ensuring that data gathering efforts do not jeopardize victim confidentiality. Only two DOJ programs that address human trafficking are geared toward tribes. This administration must provide federal funding to protect missing and murdered Native women. We also recommend that federal agencies collaborate with tribes to help identify and establish culturally appropriate resources and assistance for survivors and expand tribal jurisdiction to include non-Natives who operate trafficking activities on reservations and in Alaska Native villages.

Employees of our tribal casino receive specific training to identify human trafficking. Training is the first step in addressing trafficking, and tribes need to have plans to safely approach and provide assistance to trafficked individuals. This administration must assist tribes in identifying who is trafficking AI/AN women and what recruitment tactics they use so the federal government, states, and tribes can establish programs to stop the traffickers and provide justice for survivors.

Tribes require funding and expanded jurisdiction to protect trafficking victims. Federal funding is needed to collect this data to protect Native women and identify trafficking victims so services can be provided to this group of victims, who are all but invisible. We request that DOJ protect and affirm our inherent rights to protect the most vulnerable in our communities.


### **Osage Nation**

*Geoffrey M. Standing Bear, Principal Chief*


For well over 30 years, prior to being an elected official of the Osage Nation, I practiced law and became very familiar with domestic violence cases in Indian Country. Exercising tribal sovereignty is one of the best ways for tribal nations to reduce the rates of domestic violence, sexual assault, stalking, dating violence, and human sex trafficking among Native American women and girls.

### **Administering Tribal Funds and Programs**


Many of our tribal nations have internal processes for submitting grant proposals. Notifications of funding opportunities released later than 90 days prior to the submission deadline result in unreasonable time constraints to assess and prepare grant proposals. I urge OVW, FVPSA, VOCA, and




other funding agencies who support domestic violence programs to provide more time to assess and prepare grants submissions. Otherwise, such short notice can be effectively no notice at all.




Delays in award can mean life or death for Native women. Grant funds not awarded prior to the beginning of the fiscal year can result in tribal programs closing their doors. Not all tribal domestic violence programs receive separate tribal funds. The absence of a crisis line for 24 hours could mean the difference between life and death for victims. This year, some domestic violence-related federal granting agencies notified tribal nations of their awards on October 3 for awards that began on October 1. This late notice meant a risk of a 48-hour gap without any form of domestic violence assistance for entire tribal jurisdictional areas.



Grants to tribal governments in the areas of domestic violence, stalking, sexual assault, and human sex trafficking should receive priority in award notice to ensure immediate access, since Native women are preyed upon at higher rates than any other demographic in the United States.




Separate funding is necessary to deal with batterer intervention services that does not compete with funding for direct victim services. Our Family Violence Prevention Department recently began using the Ontario Domestic Assault Risk Assessment, which assists in predicting the likelihood of recidivism. Batterers will not stop battering because we remove a victim from a situation; the crisis will continue as long as a batterer can find someone to be their victim. Tribal domestic violence programs must be able to apply for separate grants to expand and improve their work with batterers so that real changes in behavior occur. I am also hearing from our staff that most of the batterers they see grew up in abusive homes or were otherwise traumatized. To get a batterer to stop battering, and by extension keep Native women and children safe, batterers must be held accountable for their actions and be provided a healing process.




I also recommend that OVW follow the lead of FVPSA in reporting. Our programs are usually underfunded and understaffed, but still working against the tide to keep Native women safe and help them heal. It is the quality of the whole program, funded through multiple sources, that will combat this public health crisis of violence against women.

### Enhancing Safety



To enhance the safety of Indian women from domestic violence, dating violence, sexual assault, and domestic violence, I would ask that you reinforce the understanding to all law enforcement agencies that tribal protective orders are to receive full faith and credit in the state where they were granted and in all states. I am sure you hear many tribal leaders, year after year, speaking on jurisdictional issues, but you must realize that jurisdictional issues that prevent us from holding perpetrators accountable make Indian Country a magnet for domestic violence offenders, rapists, pedophiles, human traffickers, and drug dealers. These jurisdictional issues are killing Native women every day.



Another jurisdictional issue we face is a lack of access to court records or entering court records into state systems. In Oklahoma, we cannot find access to tribal court proceedings for protective orders, domestic violence, stalking, or sexual assault. This lack of access is yet another way abusers slip through the cracks when second, third, or fourth violations occur.

*“Tribal courts must have access to the very systems used by mainstream law enforcement and prosecutors if our orders and convictions are to receive full faith*



*and credit. Our tribal court records do not appear on state systems as they should so that tribal and local law enforcement may work together to keep Native women safe.”*

There is also the issue of attendant crimes not currently being prosecuted under VAWA 2013. Many of the cases we have at Osage Nation also involve children who experience trauma because of the domestic violence in their homes. Our staff refers to these children as domestic violence victims because of the trauma they experience by either directly witnessing the violence, hearing it while it is going on, or witnessing the aftermath of the abuse. Studies have shown that approximately 60 percent of the children living in domestic violence homes directly witness the violence, while more than an additional 30 percent know about the violence. Studies also show that there is a 30- to 60-percent overlap between domestic violence and child maltreatment.

Child abuse or neglect are not the only attendant crimes our domestic violence program deals with when helping victims. Other attendant crimes include drug possession, destruction of property, threatening a violent act, custodial interference, kidnapping, child endangerment, and even driving under the influence.

The challenges of a domestic violence or sexual assault case include prosecution of crimes charged separately from a domestic violence or sexual assault charge. To enhance the safety of Native women, I believe that there should be an expansion of the sovereign authority of tribal nations to prosecute crimes committed by non-Natives within Indian Country. We also need assistance to meet the standard required to prosecute non-Natives under VAWA. We continue to have jurisdictional issues, which does nothing more than allow abusers and rapists to continue to hurt Native women without consequence. We have seen that approximately 70 percent of the perpetrators of violence against Native women are non-Native men. These abusive, non-Native men come to our communities and have relationships with Native women. They become fathers to our children. We should have the authority to prosecute abusers for criminal behavior in our territory.

## **Pascua Yaqui Tribe**

*Robert Valencia, Chairman*

The Pascua Yaqui Tribe is one of the three pilot tribes implementing the VAWA amendments to extend tribal criminal jurisdiction over non-Natives for domestic violence crimes. Our recommendations reflect our experience in implementing the provisions of the VAWA amendment and exercising the tribe's extended jurisdiction.

On February 20, 2014, the Pascua Yaqui Tribe began exercising special domestic violence criminal jurisdiction over non-Native perpetrators of domestic violence. We obtained the first conviction of a non-Native perpetrator for domestic violence assault committed on the Pascua Yaqui Reservation. Since that time, the Pascua Yaqui Tribe has prosecuted 22 cases involving non-Native perpetrators.


Thus far, 30 VAWA investigations have resulted in 8 criminal convictions. VAWA cases include domestic violence crimes and violations of protection orders. Most of the VAWA perpetrators have extensive criminal records in Arizona.






## Enhancing the Safety of AI/AN Women

### Protection Orders




There should be more training available on tribal protection orders and restraining orders for advocates, courts, and the police. Training should be made available for state personnel who may be called upon to enforce tribal orders off the reservation. The tribe has experienced a lack of enforcement by state police of tribal protection orders. Given the proximity of the reservation to urban centers, state recognition and enforcement is essential to maintain victim safety. Today, a tribal citizen must obtain a tribal order and a state order to maintain protection within her neighborhood, school, and local shopping areas. Law enforcement should recognize the importance of protection orders and honor them regardless of jurisdiction.

### Training




We request additional funding for trainings on topics like basic domestic violence dynamics for those who work in the courts; law enforcement (including dispatchers); prosecutors; and case managers in social services, health, and education. If more personnel are educated and aware of indicators, they can provide better services to the individuals and the community they serve.

### Shelters




Provide more funding for emergency shelters in Native American communities. Immediate shelter is essential for victims to become survivors. Without establishing a safe place for them, we place women and children at risk for further abuse. Immediate shelter care is essential to the well-being of women and children victimized by abuse. Funding could be used for new buildings or the renovation of existing buildings for emergency shelters and to provide furnishings, bedding, security measures, vehicles, and full-time staff positions with rotating shifts to staff a facility 24/7. Full staffing will allow employees to transport victims to medical appointments, court hearings, forensic interviews, school, and so on.

### Transitional Housing




Extend transitional housing to victims for up to a year to help establish their self-sufficiency. Additional funding could be used to build new structures or renovate existing tribal houses as transitional shelters. Shelters provide temporary stability and, when combined with counseling services, can reduce a victim's chances of revictimization. Counseling services could include safety planning; intervention services; support for schooling and job security; and the development of life skills like empowerment, confidence, money management, and parenting. Further, victims could join support groups to receive counseling for the trauma they have endured. Transitional housing, accompanied with appropriate counseling, is a great tool to enhance survivors' abilities to ensure they can thrive in a violence-free environment.

### Compensation for Property Damage



Allow for compensation to repair items destroyed during a domestic violence act, such as a broken window, or to change the locks on doors and windows. The repair of these essential items provides survivors with a sense of protection.

### Informational Materials



Provide funding to develop promotional items and informational materials, which will draw attention to the topic of violence and assist in addressing the problem.

### **Funding for Self-Defense Classes**

Women in the community have expressed interest in protecting themselves. Female victims of violence undergo years of trauma that can linger and hinder their growth. We recommend locating instructors to teach reality-based scenarios in a supportive environment designed with women's specific needs in mind to protect themselves. Women and girls ages 8 and up can learn practical, effective self-defense and rape prevention tactics; the psychology of attack; pre-contact indicators; verbal de-escalation; and other skills to gain confidence in their abilities to protect themselves.

### **Strengthening the Federal Response**

Although there is a good relationship between the Pascua Yaqui Tribe and the U.S. Attorney General's Office, we would like to see faster federal prosecution, especially related to charging misdemeanor-level offenses.

### **Administering Funds and Programs**

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

Continue funding new and existing victim services programs for all tribes. Crime leaves a devastating and negative impact on the victims, their families, and the community. Victim advocates are vital during a crisis. They address the victim's immediate needs, provide support, and become a liaison to work with the police department and courts.

#### **Funding for Community Awareness Events**

Allow funding to purchase raffle prizes and refreshments for community awareness events. Sharing a traditional meal brings people together and provides an opportunity to encourage the community to engage in conversations and become educated on issues involving violence against women. Prizes engage participants to take an active role in the seminars.

#### **Funding for Youth Programs**

The youth are our future. We need funding to create peer-to-peer programs to train girls to help other girls.

### **VAWA**

It is essential that VAWA remain a federal priority, as it has already provided needed protection on Indian reservations for AI/AN victims of domestic violence. Funding to support this priority is also essential to make real the guarantees of protection made to victims and their families by VAWA.


### **Rincon Band of Luiseño Indians**

*Germaine Omish-Lucero, Special Projects Director*


I have witnessed changes over the years in the response to violence to our Native peoples. I thank you for the continued communication and request the government agencies continue to work together with tribes to ensure equal protection for all tribal victims.

We are located in a P.L. 280 state. The myriad jurisdictional issues continue to pose challenges for victims who face breaking free from a violent perpetrator. Full faith and credit has always been a point of discussion at consultation. Law enforcement officers often lack training on the jurisdictional issues. This lack of training continues to create a public safety gap for our tribal citizens.






VAWA's full faith and credit of tribal protection orders are a federal mandate, mirrored in California state law under the California Family Code, Section 6400. Additionally, Penal Code 836(c)(1) mandates arrest in an alleged violation of a state, territorial, or tribal domestic violence protection order. This mandate applies to any place within California for all law enforcement officers.




All states participate with NCIC, except California, which uses the California Law Enforcement Telecommunications System and, in San Diego County, the Automated Regional Justice Information System. The state of California does not allow tribes to access these systems except in a select few areas. Tribes in California should have access to the California Law Enforcement Telecommunications System. Additionally, all tribes should have access to NCIC.




Tribal communities are very close-knit communities where everyone knows everyone's business. We understand that many perpetrators will return to our tribal lands. Funding for re-entry programs is needed to help heal these families. Perpetrators need to be accountable for their actions, but they also need to be treated and re-educated. Too often, we see victims go back and forth with their perpetrator before they finally break free, and then the perpetrator goes on to victimize their next partner. Many perpetrators do not have means to pay for treatment programs. As we know, there is no one answer to address all of these problems, but we need to have the dialogue to come up with solutions.

### Funding Sources




While reauthorizations seem to have been put on the back burner by Congress, we know how funding impacts tribes, tribal programs, and tribal coalitions. The VAWA reauthorization is coming up in 2018, and while we support the current fixes in VAWA 2013, we also want to see the other crimes added to tribal criminal jurisdiction under VAWA 2018. We request a full Oliphant fix. Domestic violence and the violation of protection orders are not the only crimes happening on tribal lands. Tribal nations are dealing with sexual assault, stalking, murder, sex trafficking, and many other crimes. Tribal citizens are targets of these crimes by non-Native violators. Tribal citizens continued to be murdered and go missing.


### VOCA and FVPSA Reauthorization Grant Funding



VOCA is the largest source of federal funding, and tribes are shut out of this funding stream. We continue to ask for a 10 percent tribal set-aside in VOCA funding. Various sources ask tribes, tribal programs, and tribal coalitions to support legislative changes, but many times, we are left out of the legislation or brought in as an afterthought to the states and territories. The federal government has a trust responsibility to tribes. A tribal set-aside was included in earlier drafts of the VOCA language, but the tribal set-aside language was removed. We want to have that language put back in.



We urge the federal government to support reauthorization of FVPSA to include amendments that would increase tribal access and increase tribal funding. We also urge the federal government to support amendments to FVPSA that would allow tribal coalitions to access FVPSA funding in the same way as state coalitions. In some states, tribes are not allowed to apply for state-administered FVPSA funding for domestic violence shelters.



Much of my testimony is repeated from past testimonies. I will keep saying it until I do not have to any more. I will continue to advocate for my tribe and all tribes by reminding the government of their trust responsibilities on these issues of violence to our Native people.

## White Earth Nation

*Tanya Vold, Program Manager*

The White Earth Reservation has an extreme poverty rate. Ongoing struggles continue to plague our tribal citizens related to transportation; affordable housing; a lack of child care; and most of all, the ongoing, everyday crisis of intergenerational trauma, which includes a whole gamut of issues, such as addiction, mental health needs, suicide, victimizations, public health epidemics, and so on. Our reservation is dealing with years and years of trauma that surface in many ways on an everyday basis. The ultimate barrier to addressing these struggles is available funding to create or sustain greatly needed services. The stress of sustainability is overwhelming when your population is stricken with poverty and has an immense level of need.

### Enhancing the Safety of AI/AN Women and Children

White Earth's Victim Services Program was established in 2003. The agency initially worked with victims of sexual assault and general crime and has expanded throughout the years to provide services regarding domestic violence, dating violence, stalking, sexual assault and abuse, sex trafficking, elder abuse, and general crimes. In May 2012, our program opened its doors to a seven-room emergency shelter, which has been a long-standing resource for many of our women and children. This facility is operated on a 24/7 basis. Prior to the establishment of our shelter, women and their children who needed to seek shelter had to leave the reservation and go to a city that was a minimum drive of over an hour away. They had to pull their children out of school and move away from their support system or family to seek safety.


We recommend stable, adequate funding to continue these vital services. The victim services program operates on minimal staff. Since the shelter opened, we have housed 279 women and 313 children. Our community advocacy programming assisted 514 women and 144 children in 2014, 347 women and 21 children in 2015, and 534 women and 87 children in 2016. For 2017, we are estimating a higher-than-average number of individuals. Stable, adequate funding is crucial to supporting White Earth's ongoing efforts to address violence against our women.

### Law Enforcement


Another issue we face is the lack of adequate law enforcement. White Earth has its own police department, but it is minimally funded. The expansive geographic area and the large volume of calls make it difficult for law enforcement to provide adequate coverage throughout the reservation. In 2016 alone, the White Earth Police Department had 15,720 calls for service. Inadequate response can result in many consequences, such as a lack of cooperation from victims; perpetrators not being apprehended in a timely manner; vigilante justice; and, ultimately, no offender accountability in many cases. In addition, law enforcement is so overwhelmed that civil matters are not a priority. We recommend stable, adequate funding for law enforcement agencies to increase their ability to respond to violence against women within our communities.

### Addressing Trauma

There needs to be an understanding of the intersection of all of the traumas our people face. As I mentioned earlier, many of these issues that have been addressed are due to some type of trauma an individual has endured. The root of trauma seems to be sexual violence. Ongoing, adequate funding is



pertinent to the wellbeing of our people. We cannot go day-by-day putting out fires that were sparked decades ago.



One of the major concerns facing our reservation is the need for adequate funding to address the trauma experienced by our youth. Sadly, our agency has worked with multiple generations within specific families related to sexual abuse. In a high percentage of our families, one youth violates another youth because they were a victim their whole life and never got the help they needed as a victim. Many of our youth are being incarcerated for non-violent crimes. It is difficult to work with sexually exploited Native youth, as they are always placed in a facility off of the reservation. Why are our youth who are victimized being locked up like criminals? There needs to be some serious efforts to decriminalize our youth. We recommend funding be allocated to work directly with youth victims to address their trauma instead of immediately criminalizing their behaviors. Our youth need to heal. Locking them up only increases their risk of hazardous behaviors, as they are exposed to more serious behaviors while they are detained.



### Criminal Jurisdiction

As for the prosecution of offenders; White Earth does not have criminal jurisdiction. All the criminal cases that are investigated by our tribal law enforcement department are submitted to the appropriate county attorney. Historically, there has been a major lack of prosecution in Mahnomon County, MN, which is the only county that is entirely within the reservation boundaries. Law enforcement officers, advocates, and victims have voiced frustration that there is no opportunity for justice in that county. Direct consequences include an even higher percentage of victims not reporting due to the lack of offender accountability and, once again, vigilante justice from the victim's family or friends, which directly results in additional violence. We recommend an audit on the prosecution rates in each county specifically looking at the race of the offender and the victim. We need equal justice and accountability in Indian Country.



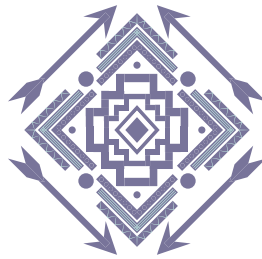
### Recommendations

- Provide stable, adequate funding for tribal victim services.
- Fund law enforcement agencies appropriately to increase their ability to respond to violence against women within our communities.
- Allocate funding for services that address trauma in tribal youth.
- Audit the county prosecution rates in Mahnomon County, MN.





# **Appendix A:** Consultation Participants



*Working Together to End the Violence*



## Tribal Delegates

<b>Name</b>	<b>Title</b>	<b>Tribe or Organization</b>
Lola Ahidley	Violence Against Women Director	Mescalero Apache Tribe
Kellie Jo Allemann	Family Violence Prevention Program Manager/Lead Advocate	Eastern Shawnee Tribe of Oklahoma
Rosa Alvarez	Tribal Council	Pascua Yaqui Tribe
Dorothy Andrews	OVW Advocate	Akiak Native Community
Cheryl Andrews-Maltais	Chairwoman	Wampanoag Tribe of Gay Head (Aquinnah)
Monica Antone	Lieutenant Governor	Gila River Indian Community
Beatriz Arakawa	Family Advocacy Program Manager	Lower Elwha Klallam Tribe
Antonio Arementa	Veteran Guard	Fort McDowell Yavapai Nation
Kurt Begaye	Program Specialist	Southwest Indigenous Women's Coalition
Kim Benally	Training and Development Manager	Coalition to STOP Violence Against Native Women
Laura Berglan	Attorney General	Pascua Yaqui Tribe
Gregory Bigler	Judge	Muscogee (Creek) Nation
Nathaniel Brown	23rd Navajo Nation Council Delegate	Navajo Nation
Kayla Burgess	Domestic Violence and Sexual Assault Advocate	Otoe-Missouria Tribe Domestic Violence Program
Gloria Burns	Tribal Council Secretary	Ketchikan Indian Community
Tanya Busby	Program Coordinator	Karuk Tribe
Juanita Bye	Anishnaabek Community and Family Services Division Director	Sault Ste. Marie Tribe of Chippewa Indians
Diane Cabrera	Prosecuting Attorney	Lower Elwha Klallam Tribe
Thomas Cain, Jr.	Executive Administrator	Red Lake Band of Chippewa Indians
Shanaviah Canales	Domestic Violence Program Coordinator	Little River Band of Ottawa Indians
Andrea Candelaria	Vice Chairwoman	Cahuilla Band of Indians
Michael Carter	Senior Assistant General Counsel	Citizen Potawatomi Nation
Prairie Rose Chapin	Federal Programs Manager	Three Affiliated Tribes
Frances Charles	Chairwoman	Lower Elwha Klallam Tribe
Angel Charley	Membership and Outreach Coordinator	Coalition to STOP Violence Against Native Women
Raquel Chee	Grant Administrator	Navajo Nation Judicial Branch
Virginia Collins	Victim Services Unit Director	Iowa Tribe of Oklahoma
Norma Contreras	Tribal Representative	La Jolla Band of Luiseño Indians
Omaovensi Coochwyte	Domestic Violence Manager	Hualapai Tribe
Desiree Coyote	Family Violence Services Program Manager	Confederated Tribes of the Umatilla Indian Reservation

Jesse Crabtree	Chief of Police	Fort McDowell Yavapai Nation
Jason Cross	Director of Family Services	Little River Band of Ottawa Indians
Amber Kanazbah Crotty	Council Delegate	Navajo Nation Council
Charron "Sonny" Davis	Council Member	Karuk Tribe
Linda Davis	Domestic Violence Advocate	Quapaw Tribe of Oklahoma
Tsyoshaht C. Delgado	Area Manager of Social Services	Oneida Nation of Wisconsin
Michelle Demmert	Chief Justice	Central Council of the Tlingit and Haida Indian Tribes of Alaska
Frank Demolli	Chief Judge	Santa Clara Pueblo
Lorayne Dennis	Program Coordinator	Lummi Nation Victims of Crime
Juana Majel Dixon	Legislative Councilwoman	Pauma Band of Luiseño Indians
Ranelle DuPont	Sexual Assault Advocate/SART Coordinator	St. Croix Tribal Health and Human Services
Shaun Eastman	Attorney	Sisseton Wahpeton Oyate of the Lake Traverse Reservation
Michael Fahey	Grant Writer	Mille Lacs Band of Ojibwe
Anne Falla	Domestic Violence Program Coordinator	Confederated Tribes of Grand Ronde
Valerie Falls Down	Domestic Violence Director	Crow Nation Domestic Violence Program
Stella Fancyboy	Elected Tribal Council Member	Native Village of Bill Moore's Slough
Honor Fisher	Crime Victim Advocate	Colorado River Indian Tribes Victim Advocacy Program
Oscar Flores	Chief Prosecutor	Pascua Yaqui Tribe
Jamie Friedel	Tribal Council	Little River Band of Ottawa Indians
Mercie Gordon	Tribal Secretary	Red Cliff Band of Lake Superior Chippewa
Willard Gould	Director, Batterers Intervention Program	Northern Arapaho Tribe
Leanne Guy	Executive Director	Southwest Indigenous Women's Coalition
Lorena Halwood	Board Member	Southwest Indigenous Women's Coalition
Patricia Handy	IRA Council Member	Organized Village of Kake
Zannetta Hanks	Domestic Violence Director	Shoshone-Paiute Tribes
Justina Harrison	Advisory Committee Chair	Karuk Tribe
Shelly Harrison	Prosecutor	Muscoogie (Creek) Nation
Denise Harvey	Tribal Council Member	Confederated Tribes of Grand Ronde
Tania Harvey	Program Specialist	Southwest Indigenous Women's Coalition
Sharon Jones Hayden	Prosecuting Attorney	Tulalip Tribes
Connie Hernandez	—	Yaqui

Lisa Heth	Executive Director	Wiconi Wawokiya, Inc.
Herman Honanie	Chairman	Hopi Tribe
Rachel Hood	Tribal Council	Yavapai-Apache Nation
Lenora Hootch	Executive Director	Yupik Women's Coalition
Joann Horn	Executive Director	Emmonak Women's Shelter
Earl Howe	Chairman	Ponca Tribe of Oklahoma
Connie Hunter	Domestic Violence and Sexual Assault Coordinator	Hualapai Tribe
Veronica Hunter	Finance Manager	Southwest Indigenous Women's Coalition
Carrie Imus	Human Services Director	Hualapai Tribe
Lawrence Jackson, Sr.	Vice Chairman	Yavapai-Apache Nation
Dawn Jackson	Executive Director	Organized Village of Kake
Donyale Jackson	Advocate	Confederated Tribes of the Umatilla Indian Reservation
Michael Jackson	Appointed Circle Peacemaking Coordinator	Organized Village of Kake
Carrie James	Tribal Council Vice President	Ketchikan Indian Community
Tami Truett Jerue	Executive Director	Alaksa Native Women's Resource Center
Audrey Jim	Domestic Abuse Manager	Shoshone-Bannock Tribes
Ambria Johnson	Domestic Violence and Sexual Assault Caseworker	St. Croix Chippewa Indians of Wisconsin
Charlene Johnson	—	Navajo Nation
Katheryn Jones	OVW TEP	Kaw Nation
Tom Jones	Elder	Fort McDowell Yavapai Nation
Bonnie Juneau	Board Member	Tulalip Tribes
Kate Kalk	Family Violence Prevention Program Administrator	Mille Lacs Band of Ojibwe
Gretchen Kameroff	President	Emmonak Tribe
Priscilla Kameroff	Public Policy Education Specialist	Yupik Women's Coalition
Stella Kay	Tribal Vice Chairperson	Little Traverse Bay Bands of Odawa Indians
Andrea Kihega	Social Services Director	Otoe-Missouria Tribe
Ryan King	Three Sisters Program Manager	Saint Regis Mohawk Tribe
A. Gay Kingman	Executive Director	Great Plains Tribal Chairman's Association
Jasper Kinslely	Government Affairs Assistant	Tohono O'odham Nation
Norene Kootswatewa	Tribal Council Representative	Hopi Tribe
Megan LaFromboise	Tribal Attorney	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation
Crystal Lake	OVW Director	Akiak Native Community
Jody Lamere	Tribal Council Member	Chippewa-Cree Tribe
Lucy Laughter-Begay	Program Manager II	Navajo Nation Strengthening Families Program

Brenda Lenoir	Prosecutor's Administrative Assistant	Turtle Mountain Band of Chippewa Indians
Harley Lenox	Transitional Housing Advocate	Iowa Tribe of Oklahoma
Nickolaus Lewis	Tribal Council Member	Lummi Nation
Keely Linton	Executive Director	Strong Hearted Native Women's Coalition
Fred Lomayesva	Assistant Attorney General	Pascua Yaqui Tribe
Madonna Luna	Staff Assistant to Vice President	Fort McDowell Yavapai Nation
Terrelene Massey	Executive Director	Navajo Nation Division of Social Services
Lana McCovey	Tribal Council Member	Yurok Tribe
Jennifer McLeod	Tribal Board of Directors	Sault Ste. Marie Tribe of Chippewa Indians
Frankie Medacco	Tribal Councilor	Little River Band of Ottawa Indians
Jami Moran	Advocacy Resource Center Program Manager	Sault Ste. Marie Tribe of Chippewa Indians
Shirley Moses	Executive Director, Healing Native Hearts Coalition	Native Village of Anvik
Catherine Moses	Tribal Administrator	Asa'carsarmut Tribe of Mountain Village
Albert Nelson	Cultural Department Coordinator	Fort McDowell Yavapai Nation
Karen Nelson	Tribal Advocate/SART	Pauma Band of Luiseño Indians
Germaine Omish-Lucero	Special Projects Director	Rincon Band of Luiseño Indians
Cathleen Osborne-Gowey	Administrator, Eastern Shawnee Family Violence Prevention Program/Out of State Client Advocate	Eastern Shawnee Tribe of Oklahoma
Shawn Partridge	Director	Muscogee (Creek) Nation Family Violence Prevention Program
Sarah Payne	Domestic Violence and Sexual Assault Program Coordinator	Kaw Nation
Darlene Pete	Tribal Administrator	Native Village of Nunam Iqua
Keioshiah Peter	Native Youth Coordinator	Coalition to STOP Violence Against Native Women
Allred Pike, Jr.	Councilman	San Carlos Apache Tribe
Lynn Quan	Domestic Violence Program Coordinator	Ketchikan Indian Community
Arlen Quetawki	Tribal Councilman	Pueblo of Zuni
Rose Quilt	Director of Policy & Research	National Indigenous Women's Resource Center
Miranda Quintero	VAWA Director/Advocate	Yerington Paiute Tribe
Carmela Quitugua	Wassaja Family Services Director	Fort McDowell Yavapai Nation
Pasculita Quochytewa	Victim Advocate	Hopi Domestic Violence Program
Prencilla Red Corn	Communications Officer	Omaha Tribe of Nebraska



Connie Reitman	Executive Director	Inter-Tribal Council of California
Ana Romero	Grant Manager/Transitional Housing	Eight Northern Indian Pueblos Council, Inc.
Jane Root	Executive Director	Wabanaki Women's Coalition
Felicia Rosacker-Rivera	Tribal Administrator	Pueblo of Nambé
Brian Ross	Grant Writer	Quapaw Tribe of Oklahoma
Dawn Rowe	Tribal Governments Program Coordinator	Otoe-Missouria Tribe
Jennifer Ruben	Chief Prosecutor	Yavapai-Apache Nation
Justine Rufus	Family Violence Director	Red Cliff Band of Lake Superior Chippewa
Dorma Sahneyah	Training/Technical Assistance Director	National Indigenous Women's Resource Center
Cheyenne Sanders	Deputy General Counsel	Yurok Tribe
James Schlender	Judge	Lac Courte Oreilles Band of Lake Superior Chippewa Indians
Scott Seifert	Special Assistant U.S. Attorney, Chief Tribal Prosecutor	Fort Peck Assiniboine and Sioux Tribes
Alison Simon	Grant Writer	Little Traverse Bay Bands of Odawa Indians
Nathan Small	Chairman, Fort Hall Business Council	Shoshone-Bannock Tribes
Kendra Smith	Wind River Sex Offender Registration and Notification Act Director	Northern Arapaho and Eastern Shoshone Tribes of the Wind River Indian Reservation
Robert Smith	Tribal Representative	Red Lake Band of Chippewa Indians
Hazel Spottedbird	Case Manager/Victim Advocate	Mescalero Apache Tribe
Sonya Spray	Victim Advocate	Apache Tribe of Oklahoma
Woodrow Star	Board of Trustees Member	Confederated Tribes of the Umatilla Indian Reservation
Pansy Thomas	Vice President	Fort McDowell Yavapai Nation
Samantha Thornsberry	Advocate/Project Director	Los Coyote Band of Indians
Cheryl Three Stars Valandra	Tribal Judge	Rosebud Sioux Tribe
Charlene Tsoodle-Marcus	Peacekeepers Program Director	Eight Northern Indian Pueblos Council, Inc.
Yvette Tuell	Policy Analyst	Shoshone-Bannock Tribes
Heidi Vantrease	Domestic Violence Advocate	Organized Village of Kake
Gil Vigil	Executive Director	Eight Northern Indian Pueblos Council, Inc.
Tanya Vold	Program Manager	White Earth Nation
Tammy Walker	Prosecutor	Hualapai Tribe
Nettie Warbelow	Domestic Violence/Sexual Assault Coordinator	Native Village of Tetlin
Kelly Wesaw	Health & Human Services Director	Gun Lake Tribe

Michael Williams	Tribal Council	Akiak Native Community
Brittany Wind	Grant Compliance Officer	Mille Lacs Band of Ojibwe
Jessica Young Bird	Domestic Violence Shelter Manager	Standing Rock Sioux Tribe
Sadie Young Bird	Executive Director, Victim Services	Three Affiliated Tribes
Maude Yoyhoeoma	Coordinator	Hopi Domestic Violence Program
Kim Zahne-Tacheene	Director of Training and Technical Assistance	Hopi-Tewa

### Federal and State Representatives

Name	Title	Organization
Nicole Ashley	Program Assistant	OVW
Tia Bowman	Acquisition Liaison Specialist	OVW
Rachel Brand	Associate Attorney General	Office of the Associate Attorney General
Matthew Cassell	Assistant U.S. Attorney	Offices of the United States Attorneys
Frances Cook	Attorney Advisor	OVW
Beverly Cotton	Director, Division of Behavioral Health	IHS
Christine R. Crossland	Senior Social Science Analyst	DOJ
Andy Dorr	Deputy Director, Grant Operations	DOJ Office of Community Oriented Policing Services
Latonya Eaddy	Grant Program Specialist	OVW
Kenya Fairley	FVPSA Program Manager	HHS
Tia Farmer	Program Specialist	OVW
Eileen M. Garry	Acting Administrator	Office of Juvenile Justice and Delinquency Prevention
Marcia Good	Senior Counsel to the Director	OTJ
Steven Hafner	Research Assistant	National Institute of Justice
Jack Jackson	Director of Tribal Engagement	Office of Congressman Tom O'Halleran
Rebekah Jones	Grant Program Specialist	OVW
Jennifer Kaplan	General Counsel	DOJ
Matthew Lysakowski	Senior Advisor for Tribal Affairs	DOJ Office of Community Oriented Policing Services
Hope Macdonald Lonetree	Tribal Relations Advisor	U.S. Attorney's Office, District of Arizona
Jennifer Mondino	Attorney-Advisor	OVW
Sherriann Moore	Deputy Director	OVW
Nadine M. Neufville	Acting Director	OVW
Jamescita Peshlakai	State Senator	Arizona State Senate
Nicole Savel	Criminal Chief	U.S. Attorney's Office, District of Arizona

Kyle Scherer	Counsel	Office of the Associate Attorney General
Darla Sims	Team Lead	OVW
James A. Smith	Grant Program Manager, Tribal Affairs Division	OVW
Howard Spivak	Deputy Director	National Institute of Justice
Elizabeth Strange	Acting United States Attorney—District of Arizona	DOJ
Mary Thomas	Director of Policy	Office of the Assistant Attorney General
Allison Turkel	Deputy Director	Office for Victims of Crime
Eugenia Tyner-Dawson	Senior Advisor	OJP
Alfred Urbina	Deputy Associate Director, Tribal Justice Support	BIA Office of Justice Services
Shena Williams	Senior Program Specialist	FVPSA
Heather Zenone	Senior Policy Advisor	HHS

### Other Attendees

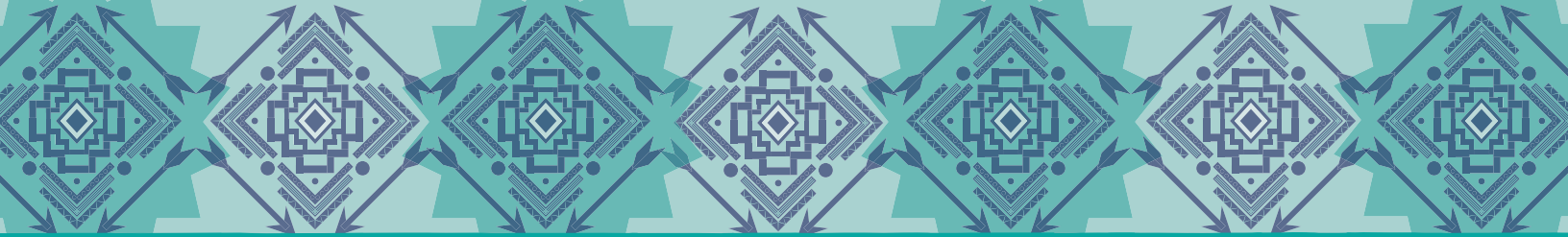
Name	Title	Organization
Cheryl Aboites	—	Navajo Nation
Jose Aboites	—	Navajo Nation
Jacqueline Agtuca	Policy Advisor	National Indigenous Women's Resource Center
Felicia Antone	Technology and Information Specialist	Southwest Center for Law and Policy
Tammy Ashley	Director	Alaska Native Justice Center
Hallie Bongar-White	Executive Director	Southwest Center for Law and Policy
Rachel Carr	Interim Executive Director	Uniting Three Fires Against Violence
DeeJay Chino	Field Operations Manager	American Indian Development Associates
Virginia Davis	—	NCAI
LaTisha Gilmore	Resource and Information Specialist	Southwest Center for Law and Policy
Chia Halpern Beetso	Tribal Court Specialist	Tribal Law and Policy Institute
Paula Julian	Policy Specialist	National Indigenous Women's Resource Center
Lori Jump	Assistant Director	StrongHearts Native Helpline
Caroline LaPorte	Senior Native Affairs Policy Advisor	National Indigenous Women's Resource Center and StrongHearts Native Helpline
Andrea Mesa Leve	Victim Advocate	Pascua Yaqui Tribe Victim Services
Shelley Miller	Advocate	Native Alliance Against Violence
Candace Muggerud	—	Good Health TV

Mary Katherine Nagle	Partner	Pipestem Law
Arlene O'Brien	Program Manager	Southwest Center for Law and Policy
Carmen O'Leary	Board Vice Chair	National Indigenous Women's Resource Center
Carey Onsaе	Executive Director	Hopi-Tewa Women's Coalition to End Abuse
Deleana OtherBull	Executive Director	Coalition to STOP Violence Against Native Women
Sarah Padilla	Therapist	Fort McDowell Yavapai Nation
Charlene Poola	Doctoral Student	Arizona State University School of Social Work
Liz Reese	Project Attorney	NCAI
Connie Reitman	Executive Director	Inter-Tribal Council of California
Janet Routzen	Executive Director	White Buffalo Calf Woman Society
Dawn Stover	Executive Director	Native Alliance Against Violence
Concetta Tsosie de Haro	Legal Fellow	NCAI

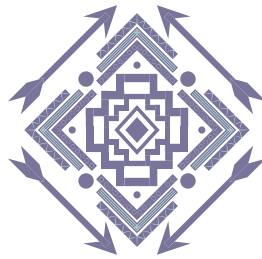








# **Appendix B:** Consultation Agenda



*Working Together to End the Violence*





## AMERICAN INDIAN & ALASKA NATIVE WOMEN

WE-KO-PA RESORT & CONFERENCE CENTER

ON VIOLENCE AGAINST MOUNTAIN HILLS, AZ

### Mon. Oct. 2, 2017

6:00 p.m. – 9:00 p.m. **TRIBAL CAUCUS MEETING**  
Meeting located in Wassaja 112

### Tues. Oct. 3, 2017

7:30 a.m. – 9:00 a.m. **REGISTRATION**  
Located in the Wassaja Ballroom Foyer

9:00 a.m. – 9:30 a.m. **WELCOME**  
Sherriann Moore (Rosebud Sicangu' Lakota), Deputy Director for Tribal Affairs,  
Office on Violence Against Women (OVW), U.S. Department of Justice (DOJ)

#### **COLOR GUARD**

Fort McDowell Veteran's Color Guard, staffed by Antonio Armenta

#### **TRADITIONAL OPENING/ HOST DRUM**

Tom Jones, Fort McDowell Yavapai Nation Elder

Drum and song presented by Albert Cornelius "Corn" Nelson, Fort McDowell Cultural  
Department Coordinator

#### **SHAWL CEREMONY**

Southwest Indigenous Women's Coalition

Leanne Guy, Executive Director, and SWIWC Board Members

9:30 a.m. – 9:45 a.m. **WELCOMING REMARKS**  
The Honorable Pansy Thomas, Vice President, Fort McDowell Yavapai Nation



**WELCOME AND UPDATE FROM FY 2016 CONSULTATION**

Nadine M. Neufville, Acting Director, Office on Violence Against Women,  
U.S. Department of Justice

9:45 a.m. – 9:50 a.m.

**FEDERAL AGENCY INTRODUCTIONS**

Co-Facilitators:

Sherrriann Moore (Rosebud Sicangu' Lakota), Deputy Director for Tribal Affairs,  
OVW, DOJ

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

Department of Justice (TBD)

Department of Health and Human Services (TBD)  
Department of the Interior (TBD)

9:50 a.m. – 12:00 p.m.

**GOVERNMENT-TO-GOVERNMENT CONSULTATION  
TRIBAL LEADER TESTIMONY**

12:00 p.m. – 1:15 p.m.

**WORKING LUNCH – DOJ PRESENTATION**

National Institute of Justice – A National Baseline Study:  
“Implementing the Program of Research”

Christine Crossland, Social Science Analyst, National Institute of Justice,  
OJP, DOJ

1:30 p.m. – 5:00 p.m.

**TRIBAL LEADER TESTIMONY (CONT.)**

5:00 p.m. – 5:15 p.m.

**CLOSING REMARKS**

The Honorable Rachel L. Brand, Associate Attorney General  
U.S. Department of Justice

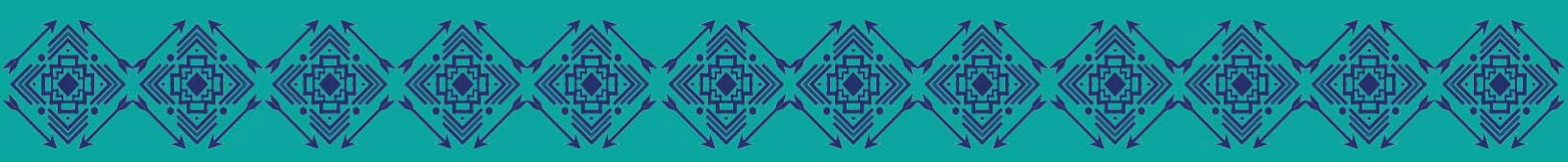
5:15 p.m. – 5:30 p.m.

**HONORING CEREMONY**

5:30 p.m.

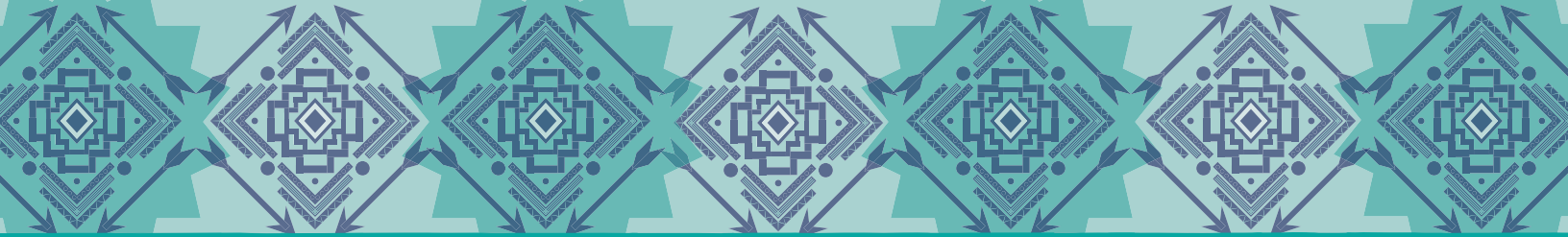
**TRADITIONAL CLOSING OF DAY ONE**

Tom Jones, Fort McDowell Yavapai Nation Elder



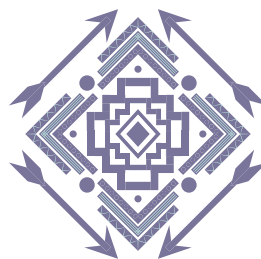
**Wed. Oct. 4, 2017**

- 9:00 a.m. – 10:00 a.m.      "Taking a Native Centered Approach: Supporting Native Survivors of Domestic Violence and Dating Violence" – **An Educational Presentation**  
Ms. Lori Jump, StrongHearts Native Helpline
- 10:00 a.m. – 10:10 a.m.      **OPENING PRAYER**  
Tom Jones, Fort McDowell Yavapai Nation Elder
- 10:10 a.m. – 11:50 a.m.      **TRIBAL LEADER TESTIMONY**  
Continuation of Consultation –Tribal Leader Testimony  
Confer with Tribal Coalitions, TA Providers, and others (time permitting)
- 11:50 a.m. – 12:00 p.m.      **SUMMARY REMARKS AND TRADITIONAL CLOSING**  
Sherriann Moore, Deputy Director for Tribal Affairs, OVW  
Tom Jones, Fort McDowell Yavapai Nation Elder



# Appendix C:

## Consultation Framing Papers



*Working Together to End the Violence*







# Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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September 2017

## **FRAMING PAPER SUMMARY: Consultation Questions on Conducting Research and Providing Training and Technical Assistance on Human Trafficking of American Indians and Alaska Natives**

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### **BACKGROUND**

In recent years, human trafficking of American Indian and Alaska Natives has been the subject of consultation testimony, scholarly articles and media accounts, and reports issued by the federal government and tribal organizations. The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) amended the VAWA tribal grant program statutes and the statute governing this annual consultation to include sex trafficking as an area of focus. Tribal organizations, leaders, and the federal government have identified the importance of addressing human trafficking, including sex trafficking, and prioritizing measures such as providing culturally appropriate victim services, helping tribes enact trafficking codes, and training law enforcement and other professionals on identifying and responding appropriately to victims. Tribal leaders also have identified a connection between missing and murdered Native women and trafficking, and have recommended the use of public alerts and awareness campaigns to help victims find safety and resources.

### **RESEARCH AND STATISTICS**

Existing studies and reports on trafficking victimization among American Indians and Alaska Native (AI/AN) populations have examined the historical context and experiences of Native women in the United States and Canada, particularly related to sexual violence, and the prevalence of risk factors for human trafficking and sexual exploitation among Native populations. Researchers have noted the lack of prevalence data and the challenges in obtaining such data, including the underreported nature of the crime and the range of definitions of human trafficking. A number of studies from both the federal government and the field have identified high rates of sexual exploitation of Native women and girls, gaps in data and research on trafficking of AI/AN victims, and barriers that prevent law enforcement agencies and victim service providers from identifying and responding appropriately to Native victims.

### **TRAINING AND TECHNICAL ASSISTANCE**

Since the enactment of the Trafficking Victims Protection Act of 2000, federal government agencies have provided a range of resources and training to improve responses to human trafficking. In more recent years, agencies have developed tribal-specific resources. DOJ's National Indian Country Training Initiative, the U.S. Department of Homeland Security's Federal Law Enforcement Training Center, and the Bureau of Indian Affairs' Indian Police Academy have developed training for federal and tribal law enforcement on human trafficking in Indian country with the aim of appropriately identifying victims, investigating cases, and working effectively with Native victims. VAWA 2013 amended the authorizing statutes for DOJ's Office on Violence Against Women's (OVW) Grants to Indian Tribal Governments and Grants to Tribal Domestic Violence and Sexual Assault Coalitions Programs to include sex trafficking as



## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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an additional area to be addressed by each program, and OVW has funded a number of training and technical assistance projects to help tribes and tribal organizations develop comprehensive responses to sex trafficking.

### **Consultation Questions on Research and Statistics:**

- What mechanisms would tribes recommend for collecting more data and information on the prevalence and nature of trafficking of American Indians and Alaska Natives, both within and outside of tribal communities, and on the needs of victims?
- How do tribes view the costs and benefits of collecting non-representative and potentially identifying data on victims from federal grantees?
- What other sources of data should be explored so that the data collected actually could generate prevalence estimates and other information on the scope of the problem?
- What solutions would tribes recommend for increasing the reliability of data collected on Native status and for preventing misidentification of Native victims?
- Should research focus on all forms of human trafficking or specifically on sex trafficking?
- What other areas of research, beyond obtaining prevalence estimates of AI/AN victimization, should be funded?
- Should research focus on identifying who is trafficking AI/AN victims (e.g., parent/guardian, third party), as well as traffickers' recruitment tactics and harm to victims? Should research also focus on effective strategies for preventing trafficking of AI/AN individuals and serving AI/AN victims in a culturally appropriate manner?
- Is it possible to prioritize the areas for further research or are they all equally important?

### **Consultation Questions on Training and Technical Assistance:**

- What additional types of training and technical assistance should DOJ consider funding that would be helpful to tribes and tribal organizations in addressing sex trafficking and labor trafficking?
- What additional types of training and technical assistance are needed for non-tribal grantees working on trafficking issues and for other entities that may encounter American Indian or Alaska Native victims but are not specifically focused on trafficking (such as law enforcement, homeless shelters, and medical and mental health providers)?
- Do the needs differ depending on whether the focus of the training and technical assistance is only on sex trafficking or on both sex and labor trafficking?

**For more background information on these consultation questions, please see the attached Framing Paper on Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives.**



## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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**Consultation Question: What mechanisms would tribes recommend for collecting more data and information on the prevalence and nature of trafficking of American Indians and Alaska Natives, both within and outside of tribal communities, and on the needs of victims?**

**Consultation Question: What additional types of training and technical assistance should DOJ consider funding to address human trafficking, including sex trafficking, of American Indians and Alaska Natives?**

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### INTRODUCTION

In recent years, human trafficking of American Indian and Alaska Natives has been the subject of consultation testimony, scholarly articles and media accounts, and reports issued by the federal government and tribal organizations. The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) amended the VAWA tribal grant program statutes and the statute governing this annual consultation to include sex trafficking as an area of focus.<sup>1</sup> At the 2016 Government-to-Government Violence Against Women Tribal Consultation, several tribal leaders or their designees testified about the impact of human trafficking, particularly sex trafficking, on their communities. Recommendations included conducting public awareness campaigns, helping tribes enact trafficking codes, establishing dedicated funding on this topic for tribes and for culturally appropriate victim services, and training law enforcement on identifying and responding to victims. Several commenters identified a connection between missing and murdered Native women and trafficking, and Alaska tribes specifically recommended establishing an alert system for missing Native women and posting information for victims at hospitals and other places where victims might seek assistance.

In referring to human trafficking, this framing paper uses the federal definition of “severe forms of trafficking in persons” originally enacted by the Trafficking Victims Protection Act of 2000,<sup>2</sup> unless otherwise noted; definitions in tribal and state laws vary widely. According to this definition, sex trafficking that constitutes a severe form of trafficking in persons is “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act,” where the commercial sex act is “induced by force, fraud, or coercion” or “the person induced to perform such act has not attained 18 years of age.”<sup>3</sup> Under this definition, any commercial sex act involving someone under the age of 18 is considered a severe form of trafficking in persons, even if there is no third party involved. Other “severe forms of trafficking in persons” include “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery,” commonly referred to as “labor trafficking.”<sup>4</sup>

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<sup>1</sup> Pub. L. No. 113-4, §§ 901-903, 127 Stat. 54, 118-20.

<sup>2</sup> Pub. L. No. 106-386, div. A, 114 Stat. 1464, 1466-91.

<sup>3</sup> 22 U.S.C. § 7102(8)(A), (9).

<sup>4</sup> *Id.* § 7102(8)(B).



## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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### RESEARCH AND STATISTICS

Existing studies and reports on trafficking victimization among American Indians and Alaska Natives have examined the historical context and experiences of Native women in the United States and Canada, particularly related to sexual violence, and the prevalence of risk factors for human trafficking and sexual exploitation among Native populations.<sup>5</sup> These reports emphasize the lack of prevalence data and the challenges in obtaining such data, including the underreported nature of the crime and the range of definitions of human trafficking – especially sex trafficking – used for both legal and statistical purposes. Many have pointed to the overrepresentation of Native women in prostitution and the risk factors for trafficking that Native women and youth face, including prior sexual victimization, poverty, and homelessness, as indicators that the problem is significant. Existing research does not always distinguish between the commercial sexual exploitation of American Indians and Alaska Natives within Indian country (as defined in 18 U.S.C. § 1151) and such exploitation occurring off-reservation or in urban areas, a distinction that is important in allocating resources to assist victims and tribes and to improve criminal justice responses. A 2011 paper aimed at synthesizing the research and its implications for policy and practice identified a “critical need for additional research that is sensitive to Native cultural norms and historical experiences, but is larger in scope than existing studies.”<sup>6</sup> The authors recommended further research, including estimating the full extent of the problem by region, determining the primary characteristics and strategies of traffickers in those areas, and identifying the types of culturally appropriate prevention and intervention that most effectively reduce Native women’s and youth’s vulnerability to trafficking.

Two studies from Minnesota examined sexual exploitation of Native women through interviews with women in prostitution in combination with analysis of secondary sources; both studies made extensive recommendations for meeting the needs of victims. A 2009 report from the Minnesota Indian Women’s Resource Center (MIWRC) reviewed published literature from the United States and Canada, client intake interviews from three MIWRC programs, roundtable discussions with providers of crisis services to Native women and youth, and secondary analysis of statewide homelessness and student survey data.<sup>7</sup> The study found that 27 percent of the 95 Native women and girls interviewed reported activities constituting sex trafficking under Minnesota law, which defines sex trafficking as “receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual.”<sup>8</sup>

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<sup>5</sup> See, e.g., National Congress of American Indians Policy Research Center, “Human & Sex Trafficking: Trends and Responses Across Indian Country,” Tribal Insights Brief, Spring 2016, available at [ncai.org/policy-research-center/research-data](http://ncai.org/policy-research-center/research-data); Sarah Deer, “Relocation Revisited: Sex Trafficking of Native Women in the United States,” 36 Wm. Mitchell L. Rev. 621 (2010).

<sup>6</sup> Alexandra (Sandi) Pierce & Suzanne Koepplinger, “New Language, Old Problem: Sex Trafficking of American Indian Women and Children,” VAWnet Applied Research, October 2011, available at [NativeSexTraffickingbyVAW.net/AppliedResearch](http://NativeSexTraffickingbyVAW.net/AppliedResearch).

<sup>7</sup> MIWRC, Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota (2009) (prepared by Alexandra (Sandi) Pierce), available at [The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota](http://TheCommercialSexualExploitationofAmericanIndianWomenandGirlsinMinnesota).

<sup>8</sup> Minn. Stat. § 609.321, subd. 7a(1) (2017).



## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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Similarly, a 2011 study by the Minnesota Indian Women’s Sexual Assault Coalition (MIWSAC) and Prostitution Research and Education, based on interviews with 105 Native women in prostitution who had sought services from programs affiliated with MIWSAC, found that about half of the women had been trafficked, using a definition of sex trafficking that included third- party control and exploitation.<sup>9</sup> In addition, 79 percent of the women interviewed in the 2011 study had been sexually abused as children by an average of four perpetrators, 92 percent had been raped in prostitution, and 84 percent had been physically assaulted in prostitution. Ninety- two percent of the interviewees wanted to exit prostitution, and the women’s most frequently identified needs were individual counseling, peer support, housing, and vocational counseling.

The authors of both studies recommended increased funding for culturally appropriate victim services, both on reservations and in urban areas, including advocacy, physical and mental health care, education and employment services, legal services, and both transitional and long-term housing for victims. They further recommended increasing awareness of the problem and providing training on recognizing and supporting victims of sex trafficking for staff at homeless and domestic violence shelters, sexual assault programs, and substance abuse treatment programs, and for all professionals who may come into contact with prostituted Native women and youth, including police officers, emergency room personnel, child protection workers, teachers, and mental health professionals. They also recommended more research on sex trafficking of Native women and the provision of culturally relevant services.

In May 2014, the Willamette University College of Law produced a “legal fact-finding report” on trafficking of Native victims in Oregon based on legal research, law enforcement surveys, and interviews with individuals responsible for prosecuting traffickers, protecting survivors, and preventing trafficking.<sup>10</sup> The authors interviewed service providers that tailor their services to Native victims and those generally involved in serving survivors of sexual abuse and trafficking; they also reached out to tribes directly and spoke with Native survivors. The report identifies a number of issues, including the interconnection between foster care, homelessness, and vulnerability to trafficking, underreporting and its causes, causes and effects of under- enforcement, jurisdictional complications and confusion, and lack of funding for traditional healing methods for Native survivors. It includes recommendations intended to address the issues identified, including comprehensive data collection, training on identifying victims, addressing Native overrepresentation in foster care, and collaboration between federal, state, county, and tribal law enforcement entities.

More recently, the U.S. Senate Committee on Indian Affairs requested two studies from the U.S. Government Accountability Office (GAO) on human trafficking of American Indians and Alaska Natives. In March 2017, GAO reported that American Indians and Alaska Natives are considered to be vulnerable to severe forms of trafficking in persons, as defined in the Trafficking Victims Protection Act of 2000.<sup>11</sup> In

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<sup>9</sup> Melissa Farley et al., *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota* (2011), available at [Garden of Truth Final Project](#).

<sup>10</sup> Int’l Human Rts. Clinic, Willamette Univ. Coll. of Law, *Human Trafficking and Native Peoples in Oregon: A Human Rights Report* (2014), available at [Human-Trafficking-Native-Peoples](#).

<sup>11</sup> GAO, *Human Trafficking: Action Needed to Identify the Number of Native American Victims Receiving Federally-Funded Services* (2017) (GAO-17-235).





## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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preparing its report, GAO examined federal data on investigations and prosecutions,<sup>12</sup> federal grant programs addressing human trafficking, and federal data on the number of American Indian and Alaska Native (AI/AN) victims served through these programs. GAO found that federal agencies were not collecting data on AI/AN victims as part of an investigation or from victim service providers for a number of reasons, including lack of relevance to the investigation or to eligibility for services, sensitivity of asking victims about their race or tribal affiliation, and concerns that collecting personal information about victims that could make them identifiable to traffickers or others in the community. The report also included an appendix describing federally-funded human trafficking studies and discussing whether the methodologies from these studies could be adapted to examine trafficking of American Indians and Alaska Natives.

In July 2017, GAO released a related report titled “Human Trafficking: Information on Cases in Indian Country or that Involved Native Americans.”<sup>13</sup> GAO surveyed tribal and major city law enforcement agencies and victim service providers on human trafficking investigations, victim services, and barriers to identifying and serving Native victims. Twenty-seven of the 132 tribal law enforcement agencies that responded to the survey reported initiating investigations involving human trafficking from 2014 to 2016, and six of 61 major city law enforcement agencies reported initiating human trafficking investigations that involved at least one Native victim during the same period. Survey respondents identified lack of training on identifying and responding appropriately to victims, victim shame and reluctance to come forward, and lack of service provider resources as barriers to investigating cases and serving victims.

In its March 2017 report, GAO recommended that the Department of Justice (DOJ) require grantees to report the number of human trafficking victims served with grant funds, including the AI/AN status of those victims. The Department partially concurred with the GAO recommendation, citing planned improvements to grantee data collection, but did not concur with requiring all grantees providing services to trafficking victims to report on the Native status of victims. DOJ noted that requiring grantees to ask a potential victim about the victim’s Native status during client intake could cause confusion or fear, make victims less likely to engage in services, compromise victim confidentiality, and unjustifiably burden service providers that already have limited time and resources to meet victim needs. The Department recognized the importance of obtaining accurate data on the scope of human trafficking of AI/AN populations but noted that collecting more detailed grantee data would not meet this goal because it would not provide generalizable, representative data on AI/AN victimization. DOJ also has learned from grantees that non-tribal victim service providers, law enforcement, and other criminal justice system personnel may misidentify AI/AN victims as a member of another race – a systemic problem that grantee performance data cannot solve and for which carefully designed solutions are

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<sup>12</sup> It is important to note that federal data on prosecutions under 18 U.S.C. § 1591 (sex trafficking of children or by force, fraud, or coercion) will not capture cases resolved by plea to another criminal offense, such as sexual abuse or child abuse. Defendants who plead guilty to a crime other than trafficking receive stiff penalties frequently on par with sentences meted out for trafficking convictions. However, plea agreements allow for resolution of a case without the necessity of putting the victim through trial. A public trial can be devastating to a victim who may be struggling physically, mentally, and emotionally with the aftereffects of being trafficked, and this is particularly true for victims in Indian country.

<sup>13</sup> GAO-17-624.



## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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needed. DOJ further noted that trained researchers and statisticians are in the best position to conduct a study on the scope of the problem, in the past the National Institute of Justice (NIJ) attempted to fund appropriate research in this area, and it remains an area of interest for NIJ.

### Consultation Questions on Research and Statistics:

- What mechanisms would tribes recommend for collecting more data and information on the prevalence and nature of trafficking of American Indians and Alaska Natives, both within and outside of tribal communities, and on the needs of victims?
- How do tribes view the costs and benefits of collecting non-representative and potentially identifying data on victims from federal grantees?
- What other sources of data should be explored so that the data collected actually could generate prevalence estimates and other information on the scope of the problem?
- What solutions would tribes recommend for increasing the reliability of data collected on Native status and for preventing misidentification of Native victims?
- Should research focus on all forms of human trafficking or specifically on sex trafficking?
- What other areas of research, beyond obtaining prevalence estimates of AI/AN victimization, should be funded?
- Should research focus on identifying who is trafficking AI/AN victims (e.g., parent/guardian, third party), as well as traffickers' recruitment tactics and harm to victims? Should research also focus on effective strategies for preventing trafficking of AI/AN individuals and serving AI/AN victims in a culturally appropriate manner?
- Is it possible to prioritize the areas for further research or are they all equally important?

### TRAINING AND TECHNICAL ASSISTANCE

Multiple jurisdictions in tribal communities may have the legal authority to investigate and prosecute crimes of human trafficking, and both tribal and non-tribal victim service providers and law enforcement may encounter Native victims. Many of the media reports and Congressional inquiries have focused on the federal government's role in uncovering and prosecuting these offenses. However, tribal prosecutors and state prosecutors also may have the ability to charge and try these cases. The issue is nuanced and a balanced discussion of the issue must involve the following: the location of the offense, the Indian/non-Indian status of the trafficker, if known, and whether the elements of the offense under federal, tribal, or state law have been met. For example, under federal law on sex trafficking, if the victim is an adult, this analysis involves examining whether there was force, fraud, or coercion exerted on the victim to induce the commercial sex act. Training for both tribal and non-tribal law enforcement and victim services providers needs to address these jurisdictional complexities, and the skills needed to identify Native victims of trafficking and respond in a culturally appropriate manner.

Since the enactment of the Trafficking Victims Protection Act of 2000, federal government agencies have provided a range of resources and training to improve responses to human trafficking. In more recent years, agencies have developed tribal-specific resources. For example, DOJ's National Indian Country Training Initiative has provided training for federal and tribal law enforcement on human trafficking in Indian country, including identifying victims, investigating cases, and working effectively with Native



## Human Trafficking (Including Sex Trafficking) of American Indians and Alaska Natives

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victims. Similarly, the U.S. Department of Homeland Security's Federal Law Enforcement Training Center has partnered with the Bureau of Indian Affairs' Indian Police Academy to deliver a train-the-trainer course for tribal law enforcement on indicators of human trafficking, with Indian country case examples, and information on victims' rights. In January 2015, the Administration for Native Americans at the U.S. Department of Health and Human Services issued an information memorandum on recognizing and responding to human trafficking among American Indian, Alaska Native, and Pacific Islander communities that included tips for recognizing the signs of human trafficking and preventing it, as well as resources for developing more effective responses.

VAWA 2013 amended the authorizing statutes for DOJ's Office on Violence Against Women's (OVW) Grants to Indian Tribal Governments and Grants to Tribal Domestic Violence and Sexual Assault Coalitions Programs to include sex trafficking as an additional area to be addressed by each program. In addition to revising grant solicitations to reflect the expanded purposes of the programs, OVW has funded a number of training and technical assistance projects to help tribes and tribal organizations develop comprehensive responses to sex trafficking. For example, the Tribal Law and Policy Institute developed a resource book on sex trafficking for tribal coalitions and advocates and training curricula on advocacy and legal issues related to sex trafficking in Indian country. OVW also funded MIWSAC to partner with Mending the Sacred Hoop to provide training and technical assistance to tribal communities to increase their capacity to respond to sex trafficking. This includes on-site technical assistance, a resource manual of best practices, and a national convening in early 2018 of service providers, criminal justice professionals, survivors, and other community stakeholders to share resources and develop coordinated community responses to sex trafficking.

### **Consultation Questions on Training and Technical Assistance:**

- What additional types of training and technical assistance should DOJ consider funding that would be helpful to tribes and tribal organizations in addressing sex trafficking and labor trafficking?
- What additional types of training and technical assistance are needed for non-tribal grantees working on trafficking issues and for other entities that may encounter American Indian or Alaska Native victims but are not specifically focused on trafficking (such as law enforcement, homeless shelters, and medical and mental health providers)?
- Do the needs differ depending on whether the focus of the training and technical assistance is only on sex trafficking or on both sex and labor trafficking?



UNITED STATES DEPARTMENT OF JUSTICE  
Office on Violence Against Women  
2017 Tribal Consultation

