

Little Traverse Bay bands of Odawa Indians
7500 Odawa Circle, Harbor Springs Michigan 49740

Travel Report

10th Annual Tribal Consultation

November 6, 2015

From: Petoskey, MI to and back from Sheldon, Washington

Dates: November 1st thru 5th, 2015

RE: 10th Annual Tribal Consultation

The meeting I attended is in accordance with Executive Order 131375 and Department of Justice's Policy, DOJ invitation was for Tribes input regarding setting aside funds for excising tribal programs to assist Indian Tribes in exercising special domestic violence criminal jurisdiction and adopting the Violence against Women Act (VAWA). There are eight Tribes that have implemented VAWA, LTBB being one. The overall issue was most tribes don't have the funds let alone the training needed, police forces, courts, shelters, etc. One of the Alaskans in attendance has not seen even a law enforcement person in 7 years on the reservation.

There are certain criteria that have to be meant before VAWA and even be implemented.

Tuesday of the Conference day sessions were hosted by Nation Congress of American Indians John Dossett., Virginia Davis and Tamera Begay. Topic was Special Domestic Violence Criminal Jurisdiction and Tribal Domestic Dating "Violence" Jurisdiction. Question was scope of offenses that can be shared by tribes who have implemented special domestic violence criminal jurisdiction pursuant to 25USC1304. It is very limited. Please see attached summary.

Tuesday afternoon DOJ informed those in attendance of the Tribal Access Program (TAP) for Nation Crime Information to provide federal-recognized Tribes access to the nation crime information data bases for both civil and criminal purpose. This was a session good for those who work in law enforcement and the courts.

Any and all information gathers at this type of conference help us as legislators when writing law.

Wednesday began with the notice that Director DOJ Tracy Toulou would not be in attendance because he was attending the White House meeting scheduled for the 5th. There were updated given followed by Tribal Leaders Testimony.

Testimonies were for the Tribes that have VAWA in place and others. Tribes want to be self governing and have justisdiction but lack of fund, no systems in place, no courts, and no police and with the restrictions that need follow makes it really or nearly impossible for tribes to comply with the federal guidelines. Many tribes attending were from the Alaskans Tribes. If DOJ had not paid their way they would not have been able to come and testify. Their stories are very sad because of their lack of services, training, location and being unfunded.

My testimony was: Aanii, On behalf of my Odawa Nation and Tribal Council from Petoskey Michigan I am here to give testimony as one of the first Tribes to have implemented VAWA. Some of the issues we are concerns with are access for training for Probation best practices. Access for funding Offender Programs, Monitoring to curtail recidivism that impacts the social issues within our community and for Tribal Police to be able to prosecute Domestic Violence offenders on specific offences. Advance Training for law enforcement officers and court staff on domestic violence protocols. Judicial training on handling domestic violence cases and PPOS and PPO violations. Expand pilot project and utilizing federal funds and make available transportation of offender by federal marshals. Now is the time to open the Bureau of Prison Office for access. Now is the time!

The Little Traverse Bay Bands Of Odawa Indians community is aware of our VAWA law and for this to continue we and Tribes need assistants in the form of flexible policies and flexible funding...

In closing I to want to remind you (DOJ) that we have a government to government relationship, with that comes the trust responsibility the United States has to Indian Tribes.

We will be submitting our written testimony within 60 days. Miigwech for your attention.”

I want to acknowledge Michael Wolf from our Tribal Court who is here attending the conference, as well.

Please see all attachments.

Miigwech to the Tribal Council and Tribal Citizens for my attendance at the Government to Government Annual and Tribal Consultation on VAWA.

Departed November 5, 2015 at 7 am Arrived at home at 12:30 6th

Tribal Councilor

Beatrice Law 0869

A handwritten signature in cursive script, appearing to read "Beatrice Law".



U.S. Department of Justice

Office of Tribal Justice

*Room 2318, RFK Main Justice Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001*

*(202) 514-8812
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September 18, 2015

Dear Tribal Leader:

In accordance with Executive Order 13175 and Department of Justice's (DOJ's) Consultation Policy, DOJ invites you to a consultation regarding setting aside funds from existing tribal programs to assist Indian tribes in exercising special domestic violence criminal jurisdiction (SDVCJ) pursuant to section 904 of the Violence Against Women Reauthorization Act of 2013 (codified at 25 U.S. C. § 1304). DOJ's Office on Violence Against Women and the Office of Justice Programs' Bureau of Justice Assistance are considering ways to support tribes that wish to exercise SDVCJ in the absence of a Fiscal Year 2016 Congressional appropriation for this purpose and would like to initiate formal consultation with officials of federally recognized Indian tribes to discuss this proposal. The enclosed framing paper presents background information on the proposal and raises several questions and issues for your consideration.

The first consultation on this topic will take place at the annual convention of the National Congress of American Indians on October 18, 2015 at 1 p.m. Pacific Time in San Diego, CA. This in-person consultation will be preceded by two telephonic listening sessions as follows:

Monday, October 5, 2015 Listening Session	
3:30 – 5:30 p.m. Eastern	Link to register for the call and receive the call-in: https://attendee.gotowebinar.com/rt/4310816025885906690
Wednesday, October 13, 2015 Listening Session	
3:30 – 5:30 p.m. Eastern	Link to register for the call and receive the call-in information: https://attendee.gotowebinar.com/rt/4310816025885906690

Please note that you will be asked to provide your name and Tribal affiliation when you register.

DOJ will also solicit input from members of the Inter-Tribal Technical Assistance Working Group (ITWG) on SDVCJ at a listening session to be held during the ITWG's next in-person meeting, scheduled for November 2-3, 2015 at the Squaxin Island Reservation in Shelton, WA.

In addition, DOJ will accept written comments until the close of business on Friday, October 30, 2015. Please submit them via email to OTJ@usdoj.gov or (if necessary) via regular mail to:



GOVERNMENT TO GOVERNMENT
ANNUAL TRIBAL CONSULTATION
ON VIOLENCE AGAINST WOMEN

10th Annual Tribal Consultation Agenda

Pre-Meetings

November 3, 2015
Shelton, WA

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

Located in the Sa-Heh-Wa-Mish Room

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

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

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

Located in the Sa-Heh-Wa-Mish Room

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

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

<http://www.justice.gov/tribal/tribal-access-program-tap>

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

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

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

Tribal Listening Session: Abuse In Later Life in Tribal Communities

November 3, 2015

Shelton, WA

Located in Rooms Grand A&B

1:30 PM – 5:00 PM

Facilitator: Vicki Ybanez, Executive Director
Red Wind Consulting, Inc.

This session will discuss abuse in later life from an indigenous perspective. Red Wind Consulting, Inc. has been working with the National Clearinghouse on Abuse in Later Life learning about what a tribal response to elder abuse might look like. This session will provide an overview of what abuse in later life is and cover key aspects of that work. The session will talk about some challenges identified that tribes might be faced with in developing a response to abuse in later life. Time will be taken to discuss the critical questions tribes will grapple with as they develop their response and put in place additional safety supports to help protect and intervene in the lives of elders being abused.

Key questions for discussion include:

1. Under ideal conditions, what would an abuse in later life response look like for tribes? What would be the key components of the response? Who are the key responders/providers?
2. What do tribes already have in place for an abuse in later life response? What is most effective about it? What do leaders see as challenges to the current response?

**Wednesday, November 4, 2015
Shelton, WA**

8:00 a.m. – 9:00 a.m.

REGISTRATION

Located in the Event Center

9:00 a.m. – 9:30 a.m.

WELCOME

Lorraine Edmo (Shoshone-Bannock), Deputy Director for Tribal Affairs, Office on Violence Against Women, U.S. Department of Justice

COLOR GUARD

*Squaxin Island Veterans Association
Glen Parker, Chairman*

TRADITIONAL OPENING

SHAWL CEREMONY

WA State Native American Coalition Against Domestic Violence and Sexual Assault -Women Spirit Coalition, Dee Koester and Board members

WELCOMING REMARKS

*Mr. Dave Lopeman, Chairman
Squaxin Island Tribe*

*Ye-Ting Woo, Assistant U.S. Attorney
Western District of Washington*

9:30 a.m. – 10:00 a.m.

GOVERNMENT-TO-GOVERNMENT CONSULTATION

*Co-Facilitator: Lorraine Edmo (Shoshone-Bannock)
OVW Deputy Director for Tribal Affairs*

*Co-Facilitator: Marcia Hurd
Council to the Director, Office of Tribal Justice*

UPDATE FROM LAST CONSULTATION

Bea Hanson, Principal Deputy Director, Office on Violence Against Women, U.S. Department of Justice

FEDERAL AGENCY INTRODUCTIONS

Remarks from Leadership of HHS and Interior

10:00 a.m. – 10:30 a.m.

TRIBAL LEADER INTRODUCTIONS

10:30 a.m. – 12:00 p.m.

TRIBAL LEADER TESTIMONY

12:00 p.m. – 1:15 p.m.

LUNCH PROVIDED

*Update on Special Domestic Violence Criminal Jurisdiction
Representatives of NCAI and Inter-Tribal Working Group*

1:30 p.m. – 4:30 p.m.

TRIBAL LEADER TESTIMONY

4:30 p.m. – 5:00 p.m.

TRADITIONAL CLOSING AND SUMMARY COMMENTS

VAWA 2013 IMPLEMENTATION UPDATE:

Special Domestic Violence Criminal Jurisdiction

On **March 7, 2015**, tribes across the country could begin exercising criminal jurisdiction over non-Indians so long as all of the statutory requirements of VAWA 2013 are met.

VAWA 2013 authorizes participating tribes to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over non-Indian defendants for acts of domestic violence or dating violence; and violations of certain protection orders.

However:

- the victim must be Indian;
- the crime must take place in the Indian Country of the participating tribe; and
- the non-Indian defendant must have “sufficient ties to the Indian Tribe,” which could include either:
 - residing in the Indian country of the participating tribe;
 - being employed in the Indian country of the participating tribe; or
 - being a spouse, intimate partner, or dating partner of a tribal member, or an Indian who resides in the Indian country of the participating tribe.

In addition to existing Indian Civil Rights Act requirements, the tribe must offer certain Due Process Protections, many of which mirror the due process protections required to exercise the enhanced sentencing provisions of the Tribal Law and Order Act (TLOA) of 2010:

VAWA Due Process Requirements
Defendants are provided with effective assistance of counsel equal to at least that guaranteed in the U.S. Constitution.
Tribal government provides to an indigent defendant a defense attorney licensed to practice by any jurisdiction in the United States.
Defense attorney is licensed by a jurisdiction that applies appropriate licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys.
Judges presiding over criminal proceedings involving non-Indian defendants have sufficient legal training to preside over criminal trial and be licensed to practice law by any jurisdiction in the United States.
The tribe’s criminal law, rules of evidence, and rules of criminal procedure are made available to the public prior to charging the defendant.
Tribal court maintains a record of the criminal proceeding, including an audio or other recording.
Tribal court provides the defendant the right to a trial by an impartial jury.
Tribal court ensures that the jury reflects a fair cross section of the community.
Tribal court ensures that juries are drawn from sources that do not systematically exclude any distinctive group in the community, including non-Indians.
Tribal court ensures that a defendant is “timely notified” of his/her rights and responsibilities.
Tribal court ensures that a defendant is notified of their right to file “a petition for a writ of <i>habeas corpus</i> in a court of the United States.”
Tribal court provides “all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special domestic violence criminal jurisdiction over the defendant”.

VAWA 2013 IMPLEMENTATION UPDATE: Special Domestic Violence Criminal Jurisdiction

As of September 1, 2015, eight tribes have implemented special domestic violence criminal jurisdiction (SDVCJ) over non-Indians under VAWA 2013 (see reverse for a description of the VAWA requirements). Together, they have made 42 SDVCJ arrests, resulting in 18 guilty pleas, 5 referrals for federal prosecution, 1 acquittal by jury, 12 dismissals, with 6 cases pending. None of the SDVCJ non-Indian defendants have appealed to federal court. A brief summary of the exercise of this jurisdiction by each the implementing tribes is below.

- **Pascua Yaqui Tribe (AZ).** The Pascua Yaqui Tribe began exercising SDVCJ on February 20, 2014 as part of the DOJ Pilot Project. As of September 1, they have had 21 SDVCJ arrests involving 16 separate offenders resulting in 6 guilty pleas, 4 referrals for federal prosecution, 1 acquittal by jury, and 10 dismissals. Pascua Yaqui reports that since they began implementing SDVCJ, cases involving non-Indians make up 25% of the tribes domestic violence caseload.
- **Tulalip Tribes of Washington.** The Tulalip Tribes began exercising SDVCJ on February 20, 2014 as part of the DOJ Pilot Project. As of September 1, they have had 11 SDVCJ arrests involving 9 defendants resulting in 6 guilty pleas, 1 referral for federal prosecution, 2 dismissals, with 2 cases pending.
- **Confederated Tribes of the Umatilla Reservation (OR).** The Umatilla Tribes began exercising SDVCJ on February 20, 2014 as part of the DOJ Pilot Project. As of September 1, they have had 6 SDVCJ arrests resulting in 4 guilty pleas, with 2 cases pending.
- **Sisseton Wahpeton Oyate (SD/ND).** The Sisseton Wahpeton Oyate was authorized to exercise SDVCJ on March 6, 2015 as part of the DOJ Pilot Project. As of September 1, they have had 1 SDVCJ arrest and the case is pending.
- **Assiniboine & Sioux Tribes of the Ft. Peck Reservation (MT).** The Assiniboine & Sioux Tribes were authorized to exercise SDVCJ on March 6, 2015 as part of the DOJ Pilot Project. As of September 1, they have had no SDVCJ arrests.
- **Little Traverse Bay Band of Odawa Indians (MI).** The Little Traverse Bay Band of Odawa Indians began exercising SDVCJ on March 7, 2015. As of September 1, they have had no SDVCJ arrests.
- **Seminole Tribe of Oklahoma.** The Seminole Tribe began exercising SDVCJ in July 2015. As of September 1, they have had no SDVCJ arrests.
- **Eastern Band of Cherokee Indians (NC).** The Eastern Band of Cherokee began exercising SDVCJ in July 2015. As of September 1, they have had 3 SDVCJ arrests resulting in 2 guilty pleas with 1 case pending.

Nearly 40 additional tribes have participated in the Inter-Tribal Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG) and are in varying stages of preparing to implement SDVCJ. Twenty tribes report that they expect to implement SDVCJ in the next year. For more information about the ITWG and implementation of SDVCJ, visit www.ncai.org/tribal-vaawa.



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

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

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

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

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

BACKGROUND

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

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



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

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

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

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

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

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



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

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

QUESTIONS

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

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



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

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

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

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

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

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



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

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

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

