

Tribal Jurisdictions Program

Throughout their lifetime, nearly 1 in 2 American Indian and Alaska Native women will suffer physical violence, sexual violence, or stalking by an intimate partner (U.S Census Bureau, 2017c). However, until the passage of VAWA 2013, tribal courts could not exercise jurisdiction over crimes committed by non-Indian domestic violence abusers against their Indian spouses, intimate partners, and dating partners on tribal land. The historic provision within VAWA 2013 formally recognized the inherent power of participating tribes to exercise special domestic violence criminal jurisdiction (SDVCJ) over both Indians and non-Indians who commit crimes of domestic violence or dating violence, or violate certain protection orders in Indian Country. Accordingly, in FY 2016, Congress authorized the Tribal Jurisdictions Program, which is designed to assist Indian tribes that have jurisdiction over Indian Country in exercising SDVCJ.

THROUGH THIS GRANT PROGRAM, INDIAN TRIBES RECEIVE SUPPORT and technical assistance for planning, developing, and implementing changes in their criminal justice systems necessary to exercise SDVCJ. The Tribal Jurisdictions Program encourages the coordinated involvement of the entire tribal criminal justice system and victim service providers to incorporate systemic change that ensures victim safety and offender accountability. Competitive awards were made for the first time in 2016, and tribes' efforts to prepare to implement SDVCJ started prior to their receipt of Tribal Jurisdictions grants. Thus, while there are limited data from the periods covered in this report, the National Congress of American Indians (NCAI)'s five year report on SDVCJ implementation provides detailed information about nationwide implementation of SDVCJ, including what Tribal Jurisdictions grantees accomplished prior to and following their receipt of Tribal Jurisdictions awards (National Congress of American Indians, 2018).

7 Grantees Reporting

Between July 1, 2016 and June 30, 2017, 7 unique grantees reported activities funded by the Tribal Jurisdictions Program.

AI/AN women are nearly 1.3 times more likely in their lifetime to experience physical and or sexual violence, or stalking by an intimate partner than non-Hispanic white women (Smith et al., 2017).

Grantees engage in the following purpose areas:

- Strengthen the tribal criminal justice systems to assist the tribes in exercising SDVCJ;
- Provide indigent criminal defendants with defense counsel;
- Ensure that jurors are summoned, selected, and instructed in a manner consistent with applicable requirements; and
- Ensure that victims' rights are similar to the rights of crime victims in other jurisdictions and consistent with tribal culture.

In order to successfully exercise special domestic violence criminal jurisdiction, tribes need to engage tribal leaders, tribal judges, tribal prosecutors, tribal defenders, tribal attorneys, law enforcement, and victim service providers, and tribes must include resolution from their governing body demonstrating this cooperation in their grant applications.



Tribal • Grantee Perspective

Claiming jurisdiction over non-Native men who commit crimes of domestic/dating violence, or who violate a protection order against a victim who lives on tribal land, is instrumental in keeping Native women safe.

PORT GAMBLE S'KLALLAM TRIBE



Tribal • Grantee Perspective

This Tribal Jurisdictions Program has been instrumental in allowing the Yurok Tribe to set up an initial infrastructure to support the tribal court's exercise of criminal jurisdiction in an area where it has historically lacked funding for court/law enforcement development.

YUROK TRIBE

Tribal • Grantee Perspective

Grant funds allocated for training were used to send our project director, to the Inter-Tribal Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG) and the 42nd Annual Indian Law Conference. Little Traverse Bay Band's participation included an update on our ability to exercise SDVCJ, along with consulting with other tribes on the obstacles in implementing SDVCJ.

LITTLE TRAVERSE BAY BAND OF ODAWA INDIANS

General Grant Information

Information for this report was submitted by **7** grantees for the July 1, 2016 to June 30, 2017 reporting periods.

- During these first two reporting periods, grantees focused on planning and preparation activities.
- Of the four purpose areas addressed by the Tribal Jurisdictions Program, grantees most frequently addressed strengthening the tribal criminal justice system to assist tribes in exercising SDVCJ.
- In future reporting periods, grantees will begin providing victim services; providing criminal defendants with legal representation; and funding law enforcement, prosecution, and tribal court activities. Data on these activities will appear in future Reports to Congress; and
- All grantees must participate in the Inter-tribal Technical Assistance Working Group (ITWG), a group of tribal representatives who exchange views, information, and best practices regarding the implementation of SDVCJ.

Staff

- **4** out of 7 grantees (57%) used funds for staffing needs.
- Grantees funded an average of **0.3** full-time equivalent (FTE) staff during each 6-month period.
- Grantees used these staffing funds to support administrators and program coordinators.

Training

- **4** out of 7 grantees (57%) used funds to provide or attend training.
- A total of **15** people were trained.
- Grantees used these training funds most frequently to address topics surrounding civil and criminal court procedures; jurisdictional issues; protection orders; sexual assault statutes/codes; cultural issues specific to American Indians and/or Alaska Natives; and domestic violence overview, dynamics, and services.

Remaining Areas of Need

Because only two reporting periods of data are available for the Tribal Jurisdictions Program, and the grantee pool is very small, it is not yet feasible to extrapolate trends regarding remaining areas of need as reported by grantees. These will appear in future Reports to Congress.