

# Tribal Jurisdiction Program

Throughout their lifetimes, nearly 1 in 2 American Indian and Alaska Native women will suffer physical violence, sexual violence, or stalking by an intimate partner (Rosay 2016). 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, VAWA 2013 authorized the Tribal Jurisdiction Program,<sup>i</sup> which first received appropriations in FY 2016, and 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 Jurisdiction 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.**

## 17 Grantees Reporting

Between July 1, 2017 and June 30, 2019, 17 unique grantees reported activities funded by the Tribal Jurisdiction 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.

<sup>i</sup> 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 Jurisdiction 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 Jurisdiction grantees accomplished prior to and following their receipt of Tribal Jurisdiction awards (National Congress of American Indians, 2018).



*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**

We have been able to provide training to many staff who would not have otherwise had the opportunity to advance their knowledge of domestic violence dynamics, special domestic violence criminal jurisdiction, or about crimes against women in Indian Country. Within the past few months we have been able to train judges and staff from our Tribal Court, an attorney from our legal department, a caseworker from our Family Services program, and staff from our batterer's intervention program partner organization. Not only do these trainings improve the quality of our response, but it also enhances our ability to coordinate and work together when we are able to understand the issues that we must jointly manage at each stage of the justice and recovery process.

**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**



*In 2013, the Department of Justice established an Inter-Tribal Technical Assistance Working Group (ITWG) to support SDVCJ implementation. The ITWG is a peer-to-peer learning forum addressing issues such as revising tribal codes, assembling more representative jury pools, detaining non-Indian offenders, and ensuring a victim-centered approach. As of June 2019, over 50 tribes participate in the ITWG and 25 tribes are exercising SDVCJ. These tribal nations have reported 237 arrests of non-Indian abusers which led to 95 convictions.*

*No habeas petitions have been filed by non-Indian defendants in federal court challenging their arrest or prosecution. (National Congress of American Indians, 2018 & 2020b; Office on Violence Against Women, 2019).*

## General Grant Information

Information for this report was submitted by **17** grantees for the July 1, 2017 to June 30, 2019 reporting periods.

- Of the four purpose areas addressed by the Tribal Jurisdiction Program, grantees most frequently addressed strengthening the tribal criminal justice system to assist tribes in exercising SDVCJ.
- 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

- **9** grantees (53%) used funds for staffing needs.
- Grantees funded an average of **7** full-time equivalent (FTE) staff during each 6-month period.
- Grantees most frequently used these staffing funds to support program coordinators and administrators.

**Table 1**

Staff supported with Tribal Jurisdiction grant funds, July 2017–June 2019:  
**Selected groups**

Staff funded	6-month average	
<b>Total FTE staff funded</b>	<b>7</b>	
Program coordinators	<b>2</b>	<b>29%</b>
Administrators	<b>1</b>	<b>14%</b>
Victim advocates	<b>1</b>	<b>14%</b>
Victim witness specialists	<b>1</b>	<b>14%</b>

**NOTE:** Data presented for the most frequently reported categories only (≥5%).

## Training

- **12** grantees (71%) used funds to provide or attend training.
- A total of **460** people were trained.

**Table 2** | People trained with Tribal Jurisdiction grant funds, July 2017–June 2019:  
Selected groups

People trained	2-year total	
<b>Total people trained</b>	<b>460</b>	
Law enforcement officers	<b>121</b>	<b>26%</b>
Court personnel	<b>51</b>	<b>11%</b>
Tribal government/agency staff	<b>46</b>	<b>10%</b>
Prosecutors	<b>46</b>	<b>10%</b>
Multidisciplinary	<b>28</b>	<b>6%</b>
Victim advocates	<b>21</b>	<b>5%</b>

NOTE: Data presented for the most frequently reported categories only (≥5%).

## Victim Services

Grantees provide an array of services to victims and their children, including safety planning, referrals, and information as needed. **These comprehensive support services address a wide variety of needs to help victims become and remain safe from violence.**

- **3** (18%) grantees used funds for victim services.

Grantees provide victims with a wide range of services, including victim advocacy, civil legal advocacy, and crisis intervention. In addition, grantees provide services to victims' children including, but not limited to, child care, transportation, and counseling.

- Grantees provided services to an average of **44** victims during each 6-month period.
- **100%** of victims who sought services received them during each 6-month period.
- Grantees also provided a total of **19** services to an average of **5** children of victims during the 2-year reporting period.

### During each 6-month period, on average, grantees provided:

- Civil legal advocacy/court accompaniment services to **27** victims;
- Criminal justice advocacy/court accompaniment services to **25** victims; and
- Victim advocacy services to **24** victims.

### Across the 2-year period, grantees most frequently provided the following services:<sup>ii</sup>

- Civil legal advocacy/court accompaniment services **111** times;
- Victim advocacy services **101** times; and
- Criminal justice advocacy/court accompaniment services **99** times.

<sup>ii</sup> The Rural Program, Tribal Governments Program, and Tribal Jurisdiction Program are unique in that grantees are asked to report the number of times each type of service is provided. This allows for the reporting of an unduplicated count of number of services, despite the duplicated count of number of victims served.

## Tribal • Grantee Perspective



The grant has provided a platform to revise the tribal domestic violence code. A very important aspect has been the opportunity to meet with the other tribes who are in the planning process, or who may have already implemented the domestic violence jurisdiction. Their experience and insight has been very beneficial to the development of the code-drafting process and planning for implementation. The support of the DOJ and National Congress of American Indians staff has also been very helpful.

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## Tribal • Grantee Perspective



Under the Tribal Jurisdictions Program, we are able to sustain and continue upon the founding of the Domestic Violence Court Docket. The Little Traverse Bay Bands of Odawa Indians feels they are ready to implement SDVCJ with our current policies and procedures. Having this funding has allowed us to attend several trainings including the New Grantee Orientation, the 10th Inter-Tribal Working Group meeting, and the Women Are Sacred Conference. In addition, the Coordinator was able to visit another Special Domestic Violence Criminal Jurisdiction (SDVCJ) implementing tribe to observe their domestic violence court in action and further develop a relationship with that tribe. Overall, having this funding will allow us to finalize all policies and procedures surrounding SDVCJ, solidify services, develop a process for indigent defendants, maintain the DV docket, provide strengthened offender surveillance, and provide necessary ongoing DV training.

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## Victims Seeking Services

Grantees serve primary victims of domestic violence.

**Table 3** | Victims seeking services with Tribal Jurisdictions grant funds, July 2017–June 2019

Victims seeking services	6-month average	
<b>Total victims seeking services</b>	<b>44</b>	
Victims served	<b>44</b>	<b>100%</b>
Victims partially served	<b>0</b>	<b>0%</b>
Victims not served	<b>0</b>	<b>0%</b>

**NOTE:** "Partially served" represents victims who received some but not all of the service(s) they requested, provided those services were funded under the Tribal Jurisdiction Program grant. "Not served" represents victims who sought services and did not receive the service(s) they were seeking, provided those services were funded under the Tribal Jurisdiction Program grant.

## Remaining Areas of Need

Grantees cited the need to **create, revise, amend, and/or implement Tribal codes** as the biggest barrier to exercising SDVCJ. Grantees reported the need for:

- More time to complete the drafting of Tribal codes;
- Comprehensive training for program staff, law enforcement, and judges who work under the SDVCJ; and
- Ability to test the new codes, procedures, and protocols (such as jury selection), which have been adopted to implement SDVCJ, to assess if and where modifications are needed.

In addition, grantees reported the need to **increase offender accountability and offender monitoring**.

Grantees also noted a need to **enhance collaboration and coordination between local counties and state jurisdictions** to develop protocols for identification of cases and assumption of jurisdiction by Tribes.

Finally, grantees expressed a need to ensure that victims have **access to affordable emergency and long-term housing, and medical services including mental health and substance abuse treatment**.