



United States Department of Justice

**Office on Violence Against Women**

*Working Together to End the Violence*

**2023 Update on the Status of  
Tribal Consultation Recommendations**

*prepared for*

**Department of Justice Annual Government-to-Government**

**Violence Against Women Tribal Consultation**

**Tulsa, Oklahoma**

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## Introduction

On September 21-23, 2022, the Department of Justice (DOJ) hosted its 17<sup>th</sup> annual government-to-government consultation on violence against American Indian and Alaska Native (AI/AN) women. This annual consultation is required by law to address the federal administration of Tribal funds and programs established under the Violence Against Women Act of 1994 (VAWA) and its subsequent reauthorizations.<sup>1</sup> DOJ, the Department of Health and Human Services (HHS), and the Department of the Interior (DOI) received recommendations from Tribal leaders on the four statutorily-mandated consultation topics:

- Administering Tribal funds and programs;
- Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- Strengthening the federal response to such violent crimes; and
- Improving access to local, regional, state, and federal crime information databases and criminal justice information systems.<sup>2</sup>

In addition, DOJ provided a [written summary](#) of high-level themes from consultations held in July and August 2022 on implementation of the Alaska Pilot Program established in VAWA 2022, along with a copy of the [framing paper](#) from those consultations. DOJ's Office on Violence Against Women (OVW) also held a special consultation in July 2022 on [implementation](#) of VAWA 2022's new Tribal jurisdiction reimbursement program. Tribal leaders provided testimony on both subjects at the annual consultation in September as well.

The purpose of this follow-up report, also known as the Update Report, is to provide Tribal leaders with a comprehensive update on activities undertaken in the past year to respond to their recommendations at the 2022 consultation session, including DOJ's coordination and collaboration with Tribes, HHS, and DOI to address these recommendations. This report includes three parts: 1) information on actions taken in response to certain specific recommendations made at the 2022 and prior consultations; 2) a review of progress made on implementation of Tribal provisions included in VAWA, as amended; and 3) an update on other DOJ activities related to combating violence against AI/AN women. It also includes an appendix with a table of recommendations from the 2022 consultation and brief responses (Appendix A) and three appendices with information on OVW's Tribal grant funding. This Update Report is meant to be a companion to the report summarizing the proceedings of the 2022 consultation, which is available at [www.justice.gov/ovw/Tribal-consultation](http://www.justice.gov/ovw/Tribal-consultation).

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<sup>1</sup> 34 U.S.C. § 20126; Pub. L. No. 103-322, tit. IV, 108 Stat. 1796, 1902-55; Violence Against Women Reauthorization Act of 2000, Pub. L. No. 106-386, div. B, 114 Stat. 1464, 1492-1539; Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. L. No. 109-162, 119 Stat. 2960 (2006); Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Pub. L. No. 113-4, 127 Stat. 54; Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022), Pub. L. No. 117-103, div. W, 136 Stat. 49, 840-962.

<sup>2</sup> This fourth topic, along with the crime of homicide, was added to the statutory list of consultation topics on October 10, 2020, by Savanna's Act, Pub. L. No. 116-165, 134 Stat. 760.

## Part One: Detailed Responses to Selected 2022 Recommendations

This part addresses recommendations made by Tribal leaders (or their designees)<sup>3</sup> at the 2022 consultation in five specific areas: 1) implementation of VAWA 2022 provisions regarding Tribal jurisdiction over non-Indian offenders, including an Alaska Pilot Program; 2) improved responses to missing or murdered indigenous people (MMIP); 3) Tribal access to crime information databases; 4) Tribal set-aside funding under the Victims of Crime Act (VOCA); and 5) OVW pilot grants to support flexible financial assistance for survivors in Tribal communities. Information on responses to other recommendations related to the implementation of VAWA’s Tribal provisions, as well as strengthening the federal response to violence against AI/AN women, can be found in Parts Two and Three of this report. In addition, Appendix A of this report contains a table of recommendations made at the 2022 consultation with brief responses or cross-references to relevant information.

### *VAWA 2022 Special Tribal Criminal Jurisdiction Over Non-Indian Offenders*

**Recommendations:** Tribal leaders recommended that federal agencies provide funding, training, and technical assistance to support Tribes’ implementation of VAWA 2022’s recognition of the inherent power of participating Tribes to exercise “special Tribal criminal jurisdiction” (STCJ) over all persons, regardless of their Indian or non-Indian status, for a “covered crime” that occurs in the Indian country of the participating Tribe. Covered crimes are domestic violence, dating violence, violation of a protection order, assault of Tribal justice personnel, child violence, obstruction of justice, sexual violence, sex trafficking, and stalking. Tribal leaders also provided recommendations on VAWA 2022’s pilot program under which the Attorney General is to designate up to five Alaska Tribes per calendar year as participating Tribes to exercise STCJ over non-Indians who commit covered crimes in their Villages. Specifically, Tribal leaders recommended forming an Alaska-specific Inter-Tribal Technical-Assistance Working Group (ITWG) on STCJ, modeled on the successful ITWG established for all federally recognized Tribes in 2013, and providing Alaska-specific funding and technical assistance to effectively support Alaska Tribes. Finally, Tribal leaders recommended that VAWA 2022’s new program to reimburse Tribal governments for expenses incurred in exercising STCJ be as flexible as possible.

**Response:** DOJ has implemented and continues to work on implementing all these recommendations through collaboration within the Department, with other federal partners, and with Tribes. In February 2023, OVW issued two STCJ-focused grant solicitations, one specifically for Alaska Tribes, both of which have been open for six months and close on August 17, 2023. The Alaska-specific solicitation requests proposals only from Alaska Tribal governments and consortia of such governments whose Native Villages are within an Alaska Native Village Statistical Area (and therefore are potentially eligible to seek Attorney General designation to exercise STCJ). OVW also funded the Tribal Law and Policy Institute to provide training and technical assistance on STCJ implementation, including support for the ITWG,

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<sup>3</sup> When describing Tribal testimony and recommendations, this report uses “Tribal leaders” to refer to testimony and recommendations submitted by Tribal leaders or their authorized designees.

which includes representatives from over 50 Tribes and most recently met in June 2023 in Phoenix, Arizona. The Department’s National Indian Country Training Initiative (NICTI), a project of the Executive Office for United States Attorneys (EOUSA), has incorporated the STCJ covered crimes into all its law enforcement training over the past year, including training for DOI’s Bureau of Indian Affairs, and provided a national training on human trafficking that included prosecuting sex trafficking as a covered crime under VAWA 2022.

DOJ leadership established an intradepartmental Alaska Pilot Program Working Group in June 2022, and the Department held consultations and listening sessions on the pilot throughout the summer and fall of 2022. OVW will fund a new training and technical assistance project to assist Alaska Tribes in planning for, implementing, and exercising STCJ pursuant to the Alaska Pilot Program, which will include support for an Alaska-specific ITWG. The 2023 consultation agenda includes a special update on implementation of VAWA 2022 provisions regarding Alaska Tribal Public Safety Empowerment, and in preparation for this session, DOJ issued for Tribal review a [paper](#) outlining a proposed framework for implementing the Alaska Pilot Program, reflecting input already received from Tribal leaders and advocates. Specifically, the proposed framework accounts for testimony indicating that Alaska Tribes interested in exercising STCJ will need additional support – both technical assistance and funding – before they are ready to request designation as “participating Tribes” to exercise STCJ.

OVW issued an [interim final rule](#) for VAWA 2022’s STCJ Reimbursement Program, as required by section 804 of the Act, which takes into consideration Tribes’ stated need for a reimbursement process that ensures (1) a predictable, stable source of funding, (2) each Tribe receives a fair share of available funds, particularly when available funding is likely to be insufficient to cover all reimbursement requests, and (3) Tribes that lack adequate resources to front the expenses of exercising STCJ can access some reimbursement funds in a timely fashion. In developing the rule for this program, OVW made every effort to honor the concerns expressed by Tribes, while also addressing statutory requirements and ensuring the appropriate use of federal funds. For example, the interim final rule includes documentation requirements that are as simple as possible while mandating that Tribes maintain auditable records. To provide the flexibility requested by Tribes, the rule lists the reimbursable expenses outlined by the statute but adds a broad category for “other costs incurred in, relating to, or associated with exercising STCJ” to permit Tribes to seek reimbursement for costs not anticipated by the rule. Public comments were due on the rule in June, and OVW plans to post a Notice of Reimbursement Opportunity during the first quarter of fiscal year (FY) 2024.

### ***Improved Responses to Missing or Murdered AI/AN People***

**Recommendations:** Tribal leaders recommended that federal agencies continue to implement Savanna’s Act and the Not Invisible Act, improve data collection and law enforcement coordination around MMIP issues, and increase support for Tribally based victim advocacy services, including for family and community members, burial assistance, and adherence to traditional practices in handling the remains of murdered AI/AN people. They also recommended reinstatement of MMIP coordinator positions in U.S. Attorneys’ Offices and the

creation of federal government liaisons focused on MMIP to help Tribal governments find their citizens' loved ones.

**Response:** On May 5, 2023, DOJ issued a [press release](#) describing efforts to address the crisis of missing or murdered indigenous persons, many of which are responsive to recommendations made by Tribal leaders at the 2022 consultation. These efforts include the launch of the joint DOI-DOJ Not Invisible Act Commission, with Department leaders and subject matter experts – including the Office of Tribal Justice (OTJ), OVW, and the Office of Justice Programs – participating in hearings through summer 2023, as well as issuance of a coordinated and comprehensive federal law enforcement [strategy](#) to prevent and respond to violence against AI/AN people, including to address missing or murdered indigenous persons where the federal government has jurisdiction. They also include revised Attorney General [Guidelines](#) for Victim and Witness Assistance, including cultural and linguistic considerations for victims from AI/AN communities, and appointment of a National Native American Outreach Services Liaison to help amplify the voice of crime victims and their families in Indian country across the Department as they navigate the federal criminal justice system. The Office of Community Oriented Policing Services (COPS Office) also published a Tribal Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA) Sample [Resource Library](#) for researching and drafting agreements to help agencies develop and solidify partnerships to address MMIP cases.

In June 2023, DOJ [announced](#) the creation of the MMIP Regional Outreach Program, which dedicates five MMIP Assistant U.S. Attorneys and five MMIP coordinators to provide specialized support to United States Attorneys' offices to address and combat the issues of MMIP. This support includes assisting in the investigation of unresolved MMIP cases and related crimes, and promoting communication, coordination, and collaboration among federal, Tribal, local, and state law enforcement and non-governmental partners on MMIP issues.

Finally, the Department's Office for Victims of Crime (OVC) expanded the scope of allowable activities under its Tribal Victim Services Set-Aside (TVSSA) grant program to permit Tribal communities to pay for costs related to generating awareness of individual missing persons cases involving AI/AN persons, supporting private search efforts for missing AI/AN persons in certain circumstances, and supporting efforts to coordinate the Tribal, state, and federal response to MMIP cases.

More information on the Department's efforts to address MMIP issues, including the status of Savanna's Act implementation and up-to-date information on data and research, is available at <https://www.justice.gov/Tribal/mmip>. In addition, Part Two of this report contains additional information on implementation of Savanna's Act and the Not Invisible Act with respect to research and data collection, as well as additional National Institute of Justice-funded studies related to MMIP, and Part Three contains information on MMIP-related training efforts.

### ***Tribal Access to National Databases and Interjurisdictional Data Sharing***

**Recommendations:** Tribal leaders recommended continued funding for the Department's Tribal Access Program for National Crime Information (TAP) to ensure project enhancement and

sustainability, as well as funding and technical assistance to assess the infrastructure and capacity needs of Tribes to connect to critical databases.

**Response:** DOJ launched TAP in August 2015 and has expanded the program yearly to provide Tribes access to national crime information systems for federally authorized criminal justice and non-criminal justice purposes. TAP allows selected federally recognized Tribes to serve and protect their nations' citizens by ensuring the exchange of critical data across FBI Criminal Justice Information Services (CJIS) systems and other national crime information systems more effectively. This includes entering orders of protection, making them accessible for enforcement both on and off Tribal land, registering convicted sex offenders, and entering information to prevent illegal gun purchases.

TAP-LIGHT provides agencies with the ability to conduct name-based record checks and enter person and property information, while TAP-FULL provides additional hardware necessary to conduct fingerprint-based criminal and non-criminal justice transactions. TAP provides online and on-site training and assists Tribes in analyzing needs and identifying appropriate solutions to maximize the value of national crime information. There are 123 Tribes participating in TAP, providing access to approximately 450 Tribal government agencies.

Collaboration with DOI's Bureau of Indian Affairs (BIA) is also critical to filling criminal justice information sharing gaps. TAP deployment at 36 BIA Office of Justice Services (OJS) sites and 3 BIA Office of Indian Services (OIS) sites has been completed. There are now TAP kiosks deployed at various BIA locations across Indian country, which will serve 127 Tribes. More information, including lists of participating Tribes and agencies, is available at <https://www.justice.gov/Tribal/Tribal-access-program-tap>.

In response to Tribal leaders' recommendations at past consultations, the Department advocated for dedicated funding for TAP. VAWA 2022 statutorily established the program and authorized \$6 million to be appropriated for fiscal years 2023 through 2027. DOJ's FY 2023 enacted budget included not less than \$4 million for TAP, and the President's FY 2024 Budget requests \$11 million.

The Department also continues to work with partners to expand the program and increase the services offered. The deadline for FY 2023 TAP applications is September 1, 2023, and the announcement is available at <https://www.justice.gov/opa/pr/justice-department-opens-application-period-program-enhance-Tribal-access-national-crime-1>.

To encourage Tribes to enter protection orders entitled to full faith and credit into NCIC and thereby provide for nationwide coverage, DOJ has been systematically communicating with each Tribe participating in TAP to assess whether and how frequently they are using TAP to enter their protection orders into CJIS systems. These assessments include identifying and addressing barriers to entering orders, including making sure that the correct staff have been trained to enter orders, and reviewing Tribal codes and protection order forms, if requested by the participating Tribe. Tribes are offered webinar training and one-on-one technical assistance to help them address the identified barriers and more effectively use TAP to enter their protection orders into NCIC.

These efforts have had measurable results. From July 1, 2022 through June 30, 2023, 36 Tribal agencies entered 876 protection orders (an increase of 5% over the previous 12 months) protecting 1,239 individuals, and 255 of the 876 protection orders included an indicator to restrict gun access (a 21% increase over the previous 12 months). From an overall program perspective, TAP has been cultivating an increased interest in entering protection orders through training and outreach with an average annual increase of 24% since 2018.

### ***Tribal Victim Services Set-Aside Formula Program***

**Recommendations:** Tribal leaders stated that OVC’s administration of the TVSSA Formula Program reflected the concerns and recommendations raised by Tribes in recent years. They recommended that OVC commit to regular consultations on the TVSSA Program, establish a standing working group of Tribal experts to provide input on program implementation, and use a Tribally based view of what constitutes activities that will improve services for victims of crime, including specifically listing historical trauma and intergenerational trauma as grounds for providing victim services.

**Response:** Over the years, the OVC Tribal Division has been intentionally eliciting (through consultations, listening sessions, and meetings with its grantees) and acting on feedback about how to make OVC’s Tribal grant programs more effective in promoting justice, safety, and healing for crime survivors in AI/AN communities. OVC is grateful for feedback from Tribes, which has led to substantial changes in how OVC administers the TVSSA program.

For example, the OVC Tribal Division has:

- Replaced the competitive grant process with a formula-based grant program in response to concerns of Tribal leaders about competing with other Tribes for funding. This administrative formula approach was the first of its kind at OJP; now other DOJ components are evaluating whether they can follow in OVC’s footsteps to enhance their own Tribal programs.
- Extended the period of time in which Tribes can spend their grant funding. OVC arranged for applicants to have the flexibility of choosing an award period between 12-60 months, an option that is unique among OJP’s discretionary grant programs. This change addresses Tribal leaders’ concerns that the OJP standard 36-month award does not meet the needs of their communities.
- Revamped the complex grant application process that was keeping Tribes from applying for victim services funding. The OVC Tribal Division now offers grant applicants the choice between developing a written project design narrative, completing a checklist, or having an interview with OVC staff to document their project design plans. This change has been widely praised by Tribal leaders and is being considered by other Federal grantmaking agencies.
- Expanded the purposes of the grant program (with the assistance of OJP’s Office of General Counsel) to support victim services in MMIP cases, an issue that is a top priority



for Tribal communities. This is in response to Tribal stakeholders' concerns that justice in MMIP cases is unattainable if victims' families are not supported.

- Implemented a policy to allow the use of grant funds to meet the culturally-specific needs of Tribal communities. This policy applies to certain expenses related to preparing and sharing meals, including indigenous foods as part of a ceremonial response to crime victims, and purchasing supplies and materials for traditional healing practices and ceremonies.
- Made it possible for Tribes to use grant funds for construction costs. This was in response to Tribes' concerns that a dearth of building stock on reservations and in Alaska Native Villages left them unable to house their victim service programs in secure or structurally safe facilities. This major policy change required an enormous investment of staff time and resources to learn how to effectively manage grants related to building and construction.
- Piloted a new approach to alleviate the struggle some remotely-located Tribes experience with the human and technological resources required to submit grant applications through government systems. This pilot was implemented in direct response to requests from Alaska Native villages for in-person support with grant applications. Grant managers from the Tribal Division deployed to Alaska to meet with Alaska Village grant applicants to assist with such tasks as creating program designs and project budgeting. This pilot involved four Tribal Division staff spending a combined total of 32 days on the ground in Alaska, meeting with 25 grantees in four cities to provide hands-on technical assistance.
- Requested and OVC leadership approved several remote duty station positions for Tribal Division staff to ensure they are located within driving distance of their grantees to facilitate more hands-on grants management and support for Tribal grantees.

### ***OVW Tribal Pilot Grants for Flexible Financial Assistance for Survivors***

**Recommendations:** At the 2021 consultation, OVW requested Tribal leaders' input on potential pilot grant awards to Tribes and Tribal organizations for the provision of flexible financial assistance directly to survivors of domestic and sexual violence, citing existing evidence of the efficacy of such assistance. At the 2022 consultation, Tribal leaders provided additional input on this proposal, including continued support for making the pilot as flexible as possible, using a definition of Indian Tribe (for eligibility purposes) that includes Alaska Native villages, not placing restrictions on how survivors can use the funds, permitting both multiple smaller amounts and larger lump sums to be distributed, and allowing recipients discretion in when and how funds will be disbursed.

**Response:** OVW has allocated approximately \$1.5 million from its Tribal Governments Program for pilot grants in Tribal communities to address the needs of survivors identified in Tribal leader testimony. In addition to consulting with Tribes, during FY 2023, OVW staff have explored how best to administer the pilot program. A summary of these efforts is provided in Appendix D to this report. OVW expects to make awards under this pilot in FY 2024.

## Part Two: Implementation of the Tribal Provisions in VAWA

The reauthorizations of VAWA in 2005, 2013 and 2022 included several provisions specifically aimed at ending violence against AI/AN women. This part provides a summary of DOJ efforts to implement these provisions and respond to related recommendations from Tribal leaders.

### *Administering VAWA grant programs*

VAWA authorizes four programs that are specifically designed for Tribal communities:

- 1) Tribal Governments Program;
- 2) Special Tribal Criminal Jurisdiction Grant Program;
- 3) Tribal Sexual Assault Services Program (or TSASP); and
- 4) Tribal Domestic Violence and Sexual Assault Coalitions Program (or Tribal Coalitions Program).

More information about each of these programs appears below, and an analysis of the funding levels for each of the four programs in FY 2023 is provided in Appendix B.

#### Tribal Governments Program

The Tribal Governments Program (TGP) (Section 906 of VAWA 2005, amended in 2013 and 2020 but not in 2022) provides funding to Tribal governments or their designees to:

- 1) develop and enhance effective governmental strategies to curtail violent crimes against women;
- 2) increase Tribal capacity to respond to domestic violence, dating violence, stalking, sexual assault, and sex trafficking crimes against Native women;
- 3) strengthen Tribal justice interventions including Tribal law enforcement, prosecution, courts, probation, and correctional facilities;
- 4) enhance services to Indian women who are victims;
- 5) develop prevention and education strategies;
- 6) provide supervised visitation services;
- 7) provide transitional housing and related support services to victims;
- 8) provide legal assistance to victims;
- 9) provide services to youth victims and children and youth exposed to these crimes;
- 10) develop and promote legislation and policies to respond to violent crimes against Indian women;
- 11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act (25 U.S.C. § 5704); and
- 12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act (25 U.S.C. § 5705).<sup>4</sup>

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<sup>4</sup> Purpose areas 11 and 12 were added in October 2020 by Savanna's Act and are applicable to awards made under the FY 2021 TGP solicitation or later.

In FY 2022, OVW received 32 unduplicated applications for the TGP requesting a total of \$29,635,355. Four of these were new applicants, and 28 were submitted by current grantees who were seeking funding to enhance or continue their existing OVW-funded projects (continuation applicants).

The 32 applications were sent to a panel of external peer reviewers and were also reviewed internally by OVW Grants Management Specialists. Each application sent to external peer review was evaluated and scored by a three-person panel composed of individuals with expertise in violence against women issues and the unique needs of Tribal communities. Internal review consisted of assessing each application for out-of-scope activities, unallowable activities, or activities that might compromise victim safety and reviewing applicants' current TGP grant awards and past performance.

Based on the external and internal review of the applications, OVW made 30 awards through the TGP for FY 2022 for a total of \$28,042,963. Four of these awards went to new applicants, and 26 went to continuation applicants. A list of FY 2022 TGP awards is provided in Appendix C to this report.

The FY 2023 TGP solicitation was open from January 31, 2023, through April 27, 2023. In response to Tribal leaders' testimony, OVW has taken steps to simplify the application for this grant program, as well as initiated efforts to increase the award cap and length of the project period. In FY 2023, the program had two project types available. Applicants could apply as a standard project or as an Improving Tribal Responses to Violence Against Native Women (ITR) Capacity-Building Project. The ITR project-type option is intended for applicants who have never received, or not recently received, an award under the Tribal Governments Program. This project type application requires less narrative content in the initial application and ensures recipients, if funded, will receive early, intensive technical assistance support to complete a comprehensive assessment and project implementation plan. Also new this year, FY 2020 TGP award recipients in good standing could apply, non-competitively, for 24 months of additional funding up to \$600,000 to continue their existing project for a total project period of 60 months. TGP staff reached out directly to FY 2020 recipients to notify them of this opportunity.

OVW's Tribal Affairs Division conducted extensive outreach activities in FY 2023. The TGP unit recorded and posted a preapplication webinar, with accompanying PDF and transcript of the presentation, to the "OVW Resources for Applicants" webpage; posted information on the solicitation opportunity to the @OVWJustice social media account; distributed information regarding the solicitation and the recorded preapplication webinar through OVW Tribal technical assistance providers' email listservs and through the TAP newsletter listserv; and hosted weekly Office Hours using a platform that allows for video and telephone conferencing. The result was an increase in applications from 32 in FY 2022 to 54 in FY 2023, including several ITR and other new applications. FY 2023 awards were in process as this report was prepared; details on these awards will be provided in the 2024 Update Report.

### Special Tribal Criminal Jurisdiction Grant Program

Originally created by VAWA 2013 and expanded by VAWA 2022, the Special Tribal Criminal Jurisdiction Grant Program (Tribal Jurisdiction Program) supports Tribal governments in planning for and implementing their inherent power, also recognized in VAWA 2022, to exercise “special Tribal criminal jurisdiction” (STCJ) over “covered crimes,” regardless of the Indian or non-Indian status of the defendant. The grant program makes funds available to:

- 1) strengthen Tribal criminal justice systems to assist Tribes in exercising the jurisdiction,
- 2) provide counsel for indigent defendants in cases prosecuted under the jurisdiction,
- 3) ensure that jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements in such cases, and
- 4) accord victims rights that are similar to the rights of a crime victim described in section 3771(a) of Title 18, consistent with Tribal law and custom in such cases.

Tribal Jurisdiction Program grant funds may be used for law enforcement, prosecution, trial and appellate courts, probation systems, detention and correctional facilities (including medical care up to a maximum of 20 percent of the total project budget), alternative rehabilitation centers, culturally appropriate services and assistance for victims and their families, and criminal codes and rules of criminal procedure, appellate procedure, and evidence. Eligibility for the program includes both Tribes that are already exercising or immediately prepared to exercise the jurisdiction and those that intend to use funding for planning and preparation activities related to implementing the jurisdiction.

In FY 2022, OVW received and funded four applications for the Tribal Jurisdiction Program totaling \$1,533,596. A list of these FY 2022 Tribal Jurisdiction Program awards is provided in Appendix C, along with a separate list of FY 2021 Tribal Jurisdiction Program awards made early in FY 2022 (targeted funding for Tribes already exercising the jurisdiction); this latter group of awards also was reported in the 2022 Update Report.

As discussed in Part One of this report, OVW issued two solicitations under the Tribal Jurisdiction Program for FY 2023, one standard and one offering targeted support for Alaska Tribes interested in pursuing designation as participating Tribes in the Alaska Pilot Program to exercise STCJ; the application deadlines for both solicitations were extended until August 17, 2023 to maximize access to the funding. Details on FY 2023 applications and awards will be provided in the 2024 Update Report.

### TSASP

Section 202 of VAWA 2005 created the Sexual Assault Services Program (SASP), which encompasses five different funding streams, including a program specifically for Tribal communities. By statute, 10 percent of the amount appropriated for SASP is directed towards TSASP funding. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child

victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault. The goal of TSASP is to create, maintain, and expand sustainable sexual assault services provided by Tribal governments and Tribal organizations, which are uniquely situated to respond to the needs of AI/AN sexual assault victims. By statute, Tribal governments, Tribal organizations, and Tribal non-profits with programs and activities within Indian country and Alaska Native villages are the only eligible entities for TSASP funding. All applications must include documentation demonstrating authority to apply as described in the solicitation.

In response to the FY 2022 TSASP solicitation, OVW received eight applications requesting a total of \$3,989,000. Each application was reviewed for eligibility, completeness, proposed project activities within the scope of the TSASP statutory purpose area, and any proposed activities that might compromise victim safety. Upon completion of these reviews, OVW determined that one application was ineligible for funding and made seven awards through TSASP for FY 2022 for a total of \$3,675,000. A list of FY 2022 TSASP awards is provided in Appendix C to this report.

For FY 2023, OVW posted a TSASP solicitation on March 10, 2023, with a deadline of May 4, 2023, which was extended to June 8, 2023, due to a low number of applications. As award processing coincided with the preparation of this report, details on FY 2023 applications and awards will be provided in the 2024 Update Report.

#### Tribal Coalitions Program

OVW's Tribal Coalitions Program provides funding to 19 nonprofit Tribal organizations in 16 states to support Tribal communities in ending violence against AI/AN women. Grant funds can be used to increase awareness of domestic violence and sexual assault against Indian or Native Hawaiian women; enhance the federal, state, and Tribal response to violence against Indian or Native Hawaiian women; provide technical assistance to coalition membership and Tribal communities or Native Hawaiian communities to enhance access to essential services for victims of domestic and sexual violence, including sex trafficking; and assist Tribes or Native Hawaiian communities in developing and promoting legislation and policies that enhance best practices for responding to violent crimes against AI/AN or Native Hawaiian women.

VAWA authorizes three funding sources for Tribal coalitions. The first is a distribution of 1/56 of the STOP Violence Against Women Formula Program appropriation. The second is five percent of the appropriation for the Improving the Criminal Justice System Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program. The third is not less than one percent of the total appropriation for SASP and is available only to those coalitions that are involved in sexual assault work. At least 90 percent of Tribal Coalitions Program funding is to be equally divided among the recognized Tribal coalitions that apply each fiscal year, and up to 10 percent may be awarded to new coalitions.

In FY 2022, OVW issued awards to 19 recognized Tribal coalitions, including one new coalition that completed the multi-step planning process necessary to be eligible to apply

as a recognized coalition, for a total of \$6,379,345. A list of FY 2022 Tribal Coalitions awards is provided in Appendix C to this report.

For FY 2023, OVW issued an invitation to apply to 19 recognized coalitions. Additional details on FY 2023 awards will be provided in the 2024 Update Report.

In addition to these four Tribal programs, Tribal governments are eligible to apply directly to a number of the other grant programs authorized by VAWA, and OVW continues to receive applications from Tribes for those programs. FY 2022 OVW grant awards to Tribes and Tribal organizations from all OVW programs are included in Appendix C to this report.

***Analysis and Research on Violence Against Indian Women (VAIW) (VAWA 2005 § 904, VAWA 2013 § 907)***

NIJ's VAIW Program of Research

Section 904(a) of VAWA 2005, as amended by VAWA 2013, calls for the National Institute of Justice (NIJ), in consultation with OVW, to examine violence against Indian women in Indian country and Alaska Native villages.<sup>5</sup> In conducting its analyses and research, NIJ is asked to focus on domestic violence, dating violence, sexual assault, stalking, murder, and sex trafficking, and to evaluate the effectiveness of federal, state, Tribal, and local responses to violence against Indian women.

NIJ addresses this directive as a program of research that is supported by extramural and intramural research and evaluation studies designed to produce a deeper understanding of the issues faced by AI/AN women, expand the body of criminal justice policy-relevant research, and help formulate public policies and prevention strategies to decrease the incidence of violent crimes committed against AI/AN women and girls. In addition, results from studies funded under this program are anticipated to help establish and enhance justice systems that will successfully restore victim safety and promote healing.

Some studies under NIJ's VAIW program are completed with findings presented at annual Tribal consultations and other Tribal venues, such as the National Congress of American Indians (NCAI) Mid-Year Meeting and Task Force on Violence Against Women gatherings and the Office for Victims of Crime's National Indian Nations Conference meetings. As studies close and findings are available, NIJ will publish the information using many dissemination modes and media outlets. In addition, NIJ continually assesses what studies have been funded and determines what areas are needed to fill knowledge gaps.

NIJ made two new research awards in FY 2022. The first project (Award ID 15PNIJ-22-GG-01623-NIJB) is a five-year study being carried out by ICF Incorporated to adapt and implement the Fourth R curriculum – a universal prevention approach to educating adolescents about safety and risk in a school setting – for Indigenous populations. The study includes three phases: (1) adapt and pilot the Fourth R curriculum to meet the needs of Indigenous students and schools; (2) implement the Fourth R curriculum with 9<sup>th</sup> and 10<sup>th</sup>-grade students and conduct a process evaluation to examine whether the program was implemented as intended; and (3) conduct an

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<sup>5</sup> Pub. L. No. 109-162, § 904(a), 119 Stat. 2960, 3078-79 (2006); Pub. L. No. 113-4, § 907, 127 Stat. 54, 125.

outcome evaluation using a cluster-randomized controlled trial design to examine program effectiveness. Although several studies address youth dating victimization, few provide culturally responsive curricula for Indigenous populations. The study's results could lead to funding for Tribal schools that wish to implement the curriculum. The study is scheduled to conclude in December 2028.

The second project (Award ID 15PNIJ-22-GG-01625-REVA) involves an investigative team from the University of Nebraska at Omaha and Urban Institute to study missing and murdered Indigenous persons (MMIP) in New Mexico. The team has partnered with the New Mexico Indian Affairs Department (NMIAD), the New Mexico Missing and Murdered Indigenous Women & Relatives Task Force (NM MMIWR TF), and the FBI's Albuquerque Division. This research has two aims: (1) provide essential baseline data for the NM MMIWR TF regarding the context of Native missing person cases in New Mexico, including new stakeholder partnerships and policy priorities; (2) extend prior research by identifying gaps in current data collection and provide recommendations for improving long-term data collection and sustainable data reporting for cases of MMIP in New Mexico. Study recommendations will support data-driven decision-making regarding MMIP in New Mexico moving forward. The study is scheduled to conclude in spring 2025.

NIJ is also commissioning several studies to research extractive industries and their impact on Indigenous communities and people. The first of the projects has been commissioned. It involves detailing the extant literature on extractive industries and their relationship to crime and victimization experienced by Indigenous populations in the United States, with a particular focus on Indian country in the lower 48 and Alaska Native Villages. The report is expected to inform researchers, policymakers, practitioners, and other interested parties about the current state of knowledge so that they can make informed decisions about future efforts (e.g., additional research and evaluation needs, identification of promising practices, and legislation). The work will be completed in late spring or early summer 2024.

The other papers in the extractive industries series include one on missing person (MP) cases, including reporting, investigations, and case resolution. Again, there will be a special focus on Indigenous populations and communities and any links to extractive industry locations. The third paper will be on homicides and violent deaths of Indigenous populations in the United States. The fourth paper is about the trafficking of Native peoples in the United States, and the last article will be on death investigations. Each article will conclude with proposed research recommendations for further exploration beyond what has already been addressed in the empirical literature. In addition, NIJ anticipates that the information captured in these reports is expected to provide the federal government with information that will better inform policy decisions regarding appropriate levels of support for law enforcement, public safety, and related social services needed to safeguard Native American communities.

In FY 2023, NIJ released competitive research investigator-initiated solicitations seeking proposals covering topics outlined or highlighted in VAWA 2005, 2013, and 2022. While most NIJ solicitations are open for submissions addressing crime and violence impacting Tribal communities, two funding opportunities specifically requested applications in this area. Those

funding opportunities included the [NIJ FY23 Research and Evaluation on Violence Against Women](#) solicitation and the [NIJ FY23 Tribal-Researcher Capacity-Building Grants](#) solicitation.

Under [Savanna's Act](#), NIJ's National Missing and Unidentified Persons System, also known as the NamUs Program, continues to implement a robust communication and outreach plan that is linked to key objectives designed to support AI/AN communities and help bridge the communication gap among participating communities to foster enhanced information sharing and case support. NIJ also continues to work with its federal partners to identify opportunities to educate and disseminate information to federal, state, local, and Tribal staff (e.g., law enforcement, prosecutors, allied forensic professionals, and victim service providers) and provide training and technical assistance on MP, unidentified person (UP), and unclaimed person (UCP) cases. For example, in August 2023, NamUs staff will provide a three-hour presentation to Tribal and Bureau of Indian Affairs (BIA) law enforcement regarding MP's resources at the 1<sup>st</sup> Annual United States Indian Police Academy (USIPA) Instructor & Certification Training for Tribal and BIA law enforcement. This Albuquerque event and NamUs training is an instructor certification program to be added to USIPA's annual curriculum.

NIJ staff is also working with other interested parties such as committees, commissions, and task forces to help resolve MP, UP, and UCP cases in their districts and states to improve information sharing and data collection efforts. Between October 2022 and August 2023, NamUs staff will have participated in 19 Tribal events,<sup>6</sup> including the 18<sup>th</sup> Annual Government-to-Government Violence Against Women Tribal Consultation. For additional information on NamUs, be sure to attend the consultation's presentation being conducted on Thursday, August 10, 2023, from 12:00 p.m. to 1:15 p.m., where NamUs staff will present on available services and offerings to assist with unsolved MP and UP cases on Tribal lands as well as to learn about the recently onboarded new Tribal case specialist and associate Tribal case specialist who are assisting with processing and resolving Indigenous NamUs cases. Both specialists are registered members of the Navajo Nation and are committed to ensuring the integrity of AI/AN cases in the NamUs database. Jointly, they are working to bridge the gap between Tribal communities and law enforcement agencies.

Regarding the [Not Invisible Act](#), NIJ is represented on the Not Invisible Act Commission (NIAC). The [NIAC](#) is ultimately tasked with providing recommendations to the Secretary of the Interior and the Attorney General on actions the federal government can take to help combat violent crime against Indians and within Indian lands. NIJ staff co-chairs the subcommittee tasked with examining the reporting and collecting of data involving missing person cases, death investigations and homicides of Indigenous persons, and human trafficking of Native peoples.

#### Federal Advisory Task Force

VAWA 2005 also required the Attorney General to establish a Task Force on Research on Violence Against American Indian and Alaska Native Women (hereafter referred to as the Task Force), which is subject to Federal Advisory Committee Act requirements. Under VAWA, Task Force members must include representatives from Tribal governments, national Tribal domestic and sexual violence non-profit organizations, or national Tribal organizations. The OVV Director serves as the Task Force's Designated Federal Officer. The Task Force's primary

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<sup>6</sup> To see a complete list of NamUs Tribal events, go to <https://namus.nij.ojp.gov/events/Tribal-events>.



function is to provide advice and recommendations on developing and implementing NIJ's program of research and, eventually, on improvements to federal, state, Tribal, and local responses to violence against Indian women in light of the research findings.

The Attorney General initially established the Task Force on March 31, 2008, and it has been re-chartered on a regular basis to ensure that NIJ continues to receive timely advice during the execution of the program of research. The Task Force held a virtual meeting on December 13, 2022, at which members in attendance received an update on NIJ's research program and held a facilitated discussion on research findings and recommendations; the Task Force also welcomed public oral comment. The Task Force has eight [members](#) representing the three statutory categories and will continue providing advice and recommendations to the Department.

### ***OVW Deputy Director for Tribal Affairs (VAWA 2005 § 907)***

Established by section 907 of VAWA 2005, the Deputy Director for Tribal Affairs is one of only three statutorily created positions within OVW, which illustrates the importance of this position to Tribal leaders who fought for its inclusion in VAWA. The Deputy Director for Tribal Affairs is responsible for the ongoing and successful implementation of VAWA's Tribal provisions, including:

1. coordinating intergovernmental activities related to violence against AI/AN women;
2. serving as a point of contact with federal and Tribal officials on VAWA implementation; and
3. overseeing administration of OVW Tribal funding and programs.

As advisor to the OVW Director on all matters related to Tribal affairs, including how best to ensure the incorporation of traditional cultural practices into projects funded by OVW, the Tribal Deputy Director position has many varied responsibilities that are of great concern to Tribal communities.

Sherriann Moore, Rosebud Sicangu' Lakota, has served as Deputy Director for the Tribal Affairs Division (TAD) in OVW since 2017. Sherriann currently oversees a staff of grant program specialists and is responsible for ensuring that the Attorney General's mandate to conduct annual government-to-government consultation with Tribal leaders on violence against AI/AN women is fulfilled. Through consultation, OVW works with Tribes to streamline processes and reduce burdens and challenges that prevent Tribes from gaining access to much needed resources to strengthen their system responses and achieve success in project implementation.

In response to testimony received from Tribal leaders at annual Tribal consultations, Sherriann has worked to triple the size of the TAD staff, which allows staff to be even more responsive to the needs of Tribes to address violence in Tribal communities. Also in response to Tribal leaders' testimony, OVW has taken steps to simplify the application process for Tribal-specific grant programs as well as increase award caps and project periods. TAD also updated and distributed the "Leveraging Funding Opportunities with TAD" [video series](#) with accompanying resource documents and worksheets. The series includes information to familiarize viewers with OVW Tribal specific grant programs along with resources to effectively plan, prepare, and

submit grant proposals in response to OVW solicitations. TAD will continue to build upon these outreach efforts going forward into FY 2024 and beyond.

In addition to administering Tribal grant funds, OVW’s TAD works to build Tribes’ capacity to reduce violence against AI/AN women and collaborates with other DOJ components and federal agencies to increase the focus on sex trafficking and murdered or missing Indigenous people in Tribal communities. This includes special initiatives, such as enhancing Tribal behavioral health response and support for victims, services for Tribal adult survivors of child sexual abuse, strengthening sovereign responses to sex trafficking in Indian country and Alaska, and developing partnerships with Tribal colleges and universities to address domestic violence, dating violence, sexual assault, and stalking on campus.

***Strengthening federal and Tribal prosecutions under VAWA and related laws***

DOJ recognizes the United States’ unique legal relationship with federally recognized Indian Tribes. Improving public safety and the fair administration of justice in Indian country is a top priority for the Department, as reinforced by the Deputy Attorney General’s July 2022 [memorandum](#) updating existing directives to U.S. Attorneys’ Offices (USAOs). DOJ’s overarching goal is to create substantial, lasting improvements in public safety for AI/AN people. This effort includes training for federal, state, and Tribal criminal justice and social service professionals working in Indian country. In July 2010, DOJ’s Executive Office for United States Attorneys (EOUSA) launched the National Indian Country Training Initiative (NICTI) to ensure that federal prosecutors, as well as state and Tribal criminal justice and social service personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. This training effort is led by the Department’s National Indian Country Training Coordinator and is based at the National Advocacy Center (NAC) in Columbia, SC. The training is a mix of virtual and residential offerings.

The NICTI consistently provides training on trauma-informed and victim-centered interview and investigation techniques. The following is a list of completed NICTI course offerings for FY 2023 to date:

<b>Course</b>	<b>Dates</b>	<b>Attendees</b>
Operation 922: Reducing Gun Violence by Targeting Domestic Violence (Webinar)	October 18, 2022	167
First Responder Curriculum Development Working Group Meeting (Residential)	October 25-26, 2022	13
FBI Albuquerque's Missing or Murdered Indigenous Persons Initiative (Webinar)	November 15, 2022	85
Native American Heritage Month Lunch and Learn (Webinar)	November 17, 2022	115
Recent U.S. Court Decisions Involving Federal Indian Law (Webinar)	November 21, 2022	209
Criminal Jurisdiction in Indian Country Seminar (Webinar)	Nov. 30 - Dec. 1, 2022	225

The Basics of Indian Country Jurisdiction (Webinar)	December 2, 2022	60
The Forensic Evaluation of Strangulation and Gunshot Wound Cases (Webinar)	January 11-12, 2023	351
A SANE Approach to Human Trafficking Cases (Webinar)	January 30, 2023	408
Introduction to Tools and Techniques Using Crime Gun Intelligence (Webinar)	February 23, 2023	269
Defending and Strengthening Tribal Homelands Summit: Climate Adaptation, Resilience and Environmental Justice (Residential)	February 28 – March 2, 2023	37
Prosecuting Juveniles in Federal Court (Webinar)	March 6, 2023	162
Criminal Jurisdiction in Indian Country Seminar (Webinar)	March 29-30, 2023	222
Investigating and Prosecuting Human Trafficking in Tribal Communities (Webinar)	April 25-27, 2023	252
Culture as Prevention Webinar Series: Tribal Notification when Native Youth are Involved in State or Local Juvenile Justice Systems	May 11, 2023	211
Investigating and Prosecuting Federal Sexual Assault Cases (Webinar)	May 30 - June 1	370-520
Getting Away with Murder: The Challenges of Staged Crime Scenes (Residential)	June 6-9, 2023	78
Forensic Evidence in the Courtroom: Law, Science, And Strategies for Admissibility (Residential)	June 12-15, 2023	53
Justice Systems from the Kid's Perspective	June 15, 2023	286
Federal Full Faith and Credit for Protection Orders Issued by Tribal Courts (Webinar)	July 10, 2023	67
Operation Not Forgotten: Investigating Domestic Violence and Sexual Assault in Indian Country (Webinar)	July 18, 2023	64

As of July 31, 2023, the following is a list of NICTI courses currently open for registration:

<b>Course</b>	<b>Dates</b>	<b>Registrations</b>
Criminal Jurisdiction in Indian Country Seminar (Webinar)	August 8-9, 2023	230
What Every Tribal Liaison or Indian Country AUSA Needs to Know (Webinar)	August 16, 2023	113

Tribal Liaisons: Advancing DOJ's Mission in Indian Country (Residential)	August 22-25, 2023	26
Culture as Prevention Webinar Series: Indigenous Knowledge and Tribal-Based Practices	August 29, 2023	328
DOJ's Civil Rights Division Efforts Concerning Native Americans (Webinar)	September 7, 2023	362
First Responders to Violent Crime Training (Residential)	September 19-22, 2023	72

Since its inception, thousands of criminal justice and social service professionals have received NICTI training. These students represent federally recognized Tribes, USAO employees, and federal, state, and Tribal organizations serving Indian country. Students' professions range from law enforcement, prosecutors, and judges to victim advocates, medical and social services professionals, and forensic interviewers. Most students attending classes are from Tribes or Tribal organizations. Of particular note, DOJ's Office of Legal Education covers the costs of travel and lodging for Tribal attendees at residential classes sponsored by the NICTI, and all online NICTI training is offered free of charge. This allows many Tribal criminal justice and social service professionals to receive cutting-edge training from national experts at no cost to the student or Tribe. There is no charge for virtual offerings. And many of the classes provide Continuing Legal Education (CLE) credits for attorneys.

In addition to the training hosted by the NICTI, the Coordinator also serves as faculty for many trainings throughout the year. She is frequently asked by Tribes, Tribal Coalitions, USAOs and other federal agencies to speak on the following topics: the investigation and prosecution of violent crime in Tribal communities; domestic violence; sexual assault; child abuse; Missing or Murdered Indigenous Persons; and human trafficking.

### **Part Three: Strengthening the Federal Response to Violence Against American Indian and Alaska Native Women**

In addition to the work described above responding to the concerns that Tribal leaders raised at the 17th VAWA consultation (Part One) and implementing VAWA and its subsequent reauthorizations (Part Two), DOJ has provided training and resources to enhance investigations and prosecutions of crimes against AI/AN women and support comprehensive services for victims of these crimes. As a part of these efforts, DOJ, in collaboration with DOI and HHS, has taken several actions that respond to concerns and recommendations from past consultation sessions. These activities are discussed below.

- **MMIP Training and Related Resources** – In 2020-2023, the NICTI focused considerable resources on the issue of missing or murdered American Indians and Alaska Natives. The investigation and prosecution of crimes in Indian country can be complex and frequently requires a multijurisdictional and multidisciplinary response. In part, this is because more than one jurisdiction (federal, state, or Tribe) may have the legal authority to investigate and prosecute a case. Training is key to the development of comprehensive trauma-informed investigations and prosecutions for many of the crimes that can be associated with a missing or murdered Indigenous person. For example, if the missing person case involves the sexual exploitation of an adolescent, many issues may potentially be involved in the case that require specialized training, including forensic interviewing, mandatory reporting obligations, forensic medical examinations, crime scene processing and evidence collection, searches of electronic communications and social media, defendant interviewing and interrogation techniques, victim advocacy, and courtroom presentation and trial skills. Relevant training offered by the NICTI has been both virtual and residential. The online platform does not require a software download and all training is free.
- **OVW Violence Against Women Tribal SAUSA Initiative** – Under this initiative, Tribes receive funds to work with their USAO partner (and other Tribes in their federal judicial district, as appropriate) to hire or retain a mutually agreed upon Tribal prosecutor to be designated as a SAUSA. The cross-designated prosecutors maintain an active caseload in Tribal court, federal court, or both, while also helping to promote higher quality investigations and better inter-governmental communication. OVW has made some Tribal SAUSA awards exclusively for the prosecution of domestic violence, dating violence, sexual assault, and stalking, as well as other, joint awards with BJA to prosecute these and other precipitous increases in violent crime. Tribes and USAOs report these efforts create opportunities for them to actively engage with each other regarding prosecutions arising from their respective Tribes, identify areas of concern that require additional attention, and hold offenders accountable while enhancing the safety of victims in Indian country. OVW received \$3 million in each of fiscal years 2022 and 2023, for a total of \$6 million for OVW’s Violence Against Women Tribal SAUSA Initiative; OVW plans to make five-year awards of \$830,000 each to seven Tribes by the end of FY 2023.

- **Indian Country Criminal Investigator Training Program** – DOJ’s National Indian Country Training Initiative (NICTI) works closely and partners frequently with the FBI and BIA. The NICTI Coordinator serves as faculty at the Indian Country Criminal Investigator Training Program (ICCITP), held twice each year at the Indian Police Academy in Devils Lake, ND; this multi-week training course is for FBI and BIA agents as well as Tribal law enforcement officers new to working in Indian country. ICCITP also includes a victim assistance training module led by either BIA’s or FBI’s victim assistance program. In 2023, the class was offered in April; the August 2023 class was cancelled by the BIA.
- **Forensic Sciences Seminar** – The NICTI, in partnership with the FBI, created a course focused on forensic sciences. This high-level seminar is for experienced prosecutors and law enforcement personnel who investigate and prosecute violent crime cases involving forensic evidence. Priority is given to individuals working violent crime cases in Tribal communities. The seminar focuses on current legal and scientific issues surrounding the admissibility of DNA probabilistic genotyping and pattern comparison evidence, with a special emphasis on the firearms and toolmarks discipline. Strategies for maximizing admissibility are discussed. Presentations address both the general admissibility of forensic evidence and applied challenges based on recent government reports; technical presentations on DNA, probabilistic genotyping, and firearms comparisons; controversies surrounding the estimation of forensic error rates and experimental design; Sixth Amendment issues involving the scope of witness testimony; the proper use of likelihood ratios for assessing the weight of DNA evidence; the law and ethics of forensic disclosure; and working with attorneys at the FBI Laboratory. In addition, two AUSAs present real-world case examples of major forensic admissibility hearings they recently prosecuted. This residential class was offered in June 2023. A second offering is planned for early 2024.
- **Criminal Jurisdiction in Indian Country/Special Law Enforcement Commission Training Project** – One challenge in investigating cases in Tribal communities is the limited number of law enforcement personnel and frequent turnover in Tribal police department staffing. Getting Tribal and local law enforcement officers a Bureau of Indian Affairs-issued Special Law Enforcement Commission (SLEC) is one way to get additional “boots on the ground” able to exercise federal authority for crimes committed in Indian country. A SLEC allows officers to enforce federal criminal statutes and federal hunting and fishing regulations in Indian country. One of the criteria for obtaining a SLEC is successful completion of a class titled Criminal Jurisdiction in Indian Country (CJIC) and achieving a 70% on the test given at the conclusion of the class. The Tribal Law and Order Act of 2010 shifted primary responsibility for delivery of CJIC training to DOJ. Course development and responsibility for CJIC training has been assigned to the NICTI. The CJIC training curriculum covers such topics as search and seizure, federal Indian law, federal criminal procedure, the Crime Victims’ Rights Act, and investigating sexual assault, domestic violence, and child abuse crimes occurring in Tribal communities.

Following the U.S. Supreme Court’s decision in *McGirt v. Oklahoma*, the NICTI was called upon to quickly develop an online version of the CJIC class. In *McGirt*, the Court held that the land within the boundaries of the Creek Nation’s historic territory remains an Indian reservation for purposes of federal criminal law. Therefore, it was critical that hundreds of officers in Oklahoma quickly receive the training that would allow them to pursue getting a SLEC and the ability to enforce federal criminal statutes. The graph below illustrates the dates of CJIC training offered by the NICTI, the total number of students receiving the training, and the number of state, local and Tribal officers in Oklahoma who attended the training.

Date	Total Students Attended	OK Students Attended
August 26-27, 2020	355	355
October 5-6, 2020	640	244
January 12-13, 2021	764	465
March 23-24, 2021	585	387
June 15-16, 2021	640	459
September 27-28, 2021	269	117
December 7-8, 2021	255	114
March 8-9, 2022	237	79
August 17-18, 2022	317	54
November 30 - December 1, 2022	225	57
March 29-30, 2023	264	38
<b>Total</b>	<b>4551</b>	<b>2369</b>

- Joint DOJ/DOI Tribal Justice, Safety, and Wellness Summit** – This Summit was first hosted by the NICTI the afternoons of June 6-9, 2022. Over 1000 federal, state, and Tribal law enforcement, prosecutors, advocates, medical providers, and leaders registered to attend the virtual event. A total of 737 attended either part or all of the training. Of that number, 663 participants were non-DOJ with many working for Tribes or Tribal organizations. A second Summit is tentatively planned for the first week of February 2024.

## Appendix A – Brief Responses to 2022 Recommendations

The tables below provide brief responses and cross-references to relevant information in response to many of the recommendations received at the 2022 Tribal consultation.

<b>Recommendations for OVW</b>	
<b>Recommendation</b>	<b>Response</b>
<p>Validate Tribal sovereignty by ceasing competitive essential funding and understanding Tribes know best how to use funds designed to heal and protect victims of domestic violence and sexual assault in their respective Tribal and local communities.</p>	<p>OVW issued a <a href="#">framing paper</a> in preparation for the 2023 consultation to address the request for noncompetitive funding and has made adjustments to OVW’s Tribal-specific grant programs to make the application process easier and less competitive. OVW administers all these programs starting from the principle that Tribes and survivors know best what is needed for healing and safety.</p>
<p>Use de-obligated funds from OVW’s Tribal-specific grant programs and other programs with de-obligated funds to fund flexible financial assistance for survivors.</p> <ul style="list-style-type: none"> <li>• Indian Tribes and their authorized designees should be the eligible recipients rather than states; use a definition of Indian Tribe that includes Alaska Native villages.</li> <li>• Do not place restrictions on how survivors can use funds. Permit both multiple smaller amounts and larger lump sums to be distributed.</li> <li>• Allow funding recipients discretion in when and how funds will be disbursed.</li> </ul>	<p>OVW’s Tribal Affairs Division (TAD) has conducted focus groups with Tribal Governments Program (TGP) and Tribal Sexual Assault Service Program (TSASP) grantees to learn more about how grant funds are currently being used to support victims’ financial needs and how access to these resources can be improved and expanded. Feedback from participants will inform solicitation guidance and funding priorities. OVW’s Tribal-specific funding is available to all federally recognized Tribes, including Alaska Native villages, and it is never provided to states. More information is provided in Part One of this report and in a special appendix (Appendix D) on this subject.</p>



<p>Provide technical and training assistance to Alaska Native villages.</p>	<p>OVW’s Tribal Governments Program will be hosting a workshop in Alaska in December of 2023 to assist Alaska Native villages who are current TGP grantees with identified training and technical assistance needs related to grant management and program operations. The workshop will include an opportunity for Tribal leaders to discuss their role in supporting TGP projects, program sustainability, and application and grant reporting technical assistance. In addition, OVW included a purpose area in its FY 23 Training and Technical Assistance Initiative <a href="#">Solicitation</a> for an Alaska Advocacy Center to provide culturally-tailored training and technical assistance to victim advocates working in Alaska Native villages, including virtual and onsite training opportunities, as well as 24-hour support for advocates working in remote areas.</p>
<p>Ensure in-person participation at the Tribal consultation from Congress, the U.S. Attorney General, and federal decision-makers.</p>	<p>VAWA requires the Attorney General (AG) to conduct this annual consultation and requires the Secretaries of Health and Human Services and the Interior, along with the AG, to receive recommendations from Tribes concerning four topics related to violence against AI/AN women. All three agencies are represented at the head table throughout the consultation, and the Associate Attorney General, the Director of DOJ’s Office of Tribal Justice, and other DOJ leaders act as the Attorney General’s designees at the consultation.</p>
<p>To address the effects of the MMIP crisis on Tribal, federal, and state partners, collaborate with HHS to form a multi-agency behavioral and mental health working group that prioritizes Tribal needs.</p>	<p>Representatives from the Department of Justice, including the OVW Tribal Affairs Division, are members of the SAMHSA-led Tribal Law and Order Act Interagency Coordinating Committee. This workgroup focuses on cross-agency collaboration related to behavioral health needs and services in Tribal communities. The committee at large meets monthly with workgroup meetings (youth education, etc.) convening in the interim. Meeting topics include, but are not limited to, agency report outs and strategic collaboration around topics such as forthcoming solicitations.</p>
<p>Ensure that OVW is appropriately staffed, understands the challenges of all Tribes, and works towards solutions to create safe communities.</p>	<p>OVW’s Tribal Affairs Division has grown significantly in the past 12 months and includes several staff members who live and work from Indian country and Alaska.</p>

<p>OVW should have staff and contractors who are assigned to Alaska who work the grants during Alaska hours.</p> <ul style="list-style-type: none"> <li>• Tribal staff assigned to specific regions should work the hours of the region.</li> </ul>	<p>OVW has two Alaska-based program managers, one on the Tribal Governments Program and one on the STCJ Grant Program. Most of OVW TAD's remaining program staff work from Indian country and plan their hours accordingly.</p>
<p>Examine and relax the number of staff required to attend and the frequency of mandatory annual trainings and continue to make them available through distance options.</p>	<p>OVW has found that demand is high for training and technical assistance among Tribal grantees but will continue to make it available in varied formats, applying lessons learned during the pandemic.</p>
<p>Follow up with Tribal applicants who did not meet eligibility criteria on the various 2021 OVW solicitations to explain what made the applications ineligible.</p>	<p>OVW provides written notification to unsuccessful applicants. Further, applicants may request a copy of the peer review comments for any application that was not funded, if the application passed the basic minimum requirements of the solicitation and therefore went to peer review.</p>
<p>Follow OVC's lead in their two-step grant application process and the simplified approach that was implemented for the application process, which eliminated some of the redundancy and provided options for how to submit the narrative.</p>	<p>OVW's TAD has made adjustments to application processes in response to feedback from Tribes and is planning additional improvements for FY 2024. In addition, OVW issued a <a href="#">framing paper</a> in preparation for the 2023 consultation on whether to revisit efforts to identify a method for distributing TGP funds on a formula basis.</p>
<p>Increase participation by federal agencies in Indian country to address domestic and sexual violence, including the BIA, the DOJ OTJ, DOI-BIA Indian Education, Department of Education's Office for Civil Rights, Substance Abuse and Mental Health Services.</p>	<p>OVW's TAD has built and continues to build collaborative relationships with other federal agencies, including the SAMHSA-led Tribal Law and Order Act Interagency Coordinating Committee described above, and works closely with DOJ's OTJ.</p>

## Grant-related Recommendations

Recommendation	Response
<p>Limit the number of special conditions and grant requirements on federal solicitations and awards to Tribes to be respectful of the nation-to-nation relationship.</p> <ul style="list-style-type: none"> <li>• Tribes should have autonomy to distribute resources where they are most needed.</li> <li>• Examine the necessity of special conditions for all grants and remove or relax them based on the expertise of the grantee.</li> <li>• Ensure Tribes do not have more special conditions than states.</li> </ul>	<p>As a result of expanded staffing capacity, FY 2023 award conditions for TGP grantees will be project-specific for each award, reducing the number of unnecessary or unrelated conditions. TGP grant managers will meet individually with each grantee at the beginning of the project period to review award conditions and provide additional guidance and support.</p>
<p>Ensure grant funding to Tribes is as flexible as possible to successfully support survivors' needs.</p> <ul style="list-style-type: none"> <li>• Flexible funding should be inclusive of cultural practices and traditions, allow for licensed childcare, construction of shelters and facilities, food, law enforcement, transportation, family counseling, holistic and cultural healing therapy, legal assistance for the entire family, financial assistance, local cultural workshops, conferences, and use the cultural and Tribal based approach to addressing violence in Tribal communities.</li> </ul>	<p>All of these activities, with the exception of construction, fall within the statutory purpose areas of OVW's Tribal Governments Program (TGP), provided they are specifically addressing domestic violence, dating, violence, sexual assault, stalking, and sex trafficking. The incorporation of culturally specific practices and traditions into grant projects is not only supported by current TGP grant funds but encouraged. The provision of food at grant-funded meetings, trainings, and conferences is governed by DOJ-wide policy.</p>

<p>Coordinate and streamline all available grant programs so there is consistency and ease of access.</p> <ul style="list-style-type: none"> <li>• Permit Tribes to email grant proposals and updates instead of uploading into JustGrants.</li> <li>• Shift away from online platforms or find other means to accept grant progress reports.</li> <li>• Investigate how other government agencies, such as BIA, manage financing for Tribal governments in order to develop grant models that are more effective than the typical DOJ grant model.</li> <li>• Remediate JustGrants user issues.</li> </ul>	<p>OVW has streamlined application processes in its Tribal specific programs, and, as a result of the increased staffing capacity, additional program changes are anticipated in FY 2024. The DOJ grants management system is JustGrants, and OVW is obligated to use it; however, OVW staff continue to advocate for remediation and improvement of the system, as well as the use of alternatives outside the system, where possible. OVW solicitations also include instructions for submitting proposals by email in the event of technical issues that cannot be resolved. OVW coordinates within DOJ and across federal agencies on Tribal matters, including through formal means, such as the Not Invisible Act Commission, and informal means, such as regular staff-level meetings.</p>
<p>Provide technical assistance and guidance to Tribes on identifying and applying for grants, using appropriate grant management processes and software programs, and meeting grant-related legal requirements.</p>	<p>During the FY 2023 TGP solicitation cycle, TGP grant management staff held weekly office hours, which provided all current or potential grantees the opportunity to speak with staff and ask questions related to the TGP solicitation and application process. Based on applicant participation, OVW anticipates offering these opportunities for subsequent solicitations.</p>
<p>Respect the time Tribes need to fully expend funds they receive, which is affected by many factors, including challenges with staff hiring and turnover.</p>	<p>DOJ Tribal grantees are eligible for no-cost extensions on their awards and should contact their grant manager to discuss this option as needed.</p>
<p>Ensure staff, grant managers, and TA providers working with Alaska come from within the state, understand specific Alaska needs, and work on Alaska time.</p> <ul style="list-style-type: none"> <li>• Look to the University of Alaska Tribal Governance Program for new TA partnerships.</li> </ul>	<p>OVW has two Alaska-based program managers, one on the Tribal Governments Program and one on the STCJ Grant Program. All three DOJ grantmaking components (OVW, OJP, and the COPS Office) work together to ensure that TA provided in Alaska comes from Alaska-based organizations.</p>
<p>Ensure timely turnaround for budget modifications and indirect cost rate agreements approvals.</p> <ul style="list-style-type: none"> <li>• Improve response times between grantee and grant manager when there are grant issues that arise.</li> </ul>	<p>OVW has significantly increased staffing in both the Tribal Affairs Division and the Grants Financial Management Division in response to these recommendations.</p>

Approve grant award budgets before releasing grant award notifications.	OVW agrees with this goal and has been working toward it by increasing staffing levels and working with OJP's JustGrants team to get the system to a place where it enables OVW's grantmaking calendar to begin early enough in the fiscal year to allow for this.
Allow all Alaska Native villages to receive a grant to address the extremely high rates of violence committed against Alaska Native women.	Federally recognized Alaska Native Tribes are eligible entities to apply for grants to address violence against Alaska Native women under most OVW grant programs. As noted above, OVW is consulting on whether TGP funding should be allocated to Tribes based on a formula.
Federal and state funding opportunities must be coordinated with Tribal communities. <ul style="list-style-type: none"> <li>Federal agencies should avoid duplication of funding allocation strategies and communicate with each other to develop a comprehensive approach to address violence against women across agencies.</li> </ul>	OVW coordinates with other DOJ grantmaking components and federal agencies where possible. Examples includes coordinating with CTAS and the SAMHSA-led committee described above.
Funding opportunities must be non-competitive with the flexibility for no-cost extensions and exemptions from reporting requirements, as Tribes do not have the capacity to meet reporting requirements imposed on states.	OVW has taken steps to make access to Tribal-specific funding less competitive, including non-competitive supplemental funding, and OVW provides no-cost extensions upon request; reporting requirements are tied to grant program statutes, but the requirements imposed on states under OVW's formula grants are not imposed on Tribes.

<b>Recommendations for New/Additional Funding or Other Resources</b>	
<b>Recommendation</b>	<b>Response</b>
Provide permanently recurring (continuous) non-competitive formula-driven base funding based on factors such as population and service area size. <ul style="list-style-type: none"> <li>Support a funding mechanism that provides DOJ funding to Tribes yearly on a non-competitive basis and is sufficient for Tribal courts as identified in the Indian Tribal Justice Act of 1993, as well as sufficient funding as identified in the</li> </ul>	OVW issued a <a href="#">framing paper</a> in preparation for the 2023 consultation to address the request for formula funding. However, OVW funding is focused on violence against women and cannot be used to meet all of the needs described here. A full list of DOJ grant programs that could be used for these purposes is available at: <a href="https://www.ojp.gov/Tribal-funding-directory/">https://www.ojp.gov/Tribal-funding-directory/</a> .

<p>Broken Promises Report.</p> <ul style="list-style-type: none"> <li>• Provide adequate and permanent funds to staff Tribal courts and social services, offer competitive wages for retention, and have adequate infrastructure.</li> <li>• Grants should supplement base funding or be used to test pilots and start-ups.</li> <li>• Provide annual funding to satisfy the unmet demand for correctional facilities and officers.</li> </ul>	
<p>Prioritize and increase resources and training for law enforcement, public safety, and first responders to reduce investigation and response time.</p> <ul style="list-style-type: none"> <li>• Funding should permit hiring and employing additional law enforcement, public safety, and/or Tribal police officers.</li> <li>• Provide joint training for local / district law enforcement and Tribal law enforcement, including training law enforcement on how to respond to DV calls.</li> <li>• Train non-Tribal law enforcement partners on de-escalation tactics, cultural competence, and best practices.</li> <li>• Provide TA and training to Tribal law enforcement in interagency search and recovery efforts.</li> <li>• Conduct cultural competence training and increase accountability within law enforcement, prosecution, advocacy, and the judiciary.</li> <li>• Emphasize sensitivity to victims' circumstances and education on current laws.</li> </ul>	<p>Through the Tribal Governments Program technical assistance provider, Southwest Center for Law and Policy, a new training for law enforcement will be released in FY 2024. The training will focus specifically on Tribal law enforcement's response to domestic violence and sexual assault and will include a combination of online and in-person learning opportunities.</p> <p>Dedicated law enforcement positions, including uniforms, duty gear, training, and supplies are eligible activities within the OVW Tribal Governments and Tribal Jurisdiction Programs.</p> <p>A full list of DOJ grant programs that could be used for these purposes is available at: <a href="https://www.ojp.gov/Tribal-funding-directory/">https://www.ojp.gov/Tribal-funding-directory/</a>.</p>
<p>Increase funding for law enforcement services and shelters.</p>	<p>The TGP appropriation increased in FY 2023. TGP funds can be used to support law enforcement positions, shelter staffing and operations, as well as a wide range of services related to supporting victims of sexual assault, domestic violence, dating violence, sex trafficking, and stalking.</p>

<p>Increase funding to address the lack of housing, including permitting Tribes to build new shelters or housing for victims and their families or to purchase existing housing.</p>	<p>The FY 2023 Tribal Governments Program solicitation included, for the first time, an allowance for minor renovations which would allow a grantee to convert or update a space to allow for additional housing opportunities.</p>
<p>Increase funding for developing and maintaining shelters and program services such as education, employment, and basic necessities with a focus on connecting impacted members to counseling, social services, housing, education, and employment services.</p>	<p>As noted above, the TGP appropriation increased in FY 2023; TGP supports a broad range of services including: community-based advocacy, shelter services, coordinated community response capacity-building, law enforcement personnel and training, Tribal prosecutors, systems-based advocacy, Tribal courts, Tribal probation and offender monitoring, batterer’s intervention programs, community education and prevention efforts, supervised visitation programs, transitional housing, legal assistance, youth outreach and services, policy and legislative development, MMIP capacity-building, and training and coordination that improve services for sex trafficking and LGBTQ2S victims.</p>
<p>Increase funding and resources for health care systems and holistic behavioral health personnel and services, sustained substance abuse services, and crisis intervention.</p> <ul style="list-style-type: none"> <li>• Funding for behavioral health services should include personnel, training, and implementation of Tribal-specific ways.</li> </ul>	<p>OVW has a special initiative planned addressing this recommendation; more information will be available in FY 2024. DOJ’s Tribal Justice and Safety webpage also contains a consolidated list of resources in the areas of mental health and substance use, available <a href="#">here</a>.</p>
<p>Provide training on elder abuse to address the lack of policies and procedures for Tribal agencies charged with addressing elder abuse and neglect.</p>	<p>OVW funded a <a href="#">paper</a> and a <a href="#">toolkit</a> for Tribal responses to abuse in later life, both of which are expected to be updated in FY 2024. In addition, Tribal governments and organizations are eligible for and receive funding under OVW’s <a href="#">Enhanced Training and Services to End Abuse in Later Life grant program</a>.</p>
<p>Provide funding for reunification centers where facilities can provide easy, safe visitation and exchange services.</p>	<p>The Tribal Governments Program currently funds Tribal governments to establish and/or operate safe visitation and exchange services. TGP funds currently support approximately 16 Tribal supervised visitation programs.</p>

<p>Acknowledge and support culturally appropriate and evidence-based practices to enhance safety of AI/AN women from domestic violence, dating violence and sexual assaults, homicide, stalking, and sex trafficking.</p>	<p>These activities are allowable under both OVW’s Tribal-specific grant programs and OVC’s Tribal Victim Services Set Aside Formula Program.</p>
<p>Establish a partnership with local peacemakers and/or peacemaking programs to provide the traditional expertise of trauma-informed care.</p>	<p>This activity is allowable under OVW’s Tribal Governments Program if focused on domestic violence, dating violence, sexual assault, stalking, or sex trafficking.</p>
<p>Tribal court judgments and Tribal court protection orders should be afforded full faith and credit by state and federal courts.</p> <ul style="list-style-type: none"> <li>• Ensure accessible filing of domestic violence restraining orders from Tribal justice systems in Alaska so they can be given full faith and credit in Alaska state courts and by Alaska state law enforcement.</li> </ul>	<p>DOJ’s Bureau of Justice Assistance (BJA) funds the Tribal Law and Policy Institute to provide <a href="#">training and technical assistance</a> in this area, in addition to the OVW-funded <a href="#">National Center on Protection Orders and Full Faith and Credit</a>. In addition, a joint OVW-BJA award to RurAL CAP (Rural Alaska Community Action Program) is supporting collaboration between the State of Alaska and Tribal organizations to develop and provide training on issuance and enforcement of Tribal protection orders.</p>
<p>Create additional programs and funding to help with off-reservation membership.</p>	<p>OVW issued a <a href="#">framing paper</a> in preparation for this year’s consultation seeking Tribal input on expanding eligibility for OVW’s Tribal Sexual Assault Services Program to meet the needs of Tribal members living outside of Indian country or Alaska Native villages.</p>

<b>Tribal Jurisdiction-related Recommendations</b>	
<b>Recommendation</b>	<b>Response</b>
<p>Increase funding for Tribal Nation implementation of STCJ.</p> <ul style="list-style-type: none"> <li>• Ensure Tribes can easily apply for STCJ programs and opportunities and streamline the reporting requirements.</li> <li>• Allow greater flexibility for Tribes to structure their programs and services in a culturally appropriate manner.</li> <li>• Provide funding to assist all Tribal</li> </ul>	<p>As discussed in Part One of this report, OVW has had two grant solicitations open for six months to support Tribes’ implementation of STCJ, both of which require minimal application documents and allow grant funds to be used for a broad range of statutory purposes in a manner consistent with Tribal law and custom. OVW also funds technical assistance for Tribes interested in implementing STCJ, and BIA has <a href="#">funding</a> available for Tribal courts, including specifically for VAWA implementation.</p>



<p>nations to build their court capacity to support their criminal jurisdiction over non-Indians.</p> <ul style="list-style-type: none"> <li>• Provide training and technical assistance to help Tribes implement enhanced prosecution under VAWA, including assistance in navigating jurisdictional issues in cases prosecuting non-Indian offenders.</li> </ul>	
<p>In the President’s budget, DOJ should request the full amount of funding authorized for Tribal programs in VAWA 2022, especially the \$25 million for the Special Tribal Criminal Jurisdiction (STCJ) grant program and reimbursement for FY 2024 and 2025.</p>	<p>The President’s FY 2024 Budget generally requested the authorized level or higher for VAWA grant programs, which results in increases for the Tribal Governments Program because it is funded through set asides from several other OVW grant programs. The FY 2024 President’s Budget also included an increase of \$4 million for the two OVW STCJ programs. Data on grant applications and reimbursement requests will be used to support requested increases in the future; unfortunately, applications for the STCJ grant program have historically been low, making it difficult to justify increases.</p>
<p>DOJ and DOI should offer joint training opportunities for Tribal Nation law enforcement and federal law enforcement on the implementation of VAWA 2022 in Indian Country.</p> <ul style="list-style-type: none"> <li>• Include new training regarding all VAWA 2022 provisions, including the Alaska provisions, in the National Indian Country Training Initiative.</li> </ul>	<p>As discussed in Part One of this report, the NICTI has incorporated the STCJ covered crimes into all of its law enforcement training over the past year and has specifically provided training on prosecuting sex trafficking as a covered crime under VAWA 2022. More information on upcoming NICTI trainings is provided in Part Two of this report.</p>
<p>Ensure the Tribal reimbursement program is the least restrictive possible for Tribal governments. Take advantage of the flexible language in VAWA 2022 regarding reimbursable expenses and include this flexibility in reimbursement regulations.</p>	<p>OVW published an <a href="#">interim final rule</a> for the STCJ Reimbursement Program that maximizes the flexibility of the program, including a catch-all category of expenses eligible for reimbursement; this category is for any other costs incurred in, relating to, or associated with exercising STCJ.</p>

## Recommendations on Alaska and the Alaska Pilot Program

Recommendation	Response
Prior to implementing the Alaska Pilot Program, the federal government should work with the Tribes to address all concerns.	DOJ consulted with Tribes in 2022 and provided an <a href="#">update</a> for Tribal leaders and advocates in preparation for this consultation.
Form and fund an Alaska inter-Tribal working group for all Tribes aspiring to be a pilot project Tribe to achieve advice and direct the STCJ Alaska Pilot Program.	The Department will provide funding to support an Alaska-specific Inter-Tribal Technical-Assistance Working Group (ITWG) on STCJ, modeled on the successful ITWG established for all federally recognized Tribes in 2013.
Prioritize and release the Alaska STCJ Training and TA Solicitation for Alaska Tribes designated by the Attorney General and put participating Tribes under the Alaska Pilot Program immediately.	In December 2022, OVW solicited concept papers for a project to provide training and technical assistance to Tribes in Alaska to plan for, implement, or exercise STCJ over non-Indian offenders pursuant to the Alaska Pilot Program and plans to make an award by September 30, 2023.
<p>Keep the Alaska Pilot Program as open and flexible as possible, including allowing participation of Alaska Tribes not currently ready to exercise special criminal jurisdiction.</p> <ul style="list-style-type: none"> <li>• Forgo complex processes developed in Lower 48 reservations when implementing the Alaska Pilot Program.</li> </ul>	DOJ provided an <a href="#">update on the status of the pilot program</a> , including a proposed three-track process so that interested Tribes not ready to exercise STCJ would have options for obtaining technical assistance and engaging in capacity-building activities with the goal of requesting designation as a participating Tribe to exercise STCJ. The requirements for designation, which are provided by statute, are included in a questionnaire appendix to the update.
<p>Provide consistent and sustained funding, training, and TA to develop standard level infrastructure, law enforcement, justice systems, and victim and offender services.</p> <ul style="list-style-type: none"> <li>• Funding should not be limited, to make up for the years of being underfunded, and should go to all Tribes that want to build infrastructure to address the public safety crisis in their communities.</li> </ul>	DOJ’s proposed three-track process for the Alaska Pilot Program takes into account these needs in Alaska Native Villages by suggesting a “Preliminary Pilot Program Tribes” track for Tribes to work with the Alaska ITWG Technical Assistance Provider and a Federal Project Liaison to develop a Readiness Plan to assist the Tribe in meeting any unmet requirements and fulfilling training and technical assistance needs.

<b>Data-Sharing (including NamUs) and Research-related Recommendations</b>	
<b>Recommendation</b>	<b>Response</b>
<p>Establish information and data sharing agreements between local, Tribal, state, and federal partners, including increased funding for coordinated Tribal information management systems and mechanisms for federal and state governments to communicate with Tribal nations and share data on incidents of reported victimization of Tribal citizens, as they do with each other.</p>	<p>The Tribal Access Program for National Crime Information (TAP) may be helpful in responding to this recommendation; more information is available in Part One of this report and at <a href="https://www.justice.gov/Tribal/Tribal-access-program-tap">https://www.justice.gov/Tribal/Tribal-access-program-tap</a>. The following publication on sharing crime data statistics also may be helpful: <a href="https://www.ojp.gov/pdffiles1/bja/238695.pdf">https://www.ojp.gov/pdffiles1/bja/238695.pdf</a>.</p>
<p>The federal government should mandate that local law enforcement use or have their systems connect with NamUs to have a centralized system/process for tracking DNA and other evidence that is useful for Tribal communities, particularly in P.L. 280 states.</p>	<p>One of the core services of NIJ’s NamUs Program is a nationwide information clearinghouse offering free, secure, easy-to-use online technology to help expedite case associations and resolutions. The NamUs Program encourages law enforcement agencies (LEAs) to use the database as a case management system. However, the NamUs Program is designed to resolve long-term missing, unidentified, and unclaimed person cases. Since most MP cases are resolved quickly, submitting MP claims into the NamUs database should occur only after 60 days have passed since filing a report. Otherwise, limited and much-needed resources are diverted from resolving cases.</p>
<p>Create a Data Collection Task Force that includes federal, state, and Tribal governments tasked with reviewing the variations between various data collection sets mandated by each federal and state agency tasked with criminal justice activities and make recommendations to create a one-stop and comprehensive data collection system.</p> <ul style="list-style-type: none"> <li>• Create a uniform data collection interface that includes clear data definitions to enable federal, state, and Tribal partners to access the one-stop data system.</li> </ul>	<p>The Federal Bureau of Investigations’ National Incident-Based Reporting System (NIBRS) is designed for this purpose; more information is available at <a href="https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/nibrs">https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/nibrs</a>, and information for Tribes on using NIBRS to use and share data is available in the following publication: <a href="https://www.ojp.gov/pdffiles1/bja/238695.pdf">https://www.ojp.gov/pdffiles1/bja/238695.pdf</a>.</p>

<p>Prioritize enhancing the safety of American Indian and Alaska Native women as a research focus area.</p>	<p>NIJ acknowledged early on that several studies (both small and large) would need to be funded, developed, and implemented over time to address the Congressional research mandates described in the VAWA-Reauthorizations of 2005, 2013, and 2022. Furthermore, NIJ emphasized there is limited funding to support the program based on annual appropriations and staffing, requiring studies to be prioritized by need and urgency. Nonetheless, NIJ is committed to prioritizing research in this area, given the importance of the topic and the need to support healthy and safe Tribal communities. NIJ intends to continue to provide a critical foundation for quantifying the magnitude of violence and victimization in Tribal communities and understanding service needs.</p>
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<p style="text-align: center;"><b>Recommendations for OVC</b></p>	
<p style="text-align: center;"><b>Recommendation</b></p>	<p style="text-align: center;"><b>Response</b></p>
<p>Support a permanent Tribal set-aside to fix the Victims of Crime Act Tribal funding stream that reflects actual Tribal needs and allows for flexible use of funding.</p> <ul style="list-style-type: none"> <li>• Require OVC and DOJ to work towards amendments in the law that serve Tribal needs, including infrastructure, court services, and law enforcement.</li> </ul>	<p>The statutory question of whether the Tribal Set-Aside becomes permanent (rather than authorized annually, as is currently the case) is a matter for Congressional discretion. OVC endeavors to administer all funds and programs Congress authorizes OVC to administer as efficiently and effectively as possible, so that Tribes may create victim-services programs that meet their needs.</p>
<p>Commit to regular government-to-government Tribal consultations on the Tribal Victim Services Set Aside (TVSSA) Program to ensure all Tribes have an opportunity to weigh in on the distribution formula, improve the distribution, management, and administration of the program, and determine how regulations should be tailored to address unique Tribal needs.</p>	<p>OVC consults with Tribes annually (in November) on the TVSSA, and solicits feedback from Tribal Leaders on the TVSSA formula and management and administration of the program. Feedback from Tribes has shaped many program improvements over the years, and OVC is grateful for Tribes’ thoughtful comments on how the program can best meet their needs.</p>

<p>Establish a Standing Working Group or advisory committee of Tribal experts to improve the TVSSA Program, guide decision-making about program implementation, and provide input on programmatic decisions on an ongoing basis. Establish a Tribal Budget Advisory Committee composed of Tribal experts to provide advice and direction on the Tribal set aside program and other grants.</p>	<p>The Attorney General’s Tribal Nations Leadership Council is the DOJ’s standing group of experts tasked to advise DOJ on matters related to DOJ programs and functions. OVC is interested in hearing from Tribes how this group might be able to bring forward to the DOJ feedback about the TVSSA.</p>
<p>Push for improvements to the laws, policies, and regulations for VOCA funding to allow it to be used for funding services and departments tied to victim services.</p> <ul style="list-style-type: none"> <li>• Funding should cover core criminal justice services, law enforcement, court services, perpetrator services, and prevention.</li> <li>• Work toward amendments in the law that serve Tribal needs including infrastructure, court services, and law enforcement.</li> <li>• Expand the program to include prevention to allow Tribes to broaden the healing and educational services they provide and address all victims of crime.</li> <li>• Evaluate grant-funded victim service programs in place prior to the creation of the TVSSA Program in 2018 and create a comprehensive formula-based program to provide services for victims of violence and accountability for those who use violence.</li> </ul>	<p>Congress devises the statutory and regulatory language that governs the VOCA, and programs funded under VOCA. OVC endeavors to administer all funds and programs Congress authorizes OVC to administer as efficiently and effectively as possible, according to requirements set forth in statute, so that Tribes can create victim-services programs that meet their needs. OVC is interested in feedback from Tribal leaders about non-statutory, non-regulatory program administration matters—matters that OVC can address on its own without Congressional action—in order to improve our administration of Tribal grant programs.</p>

<p>Use a Tribally based view of what constitutes activities that will “improve services to victims of crime” under the TVSSA Program, as set forth in the CJS appropriations bill.</p> <ul style="list-style-type: none"> <li>Acknowledge that Tribal nations are in the best position to understand the requirements of their communities and respect the sovereign right of Tribal Nations to self-determination as the sovereign right of state governments to self-determination is respected.</li> </ul>	<p>As discussed on page 10 of the <a href="#">2022 Update Report</a>, OVC has continued to revise and expand allowable activities and expenses under the TVSSA Program in response to feedback from Tribes, including allowing funds to be used for MMIP-related activities, clarifying guidance on using funds for culturally-based activities, and initiating a pilot on using TVSSA funds for construction and renovation.</p>
<p>List historical trauma as a harm that can be served under the TVSSA Program, including recognizing suicide is a result of historical trauma and serving surviving family members on this basis.</p>	<p>OVC will explore developing clarifying language about when VOCA Set-Aside funded services can be provided to crime victims who are also victims of historical and intergenerational trauma.</p>
<p>Revise the TVSSA formula grant to correct the disparity between Tribes that receive BIA base funding and Tribes that do not to prevent further disadvantaging Tribes in P.L. 280 states.</p>	<p>OVC will include in its November 2023 consultation a question for Tribal leaders about whether other federal sources of funding, such as allocations of funds to Tribes located in P.L. 280 versus non-P.L. 280 states, should be accounted for in the TVSSA formula.</p>
<p>Implement NCAI recommendations regarding the TVSSA Program to assure that resources reach victims, survivors, and their families.</p>	<p>As stated on page 47 of the <a href="#">2022 Update Report</a>, OVC has implemented all of these recommendations, except for the standing advisory board.</p>
<p>Ensure that OVC is appropriately staffed and understands the challenges of all Tribes to work towards solutions to create safe communities.</p>	<p>OVC continues to seek to hire personnel with experience working in, with, and on behalf of Tribes and with expertise in victim services.</p>
<p>Fund a cadre of TA providers who can work with Tribal governments to develop multi-year Tribal strategic plans for developing Crime Victims Services appropriate for the communities.</p> <ul style="list-style-type: none"> <li>TA providers should be organized regionally and funded to travel and engage in the communities they serve.</li> </ul>	<p>In FY 2023 OVC funded just such an effort, Tribal Victim Services Set Aside Technical Assistance (T-VSSTA).</p>
<p>Extend the Crime Victims Fund grant project period for up to four years to allow Tribal nations to use the time necessary at the start of the award period for project planning and needs assessments.</p>	<p>As discussed on pages 9-10 and 47 the <a href="#">2022 Update Report</a>, OVC has extended the TVSSA Program grant project period to up to five years; Tribes may choose a project period of anywhere from 12 to 60 months.</p>

<p>The unnecessary audit requirements placed on Tribes with the Crime Victims Funding have resulted in Tribes giving up and giving back funding. OVC should evaluate the performance of the Tribes based on the support, services, and strengths that are provided by the OVC staff.</p> <ul style="list-style-type: none"> <li>• If there is a high dropout rate for which no explanation is provided, the programs in question should conduct consultations with the Tribes and support legislative and policy changes that are suitable.</li> </ul>	<p>The number of Tribes participating in the TVSSA program has grown by 150% since 2018. The growth of the program is welcome confirmation that these funds are being used by more Tribes, to serve more victims. Only a handful of Tribes have chosen to terminate their awards over that period of time.</p> <p>2 C.F.R. part 200 outlines the requirements that grantees and the federal government must meet in using federal grant funding. OVC, like all federal grant making agencies, is required to adhere to 2 C.F.R. part 200.</p> <p>OVC is using JustGrants data to understand how often Tribes return unobligated TVSSA funds. OVC will continue its practice of surveying Tribes that return funds or that do not complete their applications for TVSSA formula funds to understand the challenges Tribes face and seek administrative solutions to address those challenges.</p>
<p>OVC should implement an audit system that is analogous to the one imposed by BIA, which is familiar to the Tribes.</p> <ul style="list-style-type: none"> <li>• Rather than resorting to punitive measures, audits and assessments should be centered on the development of proposals for how to enhance the delivery of services and the programs.</li> </ul>	<p>The DOJ Office of the Inspector General and the Government Accountability Office, both of which conduct audits and reviews of DOJ funded grant programs, are independent of OVC, and use their own methods and approaches in exercising oversight of federal grant funds.</p> <p>OVC will work with TVSSA grantees to understand their audit concerns and what kinds of support, training, and technical assistance would be useful. OVC will learn from BIA what kinds of audit supports they have in place for Tribal grantees, and explore enhancing OVC supports for TVSSA audits and/or performance monitoring (i.e., financial and programmatic reviews).</p>

## **Appendix B – Analysis of OVW Tribal Grant Programs Funding for FY 2023**

At past consultation sessions, Tribal leaders have requested that DOJ provide a table showing how funds appropriated for Tribal programs are spent by OVW. The table on the next page, along with the list of grant recipients in Appendix C, responds to this request. Please note, however, that because this report is being prepared before the end of the fiscal year, the table on the next page provides estimated amounts to be awarded in FY 2023, and as a result, remaining balances also are estimates.

A few key points regarding remaining balances as shown in this table:

- The Tribal Governments Program shows a remaining balance of approximately \$11.5 million after FY 2023 awards are made. OVW’s Tribal Affairs Division plans to use \$10.4 million of these funds for two special initiatives that respond to recommendations made by Tribal leaders at prior consultations, one supporting Tribal governments’ efforts to address the behavioral health needs of survivors, including mental health and substance use issues, and the other supporting Tribal partnerships with Child Advocacy Centers to provide services specifically to adult survivors of child sexual abuse.
- The Tribal Jurisdiction Program shows a remaining balance of approximately \$4.7 million after FY 2023 awards are made, up to \$4.4 million of which may be used for reimbursements under the new program created by VAWA 2022 to reimburse Tribal governments for expenses incurred in exercising Special Tribal Criminal Jurisdiction.
- The Tribal Sexual Assault Services Program (TSASP) shows a remaining balance of approximately \$5.7 million. Since FY 2019, OVW has not received sufficient applications from eligible entities proposing to serve sexual assault victims within Indian country and Alaska Native villages – as required by the program statute – to expend all available funds. OVW issued a [framing paper](#) in July 2023 requesting Tribal leaders’ input on expanding TSASP eligibility to use these carry forward funds to reach Tribal members living outside of Indian country and Alaska Native villages.

Finally, the list of recipients in Appendix C is for FY 2022; the final list of recipients for FY 2023 will be provided at the 2024 consultation.



	<b>Tribal Governments (TGP)<sup>1</sup></b>	<b>Tribal Jurisdiction</b>	<b>Tribal Coalitions<sup>2</sup></b>	<b>Tribal Sexual Assault Services (TSASP)<sup>3</sup></b>
<b>FY 2023 Appropriation<sup>4</sup></b>	\$49,300,000	\$11,000,000	\$8,363,571	\$7,850,000
<b>Prior Year Carry Forward &amp; Recoveries<sup>5</sup></b>	\$9,486,080	\$3,223,808	\$77,522	\$2,021,946
<i>Technical Assistance, Peer Review, Research &amp; Evaluation &amp; Special Projects<sup>6</sup></i>	-\$3,689,102	-\$668,206	-\$330,469	-103,671
<i>FY 2023 Rescission<sup>7</sup></i>	-\$655,848	-\$147,304	\$6,613	\$0
<i>Salaries &amp; Expenses Reduction<sup>8</sup></i>	-\$2,993,943	-\$668,020	-\$460,240	\$0
<b>Amount available for FY 2023 grants</b>	\$51,447,187	\$12,740,277	\$7,643,771	\$9,768,275
<b>Estimated amount to be awarded in FY 2023</b>	\$39,958,557	~\$8,000,000	\$7,565,100	~\$4,000,000
<b>Estimated remaining balance</b>	\$11,488,630	~\$4,740,277	\$78,671	~\$5,768,275

<sup>1</sup> In FY 2023, the Tribal Governments Program was funded through the appropriations for seven other OVW grant programs and did not receive its own appropriation line.

<sup>2</sup> In FY 2023, the Tribal Coalitions Program was funded through the appropriations for the STOP, Improving Criminal Justice Responses, and Sexual Assault Services Programs and did not receive its own appropriation line.

<sup>3</sup> This column includes funding made available specifically for Tribal sexual assault activities under the Sexual Assault Services Program appropriation.

<sup>4</sup> OVW also received appropriations totaling \$6 million over FYs 2022 and 2023 for Violence Against Women Tribal Special Assistant U.S. Attorneys grants to Tribal governments and expects to make awards by the end of FY 2023, after setting aside \$90,000 for training and technical assistance under the program.

<sup>5</sup> The Prior Year Carry Forward amount includes both funds that were not obligated in the prior year and funds that were deobligated. Recoveries/deobligated funds are funds that are returned after the end of a grant award for any number of reasons. Recoveries are as of March 31, 2023.

<sup>6</sup> For the Tribal Jurisdiction Program, this line also includes \$110,000 set aside for the Innovation Fund authorized by VAWA 2022.

<sup>7</sup> OVW had a total rescission of \$15 million for FY 2023.

<sup>8</sup> OVW does not receive an appropriation for management and administration expenses and therefore assesses most of its grant programs to cover these expenses.

## Appendix C – FY 2022 OVW Tribal Grant Awards

Awardee	Award Amount	Solicitation
ALASKA NATIVE JUSTICE CENTER INC	\$ 300,000	OVW SAS CSP FY 2022
ALASKA NATIVE JUSTICE CENTER INC	\$ 550,000	OVW Housing FY 2022
ALEUT COMMUNITY OF SAINT PAUL ISLAND	\$ 830,392	OVW TGP FY 2022
ALEUT COMMUNITY OF SAINT PAUL ISLAND	\$ 525,000	OVW TSASP FY 2022
ALLIANCE OF TRIBAL COALITIONS TO END VIOLENCE	\$ 500,000	OVW TA FY 2022
AMERICAN INDIANS AGAINST ABUSE INC	\$ 335,755	OVW Tribal Coal FY22
AROOSTOOK MICMAC COUNCIL	\$ 1,123,749	OVW TGP FY 2022
BAY MILLS INDIAN COMMUNITY	\$ 741,653	OVW TGP FY 2022
CHICKASAW NATION	\$ 998,279	OVW TGP FY 2022
COALITION TO STOP VIOLENCE AGAINST NATIVE WOMEN	\$ 335,755	OVW Tribal Coal FY22
COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION	\$ 650,617	OVW TGP FY 2022
CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION, THE	\$ 1,000,000	OVW TGP FY 2022
CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON	\$ 525,000	OVW TSASP FY 2022
COWLITZ INDIAN TRIBE	\$ 999,995	OVW TGP FY 2022
EIGHT NORTHERN INDIAN PUEBLOS COUNCIL INC	\$ 999,306	OVW TGP FY 2022
EIGHT NORTHERN INDIAN PUEBLOS COUNCIL INC	\$ 599,361	OVW LAV FY 2022
FAIRBANKS NATIVE ASSOCIATION	\$ 1,000,000	OVW TGP FY 2022
FIRST NATIONS WOMEN'S ALLIANCE	\$ 335,755	OVW Tribal Coal FY22
FORT PECK ASSINIBOINE & SIOUX TRIBES	\$ 186,365	OVW TJ FY 2022
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS	\$ 982,014	OVW TGP FY 2022
HANNAHVILLE INDIAN COMMUNITY	\$ 822,181	OVW TGP FY 2022
HEALING NATIVE HEARTS COALITION	\$ 335,755	OVW Tribal Coal FY22
HOOPA VALLEY TRIBE, THE	\$ 1,000,000	OVW TGP FY 2022
HOPI-TEWA WOMEN'S COALITION TO END ABUSE	\$ 335,755	OVW Tribal Coal FY22
HOPLAND BAND OF POMO INDIANS	\$ 649,996	OVW JFF FY 2022
HOULTON BAND OF MALISEET INDIANS	\$ 996,476	OVW TGP FY 2022
KAW NATION	\$ 300,000	OVW Elder FY 2022
KAW NATION	\$ 1,253,754	OVW TGP FY 2022
KAWERAK INC	\$ 1,000,000	OVW TGP FY 2022
KENAITZE INDIAN TRIBE	\$ 1,000,000	OVW TGP FY 2022
KETCHIKAN INDIAN COMMUNITY	\$ 999,999	OVW TGP FY 2022
KETCHIKAN INDIAN COMMUNITY	\$ 525,000	OVW TSASP FY 2022
KLAMATH TRIBES, THE	\$ 447,256	OVW TJ FY 2022
KODIAK AREA NATIVE ASSOCIATION	\$ 750,000	OVW Rural FY 2022
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS	\$ 500,000	OVW Housing FY 2022
LOWER ELWHA TRIBAL COMMUNITY	\$ 720,000	OVW TGP FY 2022
LUMMI INDIAN BUSINESS COUNCIL	\$ 525,000	OVW TSASP FY 2022
MENDING THE SACRED HOOP	\$ 335,755	OVW Tribal Coal FY22

Awardee	Award Amount	Solicitation
MESCALERO APACHE TRIBE	\$ 1,000,000	OVW TGP FY 2022
MIDWEST NATIVE COALITION FOR JUSTICE & PEACE INC	\$ 335,755	OVW Tribal Coal FY22
MINNEAPOLIS AMERICAN INDIAN CENTER	\$ 200,000	OVW SAS CSP FY 2022
MINNESOTA INDIAN WOMENS SEXUA	\$ 335,755	OVW Tribal Coal FY22
MINNESOTA INDIAN WOMENS SEXUA	\$ 600,000	OVW TA FY 2022
MINNESOTA INDIAN WOMENS SEXUA	\$ 1,275,000	OVW TA FY 2022
MORONGO BAND OF MISSION INDIANS	\$ 913,983	OVW TGP FY 2022
MUSCOGEE (CREEK) NATION, THE	\$ 449,976	OVW TJ FY 2022
MUSCOGEE (CREEK) NATION, THE	\$ 500,000	FTAP Pilot Sites
NAMBE PUEBLO GOVERNOR'S OFFICE	\$ 868,098	OVW TGP FY 2022
NATIVE ALLIANCE AGAINST VIOLENCE, INC.	\$ 335,755	OVW Tribal Coal FY22
NATIVE WOMEN'S SOCIETY OF THE GREAT PLAINS RECLAIMING OUR SACREDNESS	\$ 335,755	OVW Tribal Coal FY22
NORTHEAST NATIVE NETWORK OF KINSHIP AND HEALING INCORPORATED, THE	\$ 299,973	OVW CSSP FY 2022
NORTHEAST NATIVE NETWORK OF KINSHIP AND HEALING INCORPORATED, THE	\$ 525,000	OVW TSASP FY 2022
PLEASANT POINT INDIAN RESERVATION	\$ 949,202	OVW TGP FY 2022
PUYALLUP TRIBE OF INDIANS	\$ 911,706	OVW TGP FY 2022
PYRAMID LAKE PAIUTE TRIBE	\$ 500,000	OVW Housing FY 2022
RED LAKE BAND OF CHIPPEWA INDIANS	\$ 525,000	OVW TSASP FY 2022
REFLECTION OF INSPIRATION INC.	\$ 335,755	OVW Tribal Coal FY22
RESTORING ANCESTRAL WINDS, INC.	\$ 335,755	OVW Tribal Coal FY22
SAC & FOX NATION	\$ 1,000,000	OVW TGP FY 2022
SAINT REGIS MOHAWK TRIBE	\$ 1,000,000	OVW TGP FY 2022
SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY EDUCATIONAL SE, THE	\$ 449,999	OVW TJ FY 2022
SEVEN DANCERS COALITION	\$ 335,755	OVW Tribal Coal FY22
SHINGLE SPRINGS RANCHERIA	\$ 600,000	OVW TGP FY 2022
SOUTHCENTRAL FOUNDATION	\$ 995,643	OVW TGP FY 2022
SOUTHWEST CENTER FOR LAW & POLICY	\$ 800,000	OVW TA FY 2022
SOUTHWEST INDIGENOUS WOMENS COALITION	\$ 335,755	OVW Tribal Coal FY22
SQUAXIN ISLAND TRIBE	\$ 999,999	OVW TGP FY 2022
STRONG HEARTED NATIVE WOMEN'S COALITION, INCORPORATED	\$ 335,755	OVW Tribal Coal FY22
THE COEUR D'ALENE TRIBE	\$ 900,000	OVW TGP FY 2022
TONKAWA TRIBE	\$ 525,000	OVW TSASP FY 2022
TRIBAL LAW AND POLICY INSTITUTE	\$ 615,000	OVW TJ TA FY 2022
TUBA CITY REGIONAL HEALTHCARE CORPORATION	\$ 785,917	OVW TGP FY 2022
UNITING THREE FIRES AGAINST VIOLENCE	\$ 335,755	OVW Tribal Coal FY22
WABANAKI WOMEN'S COALITION, INC.	\$ 335,755	OVW Tribal Coal FY22

Awardee	Award Amount	Solicitation
WASHINGTON STATE NATIVE AMERICAN COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT	\$ 335,755	OVW Tribal Coal FY22
YUP'IK WOMEN'S COALITION, THE	\$ 335,755	OVW Tribal Coal FY22
	<b>\$ 48,570,234</b>	

**FY 2021 Tribal Jurisdiction and Oklahoma Tribes Special Initiatives - Awards Made Early in FY 2022 and Previously Reported in the 2022 Update Report Appendix D**

Awardee	Award Amount	Solicitation
CHICKASAW NATION	\$ 250,000	OVW Tribal Jur FY 22
CHICKASAW NATION	\$ 682,000	OVW OK Tribes FY2022
CHOCTAW NATION OF OKLAHOMA	\$ 681,760	OVW OK Tribes FY2022
EASTERN BAND OF CHEROKEE INDIANS	\$ 251,000	OVW Tribal Jur FY 22
FORT PECK ASSINIBOINE & SIOUX TRIBES	\$ 30,964	OVW Tribal Jur FY 22
MUSCOGEE (CREEK) NATION, THE	\$ 250,000	OVW Tribal Jur FY 22
MUSCOGEE (CREEK) NATION, THE	\$ 502,000	OVW OK Tribes FY2022
NOTTAWASEPPI HURON BAND OF THE POTAWATOMI	\$ 204,366	OVW Tribal Jur FY 22
PASCUA YAQUI TRIBE	\$ 115,025	OVW Tribal Jur FY 22
PORT GAMBLE S'KLALLAM TRIBE	\$ 106,672	OVW Tribal Jur FY 22
QUAPAW NATION	\$ 681,989	OVW OK Tribes FY2022
SANTA CLARA, PUEBLO OF	\$ 185,272	OVW Tribal Jur FY 22
SEMINOLE NATION OF OKLAHOMA, THE	\$ 249,352	OVW Tribal Jur FY 22
SEMINOLE NATION OF OKLAHOMA, THE	\$ 502,000	OVW OK Tribes FY2022
THE CHEROKEE NATION	\$ 682,000	OVW OK Tribes FY2022
THE CHEROKEE NATION	\$ 250,000	OVW Tribal Jur FY 22
THE TULALIP TRIBES OF WASHINGTON	\$ 250,000	OVW Tribal Jur FY 22
	<b>\$ 5,874,400</b>	

## Appendix D – OVW Tribal Financial Assistance Pilot Update

### BACKGROUND

In August of 2021, the Office on Violence Against Women (OVW) consulted with American Indian and Alaska Native (AI/AN) Tribes on the topic of using deobligated funds for a pilot initiative to test grants to Tribal communities specifically for providing financial assistance to victims of sexual assault and intimate partner domestic violence.

During consultation, Tribal leaders described the vast unmet needs of survivors in Tribal communities in times of crisis, including rent, utilities, car repairs, gas, childcare, and food, among other items. Tribes also expressed a desire to see OVW allow recipients to provide financial assistance to survivors to meet their ongoing needs to achieve independence and stability after the immediate crisis has ended. Lastly, many Tribes stated a preference for more flexible funding and less restrictive budgets. OVW has been exploring ways to implement these recommendations in compliance with 2 C.F.R. Part 200.

OVW set out to learn how Tribal grantees currently use any portion of their grants to provide financial assistance to victims to meet their victim service needs. To this end, OVW's Tribal Affairs Division (TAD) implemented two activities: 1) budget analysis of current projects funded under the Tribal Sexual Assault Services Program (TSASP) and Tribal Governments Program (TGP), and 2) focus groups with TSASP and TGP grantee staff. The budget analysis enabled TAD to understand the types of service needs for which victims were requesting funds, the most common types of requests, and the amounts requested. The focus groups helped TAD gain more insight into how grantees managed the victim services funds they provided to victims, the challenges and constraints they encountered, how they evaluated their financial assistance for victims activities, and the impact of providing this assistance to victims.

### BUDGET ANALYSIS

Budget analysis was completed on all active TSASP awards made from 2015 to 2022 and all active TGP awards made in 2021 and 2022. Some grantees calculated their victim financial assistance costs per victim and provided an amount that included several categories; other grantees divided the funds into separate categories. This means the calculations were not always directly comparable, but TAD was able to get an approximate idea of the amount requested in specific categories.

The categories used were:

1. Emergency / Financial / Client Assistance
2. Housing / Rental Assistance (non-transitional housing costs)
3. Legal Fees
4. Victim Assistance Kits
5. Airfare / Relocation Assistance
6. Counseling Fees
7. Ground Transportation (bus/taxi vouchers)

8. Education / Job Training
9. Phone cards
10. Food / Groceries
11. Clothing
12. Utilities
13. Other

The budget analysis found that TSASP and TGP grantees were already using portions of their budgets to provide financial assistance to victims for certain victim services. When looking at the total funds for each program, 7% of TSASP funds and 13% of TGP funds were spent on these costs. The most common types of assistance under TSASP awards were emergency client assistance (including food, clothing, hygiene, etc. at 71%), counseling (13%), and transportation (4%). The most common types of assistance under TGP awards were housing/rental/emergency shelter costs (45%), emergency client assistance (food, clothing, hygiene, etc. at (26%), and legal fees (13%).

## RESULTS BY PROGRAM

### Tribal Governments Program (TGP)

<b>Total Amount:</b>	<b>Financial Assistance for Victims:</b>
69 awards	53 awards
\$59,575,082	\$7,557,049 (13%)

### Tribal Sexual Assault Services Program (TSASP)

<b>Total Amount:</b>	<b>Financial Assistance for Victims:</b>
38 awards	31 awards
\$16,024,515	\$1,042,751 (7%)

While this budget analysis was helpful in determining the amount and types of funding being requested, less clear to OVW's TAD were the methods used to provide this assistance to survivors. TAD was interested in learning more about how Tribes provide these funds to victims (e.g., directly or via payment to vendors), what types of program policies exist to support this activity, what training and technical assistance may be necessary to successfully implement this practice, and what concerns grantee program staff have about providing funds directly to survivors.

## FOCUS GROUP RESULTS

To inform decisions related to implementing the financial assistance pilot program, TAD held three focus group sessions in June 2023 with program staff from Tribes around the country. The purpose of these sessions was to hear from grantee program staff about the current use of financial assistance for victims, methods of providing this assistance, and concerns related to disbursing these funds. Invitations were sent to the TGP and TSASP grantees that were included in the budget analysis. Twenty-eight staff from 26 grantees signed up to attend three separate focus groups. TAD decided to keep the focus groups small to allow for meaningful participation.

During the focus groups, participants discussed the various types of victim service needs they were meeting by providing financial assistance to victims. According to participants, the biggest area of need is related to housing. Housing options are extremely limited, and costs have doubled or tripled over the past few years. Rental assistance, hotel stays, relocation costs, security deposits, and other associated costs make up the bulk of requests. Some participants discussed providing tents and outdoor gear for victims who were unhoused or paying to make victims' cars livable as a last resort. Other participants spoke about wanting to use funds to create tiny home communities as they had no other options to provide housing assistance to victims. All participants discussed lack of available housing, and most indicated that even with increased budgets to provide housing assistance, the lack of available housing meant they were unable to meet the needs of all victims.

Participants also identified legal assistance, food/groceries,<sup>9</sup> transportation/car repair costs, security cameras, and counseling costs as the next most frequently requested types of assistance. Some participants mentioned less common costs such as school books, laundry services, lights/motion detectors, life skills courses, and financial literacy courses. One participant identified replacing beds in situations where abuse/sexual assault occurred in the victim's bed.

Participants were asked about programmatic and financial policies for distributing funds to victims. A wide range of programmatic practices were discussed, such as setting caps on the dollar amount of assistance a victim could receive per year, limiting requests to once per year, and developing a budget with the victim, among other things. Ways in which the funds were distributed also varied. Some Tribes used gift cards, some paid vendors directly, and some had a purchase order agreement with local stores. Some programs required the victim to turn in receipts while others do not. In terms of gift cards, clothing, food, and hygiene items, some Tribes purchased in bulk while others purchased as needed.

Participants described a wide range of internal financial controls, and some expressed frustration with the amount of time needed to run through multiple levels of approval to provide financial assistance. Some participants described program staff having discretion to provide assistance when needed, while others described needing multiple levels of supervisory approval; some participants needed board or council approval for each request for funds. Multiple participants noted that their internal processes for approval took a minimum of two weeks and that this was a major barrier to providing assistance in emergency/crisis situations. The delays in approvals can impede a survivor's ability to secure housing and other assistance, when a landlord/vendor provides only a short period of time for the survivor to pay a security deposit or related payment.

Focus group participants described other barriers to providing financial assistance to victims. Many participants noted that it can be challenging to understand which costs are allowable and which are not. One participant noted that the state victim's compensation program only reimburses victims after they have paid for an expense. This presents a barrier for victims in high-poverty areas who turn to the Tribe for more immediate assistance. Other participants noted that vendors often require detailed financial information in order for the program to make a payment on behalf of a victim, presenting confidentiality concerns. Many participants noted a

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<sup>9</sup> Participants noted that food costs, much like housing costs, have risen exponentially during and after the Covid-19 pandemic.

significant disconnect between programmatic and accounting offices at the Tribe, with accounting offices not being as sensitive to the dynamics of victimization and the need for rapid response as program staff. Inadequate staffing was another barrier – participants said they may not have enough advocates to keep up with requests for assistance.

Another major barrier was the amount of time OVW approval takes. Participants expressed frustration at having to go through the grant award modification (GAM) process when a specific form of assistance is not included as a line item in the program’s approved budget. This might entail routing a request for multiple levels of approval through the Tribe and then going through the OVW approval process. Participants expressed a desire to create more general victim assistance line items and use their discretion when providing funds directly to victims, especially in response to crisis situations. This kind of assistance is usually needed in times of crisis to meet a victim’s basic needs. The inability to provide timely assistance has a direct impact on the victim’s safety and wellness. As one participant noted, “If their basic needs aren’t met, they can’t stand alone on their own two feet.”

One of the areas that needs further investigation is how to evaluate the impact or success of providing funds directly to victims for victim service needs. Some participants measured the effectiveness by an increase in referrals made by former clients, by former clients returning for services, or by seeing clients out in the community living better lives. Participants noted the impact of their programs cannot always be quantified in performance reports. Participants talked about what they saw as successful outcomes: a victim coming to them before an abusive incident takes place, a victim maintaining a job or getting her first apartment on her own.

Participants were also asked about cultural and community considerations OVW should consider. Many participants discussed the need for financial assistance to pay for sweat lodges, tobacco for ceremonies, medicines, and honoraria for spiritual leaders to work directly with victims. Participants also discussed the need to provide assistance related to wellness and making a victim whole: these costs may include substance abuse treatment, cultural camp attendance, massage therapy, and other similar services.

## **CONCLUSION**

No focus group participant requested the ability to provide direct cash assistance, but many requested general flexible funding. Participants spoke about the importance of understanding the specific parameters of allowable versus unallowable costs and asked that OVW provide an allowable/unallowable costs table similar to what the Office for Victims of Crime’s Tribal Division publishes with their Tribal Victim Services Set-Aside solicitation. Specific information about what funds can and cannot be used for, in combination with flexible funding line items, would enable grantees to provide assistance in a timely manner. Greater familiarity with allowable uses of funds would make grantees more comfortable with providing this type of assistance, likely increasing the amount of assistance being provided to victims.

In addition, the overwhelming message from focus group participants was that addressing certain overarching concerns related to the administration of a financial assistance pilot also is critical to grantee success in this area. These concerns include: lack of staffing to administer programs, lack



of resources (housing shortages), rising costs for food and shelter, and stringent internal controls that do not allow for timely assistance to victims. An increase in funding for financial assistance grants and more flexibility could help meet the needs of victims, and training and technical assistance related to the implementation of financial assistance could help address concerns about timeliness, internal controls, and confidentiality.