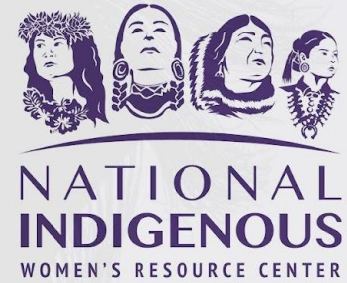




**NATIONAL
INDIGENOUS**
WOMEN'S RESOURCE CENTER

OVW Tribal Consultation on Violence Against Women Webinar



Thank you for joining us. The presentation will begin soon.

“This presentation was made possible by Grant Number 90EV0540-01-C6 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.”



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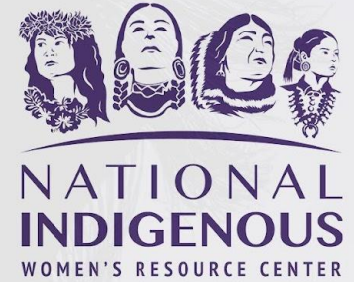


[niwrc](https://www.instagram.com/niwrc)



Housekeeping

Today's Presenters



NIWRC, NCAI, AKNWRC, STTARS

Kerri Colfer

Director of
Legislative Affairs,
NIWRC

Ryan Seelau

Director of Policy &
Legal
National Congress of
American Indians

Caroline LaPorte

Director
STTARS Indigenous
Safe Housing Center

Rick Garcia

Co-Director, Law and
Policy
AKNWRC



18th Annual
Government-to-Government
Violence Against Women
Tribal Consultation

Where: Tulsa, Oklahoma

When: August 8-10, 2023

Hybrid

<https://www.ovwconsultation.org/>



Tribal Leader Invitation

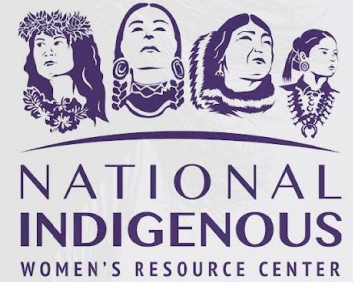
- Tribal Leader Letter:
<https://www.justice.gov/ovw/page/file/1578451/download>
- Section 903, VAWA 2013 requires the Attorney General *not later than 120 days before* the consultation date to notify tribal leaders of the date, time, and location of the consultation.



Framing Papers

- Framing Paper on Tribal Governments Program Formula
- Framing Paper on Urban Indian Organizations' Eligibility for Tribal Sexual Assault Services Program

Tribal Leaders Caucus Meeting



- Tribal Leaders Caucus Meeting
 - Monday, August 7 from 6:30-9:00 p.m. CST
 - In-person meeting
 - **River Spirit Casino Resort**
8330 Riverside Pkwy
Tulsa, OK 74137



DOJ VAW Tribal Consultation

- The Department of Justice's (DOJ) annual Tribal Consultation on Violence Against American Indian and Alaska Native Women is held pursuant to Public Law 109-162, Title IX, Section 903, Violence Against Women Reauthorization Act of 2005.
- Section 903 requires the Attorney General to conduct an annual consultation with Indian tribal governments **to address the federal administration of all tribal funds and programs established under Violence Against Women Act (VAWA).**



Purpose of DOJ VAW Tribal Consultation

- Section 903, VAWA 2005 directs the Attorney General to solicit recommendations from Tribal government leaders on the following:
 - 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 crimes; and
 - improving access to local, regional, state, and federal crime information databases and criminal justice information systems.



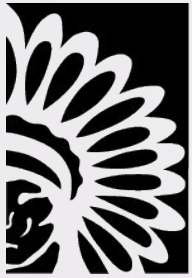
Annual DOJ VAW Tribal Consultation Report

- Section 903, VAWA 2005 mandates the Attorney General to submit a report to Congress on the annual consultation that –
 - contains recommendations made by Indian tribes during the year covered by the report;
 - describes actions taken during the reporting year to respond to recommendations made during the year or a previous year; and
 - describes how the Attorney General will coordinate and collaborate with Indian tribes, Secretary of Health and Human Services (HHS), and Secretary of the Interior to address recommendations made.
- 2022 Summary Report from the 17th Annual Government-to-Government Tribal Consultation: <https://www.justice.gov/ovw/page/file/1576816/download>

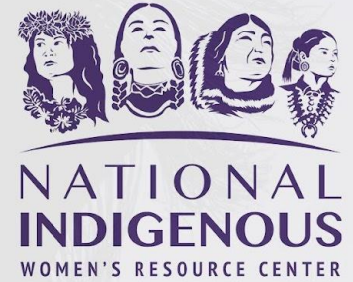
Significance of DOJ VAW Tribal Consultation



- Provides critical opportunity for government-to-government dialogue and for Indian tribes to identify barriers and implement solutions that will enhance their capacity as governments to protect their citizens.
- Feedback opportunity on what works/doesn't work in how DOJ, DHHS, and Department of Interior (DOI) funds and programs are administered as related to violence against women.
- Raise awareness on current, outstanding and/or emerging issues.
- Help ensure coordination and collaboration with Indian Tribes, DHHS, DOJ and the Secretary of the Interior in addressing intersecting issues.
- Help to design a legal framework for change and removal of barriers, inequity, etc.



National
Congress of
American
Indians



Ryan Seelau
Director of Policy & Legal
National Congress of American Indians

Preparing for DOJ VAWA Tribal Consultation



- Review VAWA 2013 and VAWA 2022 in context of tribe/region
- Review Family Violence Prevention and Services Act (FVPSA) in context of human services support to address VAW issues within tribal communities
- Identify tribal or region-specific platform issues
 - New OWV reimbursement program under VAWA 2022
 - Process for designating Alaska Pilot Tribes
 - Parity in funding, administration, and reporting requirements for Tribes under FVPSA and Victims of Crimes Act (VOCA)
- Develop consultation statement on specific platform issues

Review VAWA 2013 and VAWA 2022



in context of specific tribe/region

- Inherent Tribal Sovereignty is reaffirmed
- Implementation of Special Tribal Criminal Jurisdiction over non-Indians
- Reaffirm jurisdiction to charge perpetrators of crimes, including domestic violence, dating violence, violence against children, sexual violence, sex trafficking, stalking, assault on tribal law enforcement, and obstruction of justice.
- Establishing an Alaska pilot project to allow Special Tribal Criminal Jurisdiction
- Tribal Coalitions program is strengthened

2023 Issues of Concern



- Tribal Jurisdiction Over Non-Indian Offenders
 - Increased Authority/STCJ Jurisdiction
 - *Castro-Huerta* response (*Oliphant* fix)
- VAWA 2022 Implementation:
 - DOJ's FY 2024 Budget Request
 - VAWA Reimbursement Program
 - BOP Program Regulations
 - Tribal Access Program
 - Designation Process for the Alaska Pilot Tribes
- Creating a Permanent 10% Set Aside of the Crime Victim Fund for Tribal Nations
- Increased Protections from Sexual Assault and Services for Women Surviving Rape

2023 Issues of Concern



- Improve Public Safety Funding Mechanisms
- Impact of Extractive Industries on Safety of Native Women
- Outstanding Unaddressed Issues/Missing and Murdered Native Women
- Implementation of the Not Invisible Act and Savanna's Act
- Increase Federal Penalties for Tribal Protection Order Violations and Exclusion Orders
- Grants and Grants.gov Issues

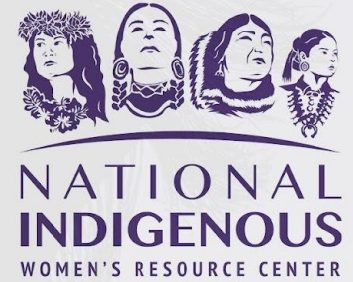


2023 Issues of Concern

- FVPSA allocation formula for Indian tribes
- FVPSA funding to support shelter/safe housing needs
- Alaska issues of concern



Rick A. Garcia, Esquire
Co-Director, Law and Policy
Alaska Native Women's
Resource Center (AKNWRC)

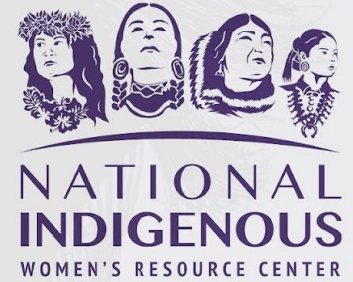




Caroline LaPorte

Director

S TTARS– Indigenous Safe Housing
Center



VAWA Update



- What Additional Provisions Should I Know About?

Section	Section Title
Section 206	LGBTQ Specific Services Program (see Section B(2)(A))
Section 701	Findings for Title VII (Economic Security for Victims)
Section 704	Study and Reports on Barriers to Survivors' Economic Security Access (See Section C(1)(B))
Section 604	Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Title X- Improving Conditions for Women in Federal Custody	Prohibition on Placement of Pregnant Prisoners or Prisoners in Post-Partum Recovery in Segregated Housing Units (See Section 1001(C))
Title XI- Law Enforcement Tools to Enhance Public Safety	Some provisions throughout, including for Native Hawaiians.

HUD Dear Tribal Leader Letter

VAWA 2022 included the requirement that HUD promulgate rules regarding implementation of the VAWA 2022 requirements within two (2) years of enactment. HUD sought Tribal input regarding the implementation of “VAWA-like” protections and requested Tribal feedback on four questions:

What are the challenges/barriers to helping survivors of domestic violence, dating violence, sexual assault, and stalking in HUD-assisted Tribal housing?

What policies do Tribes and Tribally Designated Housing Entities (TDHEs) already have in place to assist survivors?

Should HUD consider implementing certain policies that assist and protect survivors who reside in HUD-assisted Tribal housing? If so, what policies would they be?

Please note that HUD would conduct extensive Tribal consultation before implementing any such policies.

Are there resources HUD could provide to help Tribes and TDHEs protect survivors?



Barriers Facing Survivors of Gender-Based Violence in HUD-assisted Tribal Housing are Structural

Housing can be time-capped

Requirements to maintain housing are overburdensome

Funding is limited and does not meet the disparate need of AI/AN/NH survivors

Housing is not habitable

Housing inventory is severely limited

Rent is exceptionally high and increasing

Economic and community development and lack of jobs or employment impacts on maintaining and sustaining housing

COVID related assistance is ending

Eviction moratoriums ended

Western practices are pervasive (either as part of funding requirements or around the idea of maintenance/care/access/sustainability/affordability/etc.).



Problematic Provisions

Nuisance Ordinances

One-Strike Laws

Expedited Eviction Codes (usually related to substance misuse)

Requirement of certain disclosures (prior convictions/other application disclosures regarding systems interactions)

Financial barriers to accessing housing (application fees, prior evictions, lack of employment)

Access to information can be limited or restricted by internet access/sometimes not publicly available

Rigid rules around care/maintenance of housing units

Rigid rules regarding pets (prohibition against pets)

Limitations regarding who can reside in a unit

Citations and fines for garbage/maintenance/upkeep

Lack of ADA compliance or similar regulations/ordinances

Substance abuse/misuse policies (need a clean UA)





Best Practices

- Codes/policies that consider survivor economic impacts, such as domestic violence paid leave;
- Codes/policies that have eviction protections such as no “self-help” laws (a landlord cannot carry out an eviction without a court order);
- Codes/policies that reflect compliance with the Violence Against Women Act 2013 and 2022 (non-compulsory for Tribes who receive only IHBG funding);
- Codes/policies that create enforceable minimum standards for rental properties (fines for violations);
- Codes/policies that reflect intersectional practices (minor clothing allowance ordinances, low barrier applications, childcare provisions, etc.)

Continued...

Codes/policies that include provisions that promote dignity and autonomy (elder protections/paths to permanency/provisions that clearly state the duty to care for one another);
Codes/policies that consider AI/AN/NH survivors' unique safety and confidentiality needs; and
Codes/policies that represent low barrier access (applications fees waived or low or provided for, case management that is rooted in dignity, respect and trust, and language access).

Many Tribes also have codes in place that memorialize the central role of culture in housing. With culture being the core protective factor for AI/AN/NH people, policies that are reflective of this, are inherently survivor centered.





At a Minimum, Any Action

- Must take into account the impact of the pandemic on AI/AN/NH survivors, Tribes, Tribal Housing Authorities and Tribally Designated Housing Authorities
- Should be implemented concurrently with full and adequate funding for NAHASDA (funding which meets the trust relationship of the federal government to Tribes, meets the fiduciary standard, and addresses past funding disparities (which are severe))
- Must respect and prioritize the safety and cultural needs of AI/AN/NH survivors
- Must respect and prioritize tribal self-determination
- Must consider the historical and ongoing impacts of colonization on Tribal housing and access to safe housing and shelter for AI/AN/NH survivors
- Must increase access to safe housing and shelter for AI/AN/NH survivors



Continued...

- Should create adequate funding sources for Tribes and Tribal programs to be able to build, staff, maintain and sustain domestic violence shelters
- Should create incentives, but not penalties, for Tribes who implement policies that are consistent with VAWA 2013 and VAWA 2022
- Should consider the diversity of Tribal communities, their unique needs and their many strengths
- Should ensure funding for concurrent services for survivors that are culturally-based
- Should uphold NAHASDA
- Must include the right to appeal
- Should consider the unique geographic and existing infrastructure in Tribal communities
- Should not be implemented without adequate training and technical assistance to grantees

Resources HUD Could Provide to Help Tribes and TDHEs Protect Survivors

- Flexible funding;
- Funding for application fees, deposits for first and last;
- Transportation vouchers;
- Funding to keep survivors in their current home;
- Funding opportunities that address intersectional issues (childcare, health, mental and behavioral health, food, sanitation, clean water, internet access, etc.); and
- Consistent and frequent training regarding gender-based violence, including trauma-informed and culturally grounded approaches





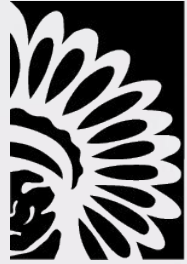
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Priority Concerns Discussion

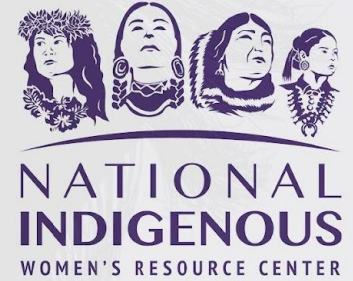
Resources



- NCAI Resource Center for Implementing Tribal Provisions of VAWA
- Tribal Consultation Testimonies from Previous Years
- NIWRC Restoration Magazines
- OVW Consultation website
- FVPSA State & Tribal Domestic Violence Services Fact Sheet
- FVPSA Tribal Domestic Violence Services Fact Sheet
- Office of Family Violence Prevention and Services Resource Library
- “Safety for Native Women: VAWA and American Indian Tribes” resource book @NIWRC or Amazon.com
- “Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status” resource book @AKNWRC or Amazon.com



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NCAI Task Force

on Violence Against Women Co-Chairs

President Shannon Holsey

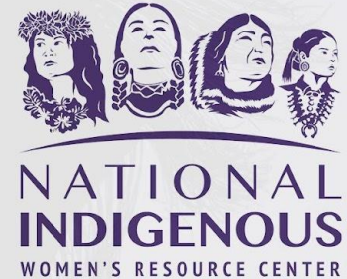
Stockbridge Munsee Band of
Mohican Indians

Dr. Juana Majel-Dixon

Pauma Band of Luiseno Indians



Thank You!



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