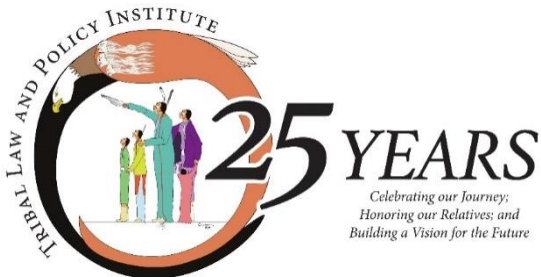


Violence Against Women Act 2022 “Special Tribal Criminal Jurisdiction” Covered Crimes Facilitated Discussion Series

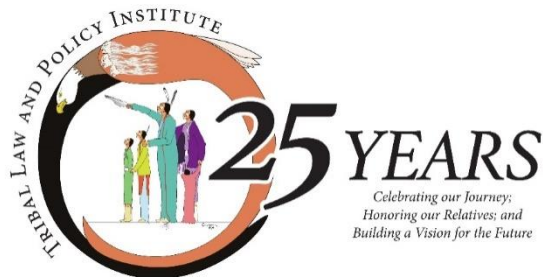
5th Facilitated Discussion: Alaska Provisions
and Sex Trafficking
August 19, 2022



Disclaimer: This project was supported by Grant No. 2019-IC-BX-K005 awarded by the Bureau of Justice Assistance (BJA). The BJA is a component of the U.S. Department of Justice’s Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justices, The Office of Juvenile Justice and Delinquency Prevention, the Office of Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The "Covered Crimes Facilitated Discussion Series" is presented by the Tribal Law and Policy Institute (home.TLPI.org) in collaboration with the Alliance of Tribal Coalitions To End Violence (ATCEV.org) and the National Congress of American Indians (NCAI.org).

Please note that Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice funds are being used to plan or host these facilitated discussions.



Facilitators

- ▶ Kelly Gaines Stoner, Victim Advocacy Legal Specialist, Tribal Law and Policy Institute
- ▶ Steve Aycok, Consultant, Tribal Law and Policy Institute

Presenters

- ▶ Michelle Demmert, Law and Policy Director, Alaska Native Women's Resource Center
- ▶ Debra O'Gara, Law and Policy Specialist, Alaska Native Women's Resource Center
- ▶ Rick Garcia, Law and Policy Court and Advocate Specialist, Alaska Native Women's Resource Center
- ▶ Betsy Hutson, Trial Attorney, Human Trafficking Prosecution Unit, Civil Rights Division, U.S. Department of Justice
- ▶ Leslie Hagen, National Indian Country Coordinator, Assistant Chief Learning Advisor, U.S. Department of Justice

Overview

1. Overview of Violence Against Women Act (VAWA) 2013 and VAWA 2022
2. Alaska Provisions
3. Alaska Question and Answer Session
4. Sex Trafficking
5. Sex Trafficking Question and Answer Session
6. Resources

This Zoom session may last for the full 2 hours if needed.

Empowering Tribal Nations

VAWA 2013 affirmed tribal **inherent authority** to exercise criminal jurisdiction over non-Indians who commit 1) domestic violence, 2) dating violence, or 3) violations of qualifying protection orders in Indian country.



VAWA 2022 built on this framework and added additional categories of criminal conduct that can be prosecuted against non-Indians in tribal court.

- ▶ Both VAWA 2013 and 2022 are amendments to the Indian Civil Rights Act (ICRA) that can be found at 25 USC §1304.
- ▶ **VAWA 2022 takes effect October 1, 2022.**

VAWA 2022 (H.R. 2471)

- ▶ Replaces the term “special domestic violence criminal jurisdiction (SDVCJ)” with “special tribal criminal jurisdiction (STCJ)” throughout the law.
- ▶ Introduces the term “covered crimes” to describe the conduct that can be prosecuted under tribal law in tribal courts.
- ▶ Changes WHAT can be charged in tribal court, and, in some instances, WHO can be charged in tribal court.
- ▶ To be located at 25 USC §1304 and **effective on October 1, 2022.**

VAWA 2022 (H.R. 2471)

Specifically, the VAWA 2022 amendments to 25 USC §1304:

- ▶ Removes the element of ‘violence committed’ from the definitions of dating violence and domestic violence;
- ▶ Removes the existing requirement under VAWA 2013 that limits tribal jurisdiction to those non-Indians who live or work in the Indian country of the tribe or are in a qualifying relationship with a member of the tribe or non-member Indian resident (often referred to as the “sufficient ties” provision);
- ▶ Clarifies that tribes in Maine can implement the law if they choose to do so; and
- ▶ Has Alaska-specific provisions.

Changes to WHAT can be charged in Tribal Court

Specifically, the VAWA 2022 amendments to 25 USC §1304:

- ▶ add categories of conduct that can be prosecuted in tribal court:
 - ✦ *domestic violence (2013)*
 - ✦ *dating violence (2013)*
 - ✦ *protection order violations (2013)*
 - ✦ *sexual violence (2022)*
 - ✦ *stalking (2022)*
 - ✦ ***sex trafficking (2022)***
 - ✦ *child violence (2022)*
 - ✦ *obstruction of justice (2022)*
 - ✦ *assaults against justice personnel (2022)*

Collectively these are referred to as “covered crimes.”

Changes WHO can be charged in Tribal Court in some instances

- ▶ A participating tribe may not exercise special tribal criminal jurisdiction over an alleged offense, . . . , if neither the defendant nor the alleged victim is an Indian.
- ▶ The crimes of Assault of Tribal Justice Personnel and Obstruction of Justice **DO NOT** require an Indian victim.

“Sex Trafficking” 25 USC 1304(a)(12)

SEX TRAFFICKING.—The term ‘sex trafficking’ means conduct within the meaning of section 1591(a) of title 18, United States Code.

This is a new covered crime in VAWA 2022.

This crime requires an Indian victim.

18 USC 1591(a)(1)

(a) Whoever knowingly—

~~(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States,~~ recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or

The crossed-out language relates to federal jurisdictional requirements. We do not think they are relevant to tribal prosecutions of "Sex Trafficking" pursuant to VAWA 2022 and this language does not need to be incorporated into your Tribal code.

TribalTrafficking.org

If you are in danger, please call 911 and click this button to quickly EXIT THIS WEBSITE

TRIBAL SEX TRAFFICKING RESOURCES



HOME

About the Tribal Law & Policy Institute

Tribal Coalitions

Victim Services Directory

Trafficking Resources

More

WELCOME TO THE TRIBAL SEX TRAFFICKING RESOURCES WEBSITE

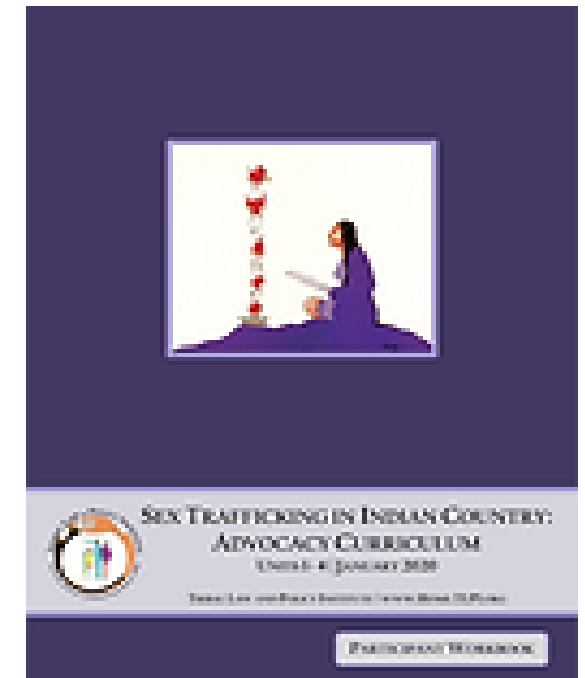
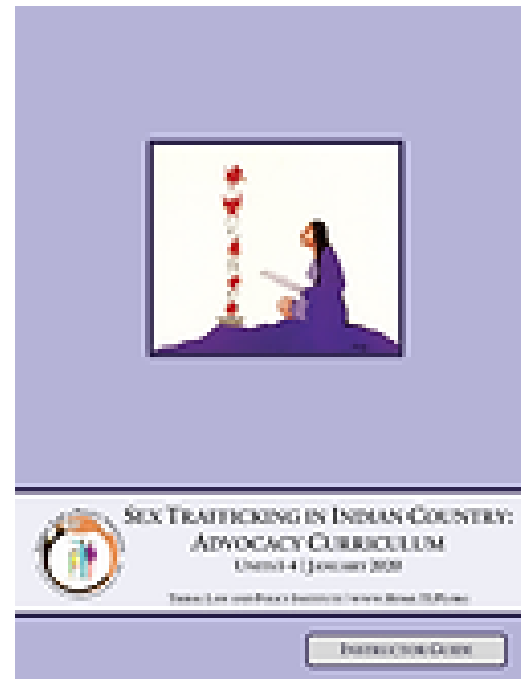
This website provides comprehensive information on sex trafficking as it impacts Native people and Native nations; including, publication resources, victim service directories, and training calendars. Be sure to visit our blog, [Sex Trafficking in Indian Country Update](#), which contains the latest media, news articles, and policy updates on sex trafficking in Indian Country.

We envision this site as a place for Native people to find help when dealing with violence. Individuals can reach out to their local [Tribal Coalition\(s\)](#) for assistance or they can easily use our [Victim Services Directory](#) themselves. We suggest, however, that individuals contact their local tribal coalition for assistance first. A Tribal Coalition is comprised of tribal advocates that work to end domestic violence and sexual assault and can help individuals navigate options and services. Utilizing coalition connections can increase a person's chances of receiving services or referrals immediately.

TLPI Sex Trafficking in Indian Country: Advocacy Curriculum

www.home.tlpi.org/sex-trafficking

The Sex Trafficking in Indian Country: Advocacy Curriculum (Curriculum) is designed to introduce information on sex trafficking of Native people, covering topics such as the definition of sex trafficking, red flags, trafficker tactics, screening for sex trafficking, and advocacy roles and responsibilities. The Curriculum consists of three components: **Instructor Guide**, **Participant Workbook**, and **PowerPoints**. (2020)



Sex Trafficking in Indian Country: Advocacy Curriculum | Unit 1
Prepared by the Tribal Law and Policy Institute

Introduction to Sex Trafficking in Indian Country

This material was supported in part by a grant awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/information are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office of Violence Against Women.

MIWSAC.org



Minnesota
Indian Women's
Sexual Assault
Coalition



DONATE

LEAVE SITE NOW

GET HELP NOW

ABOUT ▾

EVENTS

TRIBAL COALITION ▾

NATIONAL TECHNICAL ASSISTANCE ▾

GET INVOLVED ▾

FIND HELP

RESOURCES ▾

Through unity we will strengthen our voices and build resources to create awareness and eliminate sexual violence against Indian women and children.

GET HELP

LEARN MORE

ALASKA PROVISIONS

VAWA 2022

The Alaska Tribal Empowerment Subsection

Michelle Demmert, Law and Policy Director AKNWRC

Debra O’Gara, Law and Policy Specialist

Rick Garcia, Law and Policy Court and Advocate Specialist

This project was made possible by Grant #90EV-0454-01-00 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.

What is the Violence Against Women's Act?

The Violence Against Women Act creates and supports comprehensive, cost-effective responses to domestic violence, sexual assault, stalking and dating violence.

VAWA Reauthorization: History

- First enacted in 1994
- Reauthorized in 2000, 2005, 2013 and 2022
- Each reauthorization has strengthened the bill and included provisions aimed at enhancing safety for Native victims of domestic violence, dating violence, sexual assault, stalking, and trafficking.

How were Alaska Native Tribes left out of VAWA 2013?

- VAWA 2013 required the crime occurred within the Tribe's Indian Country.
 - Because of the Alaska Native Claims Settlement Act, tribal land transferred to 'for profit' state created corporations.
 - Alaska Tribes still exist per 1993 Solicitor Opinion.
 - Jurisdiction tied to "Indian Country."
 - *Alaska v. Native Village of Venetie*, 32 522 U.S. 520 (1998) concludes there is very little Indian country in Alaska (as defined by the Indian Country Act, 18 U.S. C. § 1151).
- Effect on Alaska: 228 out of 229 tribes left out of some of these provisions.

The purposes of the Alaska Tribal Public Safety Empowerment Section are:

- to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies; and
- to empower Indian Tribes to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing or murdered Alaska Natives through the exercise of special Tribal criminal jurisdiction.

What does VAWA 2022 do for Alaska Tribes?

- The law clarifies Alaska tribal authority to address civil and criminal matters, including protection orders, involving Alaska natives in the village or within their authority.
- The law also creates a limited criminal jurisdiction pilot project modeled after the successful pilot project implemented by tribes outside Alaska that was included in VAWA 2013 .
- The law defines the territorial jurisdiction of an Alaska tribe. Instead of the usual reference of “Indian country” an Alaska tribe's jurisdiction is the “village,” which means the Alaska Native Village Statistical area covering all or any portion of a native village ... as depicted on the “tribal statistical area program verification map of the bureau of the census.”

2010 Census Tribal Statistical Areas Program (TSAP) Verification Maps For The Alaska Native Village Statistical Area

<https://www.census.gov/geographies/reference-maps/2010/geo/tsap-verification-maps.html>

How the Alaska Pilot Project will be Implemented:

- Designated Pilot Project Tribes and those working towards becoming a Pilot Project Tribe, *will be eligible* for programs that will build infrastructure— courts, police, prosecutors and public defenders— to both address crimes by non-Indians and their citizens.
- The Pilot Project will take time to implement. Tribes must request to be a Pilot Project Tribe.
- Benefit of becoming a “Pilot Tribe”
 - Tribes who participate will be able to arrest and prosecute non-Natives for certain crimes (see below) and will have more resources available to address crimes by their citizens.

What crimes can be prosecuted as part of the Pilot Project?

- Covered crimes are domestic violence, dating violence, violations of protection orders, sexual violence, stalking, sex trafficking, child violence, obstruction of justice, and assaults against tribal justice personnel. All crimes, except assaults against tribal justice personnel, must be committed against a native victim.
- Similar to Indian Tribes in the Lower 48 States.

Which tribes will be participating in the Pilot Project?

- The U.S. Attorney General will select up to five Alaska tribes per year to participate in the pilot program.
- Preference in the selection will be given to tribe:
 - Occupying villages where the population is predominantly Indian; **and**
 - Where there is no permanent state law enforcement presence. The Attorney General must also determine that the participating tribe will be able to protect the defendant's rights under the Indian Civil Rights Act (ICRA).

Can tribes work together to participate in the Pilot Project?

- Yes. The legislation clarifies that tribes can partner and participate jointly— 2 or more tribes can work together.
- Tribes are also able to designate a tribal organization to participate on the tribe' s behalf.

What will be required of participating tribes?

- Evaluate your constitution and update as needed to allow the expanded services.
- Develop a plan for law enforcement, prosecutors, defense attorneys, and a tribal court system, or the ability to contract for any of these services for prosecuting non- Indians who commit the designated crimes.
- Be a court of record (record proceedings).
- Require the judge presiding over the criminal proceeding, has sufficient legal training to preside over criminal proceedings and is licensed to practice law by any jurisdiction in the United States to handle these cases.
- Have a written criminal code that is publicly available and court rules, policies, and procedures as required in ICRA.
- Have a plan for incarcerating offenders as necessary.
 - Consider a plan to provide or refer offenders for treatment and rehabilitation programs.
 - Consider a plan to provide victim's services.

How will tribes pay for the costs associated with the Pilot Project?

- The legislation authorizes up to \$25,000,000 to support tribal implementation of VAWA's jurisdiction provision under a reimbursement program, and tribes in the Alaska pilot project will be eligible to apply for these funds. In addition, tribes can continue to apply for other DOJ grant funds through the consolidated tribal assistance solicitation (CTAS), and other grants that support various aspects of the new programs from the tribal governments, OVW and OVC and
- BJA grants and annual funding from the BIA, which can be used for many of the costs associated with the pilot project. The U.S. Attorney General has up to one year to come up with a reimbursement program for eligible costs. It will be vital that Alaska tribes make the case for programs that will help build the necessary infrastructure needed to successfully implement the pilot project and maintain their justice system.

Alaska Tribal Public Safety Advisory Committee

- Establishment.—Not later than 1 year after the date of enactment of this act, the Attorney General, in consultation with the Secretary of the Interior, affected Indian tribes, and the state, shall establish a committee, to be known as the “Alaska Tribal Public Safety Advisory Committee”
- Membership.—The committee shall consist of 1 or more representatives from—
 - Participating tribes and Indian tribes aspiring to participate in the pilot program;
 - Federal, Tribal, State, and Local law enforcement; and
 - Tribal nonprofit organizations providing victim services.

Nonapplicability of federal advisory committee act — FACA (5 U.S.C. App.) Does not apply to the committee.

DUTIES.—The Committee shall focus on—

- Improving the justice systems, crime prevention, and victim services of Indian Tribes and the State; and
- Increasing coordination and communication among Federal, Tribal, State, and Local law enforcement agencies.

Alaska Tribal Public Safety Advisory Committee members roles important because:

- Tribes located in PL 280 States have not had regular consistent funding for justice and law enforcement systems.
- Alaska Native Tribes need sufficient time, resources and opportunity to provide justice to their communities.

Public Safety Advisory Committee Duties

- The Advisory Group will assist with “a report describing the results of the pilot program, including an explanation of any modifications to law necessary to facilitate improved law enforcement in Villages.” H. R. 2471 Sec. 813 (h)
- The Public Safety Advisory Committee will review the Alaska Pilot Project process and make recommendations.

President Joe Biden, *Executive Order 14053 of November 15, 2021, on Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People*

“For far too long, justice has been elusive for many Native American victims, survivors, and families. Criminal jurisdiction complexities and resource constraints have left many injustices unaddressed. Some progress has been made, particularly on Tribal lands.”



VAWA 2022, it is our turn...

- Stay engaged and have your Tribe's voice heard about best practices.
- Participate in the Inter-tribal Working Group (ITWG), sign up now.

Quyana
Dog in dihn'
Ana Masee'

Tsenaa-'ii
Háw'aa
Masi-cho

Gunalchéesh
DOIKshin
Ana Basee'

THANK YOU!

Alaska Native Women's Resource Center
Ph: 907-328-3990
P.O. Box 80382
Fairbanks, Alaska 99708

Follow us!

<https://www.facebook.com/aknwrc>

Mailing list: <https://bit.ly/2XjV6Dr>

Website: www.aknwrc.org

QUESTION AND ANSWER SESSION



SEX TRAFFICKING

QUESTION AND ANSWER SESSION



What Tribal Governments Need to Do to Exercise STCJ under VAWA

All tribes should:

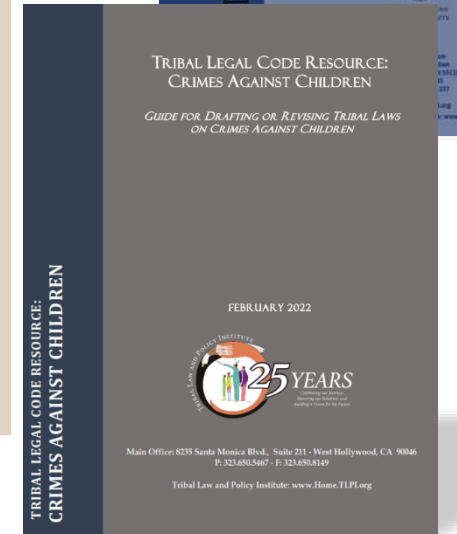
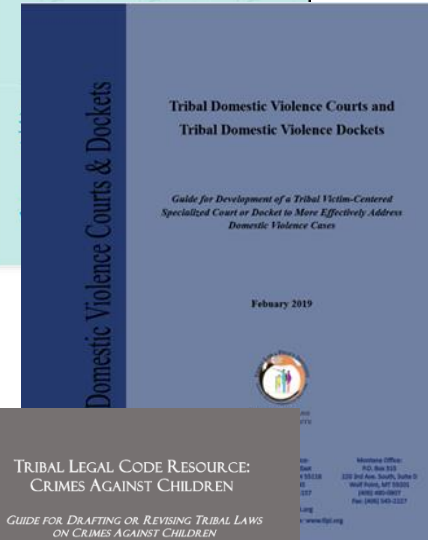
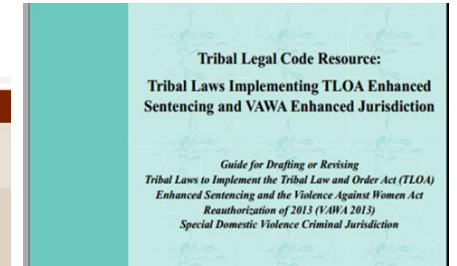
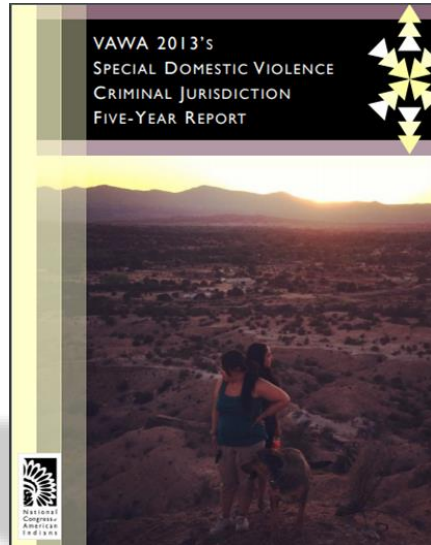
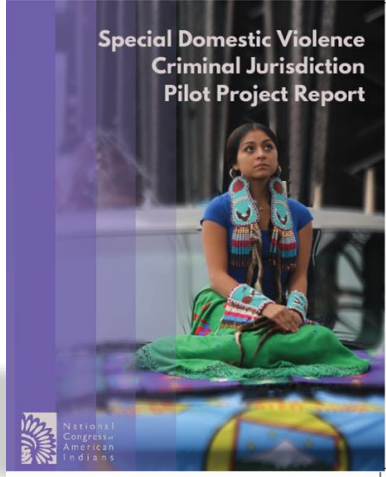
1. Ensure that nothing in the tribe's current constitution / code prohibits exercise of STCJ.
2. Consider the following questions:
 - ▶ What changes are needed to your Constitution or criminal code to establish jurisdiction, define crimes, and ensure due process requirements are met?
 - ▶ Are you giving notice **in writing** to detained defendant's of their rights (this is a new requirement under VAWA 2022)?
 - ▶ What training will be needed for justice system personnel and stakeholders to understand the tribe's exercise of jurisdiction over non-Indians?

If your tribe is NOT currently exercising jurisdiction over non-Indians under VAWA 2013 also ask:

- ❖ Does your tribe have a public defender program?
- ❖ Do your existing judges have the required training?
- ❖ What kind of facilities exist for incarceration?
- ❖ What types of changes are necessary to your jury system?
- ❖ How will you fund the necessary changes?

RESOURCES

VAWA Special Tribal Criminal Jurisdiction Resources



NCAI Tribal VAWA Resources: <http://www.ncai.org/tribal-vaawa>
TLPI Publications: www.Home.TLPI.org

TribalProtectionOrder.org



The screenshot shows the homepage of TribalProtectionOrder.org. At the top, there is a dark blue header with a circular logo on the left containing a scale of justice and the text 'TRIBAL PROTECTION ORDER RESOURCES'. To the right of the logo, the text reads 'TRIBAL PROTECTION ORDER RESOURCES' in large white letters, followed by 'An Online Resource for Drafting and Enforcing Tribal Protection Orders' and 'A Project of the Tribal Law and Policy Institute'. Below the header is a dark navigation bar with links for 'HOME', 'DRAFTING PROTECTION ORDERS', 'ENFORCING PROTECTION ORDERS', 'RESOURCES', and 'TRAININGS AND EVENTS'. The main content area has a light gray background and features a breadcrumb trail 'Home'. The title 'Home' is prominently displayed. The main text explains the website's purpose and provides three numbered sections: 1. 'What is a protection order?' which defines protection orders and their legal nature; 2. 'Why are tribal protection orders needed?' which lists statistics on violence against Native American women; and 3. 'What is the scope of tribal civil authority to issue and enforce protection orders?' which discusses the Violence Against Women Act (VAWA) 2013 Reauthorization. The page ends with a decorative teal and white geometric pattern.

TRIBAL PROTECTION ORDER RESOURCES
An Online Resource for Drafting and Enforcing Tribal Protection Orders
A Project of the Tribal Law and Policy Institute

HOME DRAFTING PROTECTION ORDERS ENFORCING PROTECTION ORDERS RESOURCES TRAININGS AND EVENTS

Home

This website is intended to serve as an online resource pertaining to drafting and enforcing tribal protection orders. Note that each tribe is unique with respect to tribal constitutions and codes. The reader should consult the specific tribal constitution and tribal codes for additional requirements regarding drafting and enforcement of tribal protection orders.

1. What is a protection order?

Protection orders may be known by a variety of names to include injunction, restraining order, civil restraining order or victim protection order just to name a few. A protection order is a legal document that is available to victims of domestic violence in most jurisdictions. A protection order is a legal order issued by a court to protect a certain person from abuse. Statutes may require a certain relationship between the petitioner and defendant that will vary from jurisdiction to jurisdiction. A protection order can be either civil or criminal and protection order remedies may vary from jurisdiction to jurisdiction depending upon the law of the issuing jurisdiction. Enforcement for violations of a protection order may also be civil and/or criminal in nature.

There are generally two types of civil protection orders available to victims of abuse. *Ex parte* orders are available in most jurisdictions in emergency situations. *Ex parte* orders are issued without a full hearing if the victim can demonstrate immediate danger. **Permanent orders** can be issued after the defendant has been provided with notice of the allegations in the petition/application for a protection order and an opportunity to be heard.

2. Why are tribal protection orders needed?

- Domestic and sexual violence against American Indian and Alaska Native Women has reached epidemic proportions ([Section 202 \(a\)\(5\)\(A\) of Tribal Law and Order Act](#))
- 34% of American Indian and Alaska Native Women will be raped in their lifetime ([Section 202 \(a\)\(5\)\(B\) of Tribal Law and Order Act](#))
- 39% of Native American women will be victims of domestic violence ([Section 202 \(a\)\(5\)\(C\) of Tribal Law and Order Act](#))
- Non-Indians commit 88% of all violent crime against Native Women (Patricia Tjaden & Nancy Thoenne, U.S. Dep't of Justice, [Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey 22 \(2000\)](#).)

3. What is the scope of tribal civil authority to issue and enforce protection orders?

Congress recently clarified, in the [Violence Against Women Act \(VAWA\) 2013 Reauthorization](#), that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any person if the protection order arose anywhere in the Indian country of the tribe issuing the protection order or if the order was issued within the authority of the Indian tribe. [18 U.S.C. 2265\(e\)](#) provides that:

For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the

WalkingOnCommonGround.org

The screenshot displays the homepage of WalkingOnCommonGround.org. At the top, a dark blue banner features a circular logo with a scale of justice, a gavel, and a Native American headdress. To the right of the logo, the text reads "WALKING ON COMMON GROUND" in large white letters, with "RESOURCES FOR PROMOTING AND FACILITATING TRIBAL-STATE-FEDERAL COLLABORATIONS" in smaller white text below it.

Below the banner is a navigation bar with links for "Home", "Background", "About Us", "Contact Us", and "Partners", along with a search bar and a "GO" button. The main content area is divided into three sections:

- Violence Against Women Act (VAWA) 2022:** A text block on the left states, "On March 15, 2022, President Biden signed the Violence Against Women Act Reauthorization bill (VAWA 2022) as a part of the Omnibus ... [More](#)". To the right of this text is a photograph of a group of people, including tribal members and officials, gathered in a grand hall.
- Navigation Buttons:** A vertical column of five blue buttons with white text: "News", "Events", "Promising Strategies", "Resources/Tools", and "Training and Technical Assistance".
- Tribal-State Collaborations:** A horizontal row of six buttons: "Tribal-State Collaborations" (highlighted in dark blue), "Judicial", "Law Enforcement", "Community Corrections/Detention", "Multiple Agency Agreements", and "Child Welfare".

At the bottom, there is a "SEARCH BY TRIBE:" section with a search input field and a "GO" button. To the right of this is a map of the United States with state abbreviations. Below the map, a dropdown menu is open, showing "Indian Nations" as the selected option.

“Overview of the Violence Against Women Act (VAWA) 2022”

The **Tribal Law and Policy Institute** (TLPI) - in collaboration with the **Alliance of Tribal Coalitions To End Violence** (ATCEV) and the **National Congress of American Indians** (NCAI) - has just released an VAWA 2022 Tribal Provisions informational webinar and **PowerPoint slides** that you can use for community education.

- ▶ Watch the recording here: <https://www.youtube.com/watch?v=9lw95uTAvGg&t=10s>
- ▶ PowerPoint: https://3fb28d6f-a96e-45cf-86bb-2bfb9f1b6453.usrfiles.com/ugd/3fb28d_42e1d75ddf614bfa98e7a615bbf60acc.pdf



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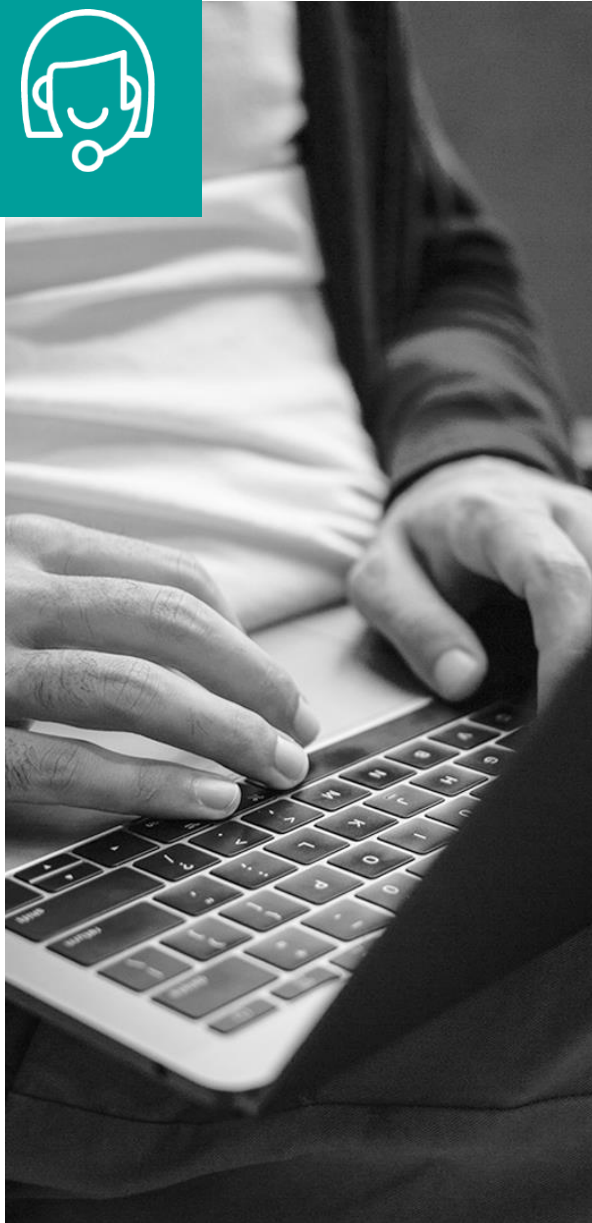
TRIBAL-STATE COLLABORATION PROJECT

**TLPI provides a Tribal-State
Intergovernmental Collaboration Project:**

This project provides training and technical assistance to develop, promote and enhance intergovernmental collaborations, with a special focus on judicial collaborations, such as joint jurisdiction courts, under a grant from the Bureau of Justice Assistance.

We seek to develop and foster collaboration among tribal-federal-state-local governments in order to improve the effectiveness of public safety and victims' services and reduce and combat crime in Indian country and nearby communities.

This project – currently funded under a grant from the Bureau of Justice Assistance - includes the WalkingOnCommonGround.org website which serves as a resource center for project resources and contains relevant law and policy updates for Tribal Healing to Wellness Courts.



▶ TLPI TRAINING AND TECHNICAL ASSISTANCE PROJECTS

Tribal-State Intergovernmental Collaboration

TLPI provides resources and training / technical assistance designed to enhance tribal-state intergovernmental collaborations and tribal justice systems. TLPI provides technical assistance to develop, promote, and strengthen tribal-state collaborations. This project also includes the development of community based tribal code drafting resources; development of Tribal Legal Studies textbooks; and providing resources for implementing both the Tribal Law and Order Acts “enhanced sentencing” provisions and the Violence Against Native Women Act “Special Domestic Violence Criminal Jurisdiction.” ***(Funded by: Bureau of Justice Assistance)***

Resources

Tribal Law & Policy Institute Resources: Tribal-State Court Collaboration Publications

<https://www.home.tlpi.org/publications>

**Tribal-State Court Forums:
An Annotated Directory, 2nd Edition**

Tribal Law and Policy Institute
Updated 2020



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www.Home.TLPI.org
www.WalkingOnCommonGround.org



Tribal-State Court Forums

**Crossing the Bridge:
Tribal-State-Local Collaboration**
William Thorne and Suzanne Garcia
Tribal Law and Policy Institute
February 2019

I. Introduction

How do we begin? When meeting with people who are looking to establish a collaborative project with a tribal government or a Native group, this question often comes up: "How do we begin?" In some jurisdictions, the question may be more properly "How do we pick it up again?" because previous attempts at collaboration had died on the vine or ended badly.

Why should we collaborate? This is another common question. Is it based in altruism, wanting to help those in need of assistance? Is it because there are mandates that we cannot ignore? Is it because we have experienced some guilt at the exclusion of tribes from collaborative partnerships? Is it because we have been approached or invited and are tempted to join? Collaboration may be part of a larger requirement to consult with tribes on issues that affect them. Most federal agencies have consultation policies, and many require state and local agencies that accept federal funds to consult with tribes on how those funds are used. Many states also have consultation policies. **Consulting and then collaborating to implement the innovations and solutions that are suggested is an indication of meaningful consultation.**

In some cases, the motivation to collaborate is the necessity of finding a solution to a persistent problem. For example, in northern California, a tribal judge wrote a letter to the chief justice of the California Supreme Court about a public safety issue he was facing. That one letter began a process that has created an ongoing relationship between the state and tribal judges in California, which in turn has led to collaboration in a growing number of

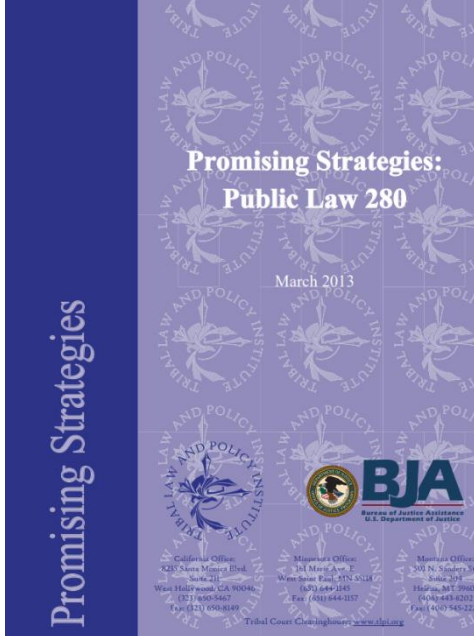
How can the collaboration overcome a history of inaction, animosity, and distrust?

Court Appointed Special Advocates (CASA) is a volunteer organization that seeks to provide a voice to children involved in the child welfare system of this country—one child at a time. Resources are rarely enough to meet all the needs and a network of programs have been developed that readily assist and share with other programs. More than a decade ago an effort was made to extend the program reach into Indian country. However, it was not that easy. After several years of attempting to partner with a county-based program, the neighboring tribal program gave up, observing that "they seem to let the bridge, connecting a handful of miles of roadway, prevent many of the non-Indians from coming onto the reservation. Almost like they were afraid." These people grew up in the same schools and lived close to each other, but the communities had almost nothing to do with each other.

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**Promising Strategies:
Public Law 280**

March 2013



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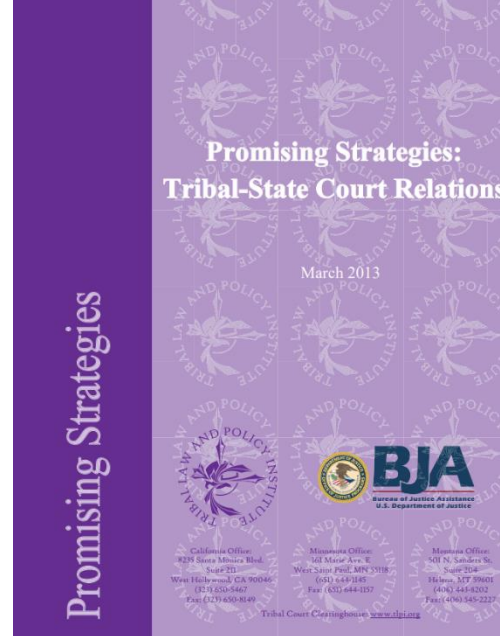
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Tribal Court Collaboration: www.tlpi.org

**Promising Strategies:
Tribal-State Court Relations**

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PUBLICATIONS

TLPI seeks to facilitate the sharing of resources so that Native nations and tribal justice systems have access to cost effective resources which can be adapted to meet the individual needs of their communities. As such, we are proud to offer free digital copies of TLPI publications, work product created through various grants and partnerships since 1996.

TLPI has created over 50 publications related to tribal justice systems. These publications, along with our many co-authored publications are all available for free download at www.Home.TLPI.org/Publications.

Publications By Topic:

- Child Abuse and Neglect
- Healing to Wellness Courts
- Juvenile Justice
- Public Law 280
- Sexual Assault
- Sex Trafficking
- Tribal-State Collaboration
- Violence Against Native Women

Publications By Series:

- Child Welfare Series
- Domestic Violence Series
- Indian Nations Conference Video Series
- Legal Code Development Series
- Promising Strategies Series
- Protocol Guide Series
- Tribal Legal Studies Textbook Series
- Video Resource Series
- Webinar Series

Previous Facilitated Discussions:

1st Facilitated Discussion ([April 22nd](#)) recording can be accessed at:
www.youtube.com/watch?v=EQKX1qAs1gl&t=19s

2nd Facilitated Discussion ([May 20th](#)) recording can be accessed at:
www.youtube.com/watch?v=AWPVvjrtDss

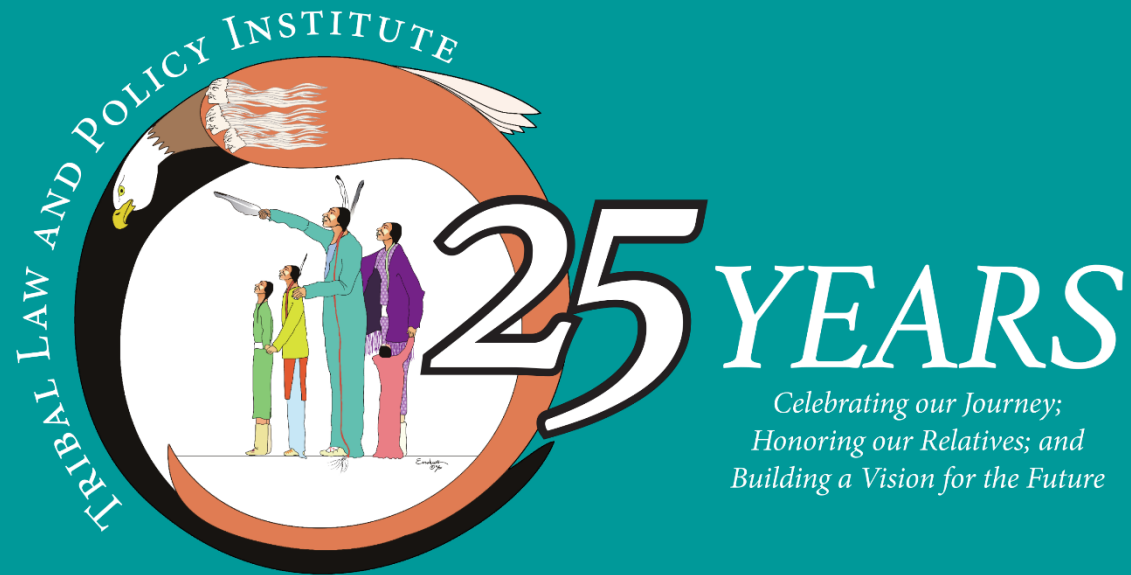
3rd Facilitated Discussion ([June 17th](#)) recording can be accessed at:
www.youtube.com/watch?v=8aG2PzSY2O4

4th Facilitated Discussion ([July 15th](#)) recording can be accessed at:
www.youtube.com/watch?v=JPJjwHAIny4

Upcoming Event:

In Person ITWG Meeting: August 30 – 31, 2022 in Columbia, South Carolina

Thank you



*Celebrating our Journey;
Honoring our Relatives; and
Building a Vision for the Future*



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