



VIOLENCE AGAINST WOMEN ACT ***TRIBAL LEADER TOWN HALL***



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What did VAWA 2022 Not Do

1. Does not completely fix the *Oliphant v. Suquamish Indian Tribe* (1978) court decision
 - a) Does not restore tribal jurisdiction over *all crimes committed by non-Indians*
2. Does not rescind PL 280
3. Does not include elder abuse
4. VAWA is not automatic for every Tribal Nation. Each Nation chooses to exercise this restored jurisdiction.



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Important Dates for VAWA 2022

1. Lower 48 new tribal jurisdiction provisions do not go into effect until October 1, 2022
2. Alaska Pilot Program effect date
 - a) “At any time during the 1-year period beginning on the date of enactment of this Act, and annually thereafter, an Indian tribe may request the Attorney General to designate the Indian tribe as a participating Tribe under paragraph (1).”
 - i. March 15, 2022



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VAWA 2022 Final Wins

1. Reauthorizes the Tribal Access Program with \$6 million in funding. (Doble the last reauthorization)
 - a) Updates the Tribal Access Program (TAP) by requiring the AG to provide TA to the BIA and tribal law enforcement agencies on how to use the TAP and by removing the requirement that only Tribes with “criminal jurisdiction over Indian Country” can access TAP. **This will allow Alaska Native Villages to access TAP.**

2. Makes the Bureau of Prisons Tribal Prisoner Pilot Program Permanent with Improvements!
 - a) Permanently establishes the BOP program where tribes can send tribal member defendants to federal prison if they don't have a correctional facility.
 - b) Lowered the sentence requirement from **3 years to 1 year.**
 - c) Tribal prisoner cap stays at 100 people.



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VAWA 2022 Final Wins

3. Tribal Jurisdiction Over Covered Crimes. – 10 Crimes in Total
 - a. Assaults of Tribal Justice Personnel – Includes Non-Indian Personnel
 - b. Child Violence**
 - c. Coercion; Commercial Sex Act
 - d. Dating Violence
 - e. Domestic Violence
 - f. Obstruction of Justice – Includes Non-Indians
 - g. Sex Trafficking**
 - h. Sexual Violence
 - i. Stalking**
 - j. Violation of Protection Order



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VAWA 2022 Final Wins

4. Additional Criminal Provisions

- a. Explicitly applies tribal jurisdiction to Tribes in **Maine**
- b. Exception if both Victim and defendant are non-Indian
 - a. Does **not apply** if it is obstruction of justice or assault of tribal justice personnel
 - b. **Strikes the requirement for sufficient ties.** – **Such a huge win!!**

5. Reauthorizes the Tribal VAWA Grant Program and Create the Reimbursement Program - \$20 Million Increase!

- a) Authorization Level is **\$25 Million** – current grant program is \$5 million
- b) Must develop regulations for the reimbursement program with Tribes
 - i. Reimbursements can cover non-Indian health care costs.



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VAWA 2022 Final Wins

6. Establishes the Alaska Pilot Program

- a) Recognizes the inherent authority of the villages over **all Indians** present in the village.
- b) Includes tribal **civil jurisdiction** to enforce protective orders
- c) Special tribal criminal jurisdiction over a defendant for a covered crime. **(includes all 10 crimes!)**
- d) References tribal, federal and state **concurrent jurisdiction**.
- e) Includes **same exceptions** if both defendants are **non-Indians**.
- f) AG can designate not more than **5 participating villages per year**:
 - i. AG will establish a process to designate villages
 - ii. Allows for intertribal participation (2 or more villages) that **only count for 1 spot**
 - iii. **30 tribes** is the max number, but AG can **add more pilot tribes** with notice to congress and the public
 - iv. Addresses housing for village inmates: tribal correctional facility, federal facility under BOP state or local gov facility.
- g) Establish the Alaska Public Safety Advisory Committee



VAWA 2022 Final Wins

7. Habeas Corpus and Notice Provision

- a) Codifies that a defendant must **exhaust all tribal court remedies** before petitioning for a writ of habeas corpus:
 - i. Focus is to ensure **parity between tribal, federal and state court systems**
 - ii. In law you must exhaust all of your state court remedies, ie go to the highest level of a state court before appealing to a federal court. This is the same with tribal court
- b) Refers to the standard established in the **Indian Civil Rights Act**
- c) Requires written notice to the defendant of their habeas rights



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NCAI VAWA Town Hall – March 22, 2022

1. Celebrating the Violence Against Women Act Reauthorization VAWA 2022
2. What Does VAWA 2022 Restore?
 - a) Dive Deeper into the VAWA 2022 Tribal Provisions
3. What's Next for Indian Country?
 - a) VAWA 2013 Pilot Tribe Perspective and Recommendation
 - b) [VAWA Inter Tribal Technical Assistance Working Group](#) (ITWG)
 - i. Contact NCAI Special Projects Attorney, Sally Waters, if you want to join to the ITWG email list.

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