

**Intertribal Technical-Assistance Working Group on
Special Domestic Violence Criminal Jurisdiction (ITWG)
5th In-Person Meeting
Nov. 2-3, 2015**

LITTLE CREEK CASINO & RESORT, ROOM GRAND A & B, SQUAXIN ISLAND, WA

MONDAY, Nov. 2nd – Day One

12:00 – 1:00 p.m. **OPTIONAL: Pre-meeting Refresher to Review Basics of 25 U.S.C. 1304 – Special Domestic Violence Criminal Jurisdiction**

1:00 – 1:10 p.m. **Traditional Opening & Welcome**

1:10 – 1:20 p.m. **Overview of ITWG Meeting**

John Dossett, General Counsel, National Congress of American Indians

1:20 – 2:45 p.m. **Update from Implementing Tribes**

There are now 8 tribes who have implemented SDVCJ under VAWA. Each tribe will provide a brief update on their cases and highlight challenges and successes with implementation.

- Pascua Yaqui Tribe
- Tulalip Tribes
- Confederated Tribes of the Umatilla Reservation
- Sisseton-Wahpeton Oyate
- Assiniboine & Sioux Tribes of the Ft. Peck Reservation
- Little Traverse Bay Band of Odawa Indians
- Eastern Band of Cherokee Indians
- Seminole Nation of OK

Update from Other ITWG Member Tribes

Please be prepared to give a brief update on where your tribe is with implementation, including any issues your tribe would like to discuss.

2:45 – 3:00 p.m. **Discussion of Pilot Project Report**

Virginia Davis, NCAI

3:00 – 3:10 p.m. **Break**

3:10 – 4:00 p.m. **Discussion: *U.S. v. Castleman* & the definition of “domestic violence”**

Discussion Leader: John Dossett, National Congress of American Indians

*In 2014, the U.S. Supreme Court decided *U.S. v. Castleman*, which considered the definition of “misdemeanor crime of domestic violence.” The case has led to confusion about the definition of “domestic violence” for prosecution of SDVCJ cases in tribal court. During this session, we will discuss how domestic violence is defined by VAWA 2013 and what this means for tribal charging decisions.*

4:00 – 4:30 p.m. **Discussion: VAWA Protection Order Requirements**

Discussion Leader: Kelly Stoner, TLPI

During this session, we will discuss what is required for protection orders in VAWA’s full faith and credit provision and VAWA 2013. We will also discuss the scope of the jurisdiction authorized in VAWA 2013 and how it can be used to protect non-intimate partners.

4:30 – 5:00 p.m. **Code Drafting: Approaches to VAWA’s Jury & Indigent Counsel Requirements**

Discussion Leader: John Dossett, NCAI

During the VAWA pilot period, the DOJ reviewed and approved 5 tribes to implement SDVCJ on an accelerated basis. The 5 approved tribes took varying approaches to implementing VAWA 2013’s jury and indigent defense requirements. Three of the tribes, for example, include non-Indians on all juries, while the other two include non-Indians only in SDVCJ cases. During this session, we will compare and discuss the approaches taken by the 5 pilot project tribes.

5:00 – 5:20 p.m. **Discussion: Data Collection**

Discussion Leader: Michelle Demmert, Tulalip Tribes

During this session we will discuss the importance of data collection and share a uniform template for collecting case information that was developed by several of the Pilot Project tribes.

5:20 – 5:30 p.m. **Wrap-up**

5:30 p.m. – 6:30 p.m. **Optional: debrief with Tribal Coalition attendees**

We have invited the Tribal Domestic Violence and Sexual Assault Coalitions to join us for this ITWG meeting. Members of the Technical Assistance team will be available at this time to debrief with the Tribal Coalition representatives.

TUESDAY, Nov. 3rd – Day Two

9:00 – 9:15 a.m. **Welcome Back & Overview of the Day**

9:15 – 10:00 a.m. **Update on BIA Arrest Authority Guidance & Discussion on Law Enforcement Training**

Discussion Leader: John Dossett, NCAI

During this session NCAI will provide an update on the ITWG’s request that the BIA issue guidance about tribal arrest authority. We will also discuss the importance of law enforcement training and approaches implementing tribes have taken to train law enforcement officers.

10:00 – 10:30 a.m. **Discussion: Post-Conviction Monitoring & Accountability**

Discussion Leader: Fred Urbina, Attorney General, Pascua Yaqui Tribe

10:30 – 11:15 a.m. **Discussion: DOJ Proposal for SDVCJ Funding**

Discussion Leaders: Chia Halpern Beetso, TLPI & Jennifer Kaplan, USDOJ OVV

DOJ recently released a framing paper with a proposal for using existing tribal grant funding to create a new program focused on SDVCJ implementation. During this session, ITWG members will discuss the proposal with DOJ representatives.

11:15 – 12:15 p.m. **Discussion: Where do we go from here?**

Discussion Leader: Virginia Davis, NCAI

The ITWG member tribes have encountered a number of unanticipated issues and challenges with SDVCJ implementation. In this session we will discuss some of the lessons learned. We will also discuss whether there are issues the ITWG would like to raise at DOJ's annual consultation on violence against women later in the week or in the meetings with CJIS in the afternoon.

12:15 – 1:30 p.m. **Lunch Break**

1:30 – 5:15 p.m. *The ITWG will join the DOJ-sponsored meetings on access to federal criminal information databases.*

- 1:30 – 3:00 PM Description of Programs Offered by the FBI's Criminal Justice Information Services (CJIS) Division
- 3:15 – 5:15 PM Presentations on DOJ's Tribal Access Program (TAP) for National Crime Information and DOI's Bureau of Indian Affairs Purpose Code X Program

5:15 – 6:00 p.m. **Optional: debrief with Tribal Coalition attendees**

Members of the Technical Assistance team will be available at this time to debrief with the Tribal Coalition representatives.

*At 6pm on Tuesday, there will be a tribal caucus to prepare for the consultation on violence against women the following day. The caucus will take place in **Grand A & B**.*