

**Intertribal Technical-Assistance Working group on
Special Domestic Violence Criminal Jurisdiction (ITW)
6th In-Person Meeting
April 6, 2016**

TALKING STICK RESORT, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Wednesday, April 6 – ROOM DOVE H & I

8:30 – 9:00 a.m. **OPTIONAL: Pre-meeting Refresher to Review Basics of 25 U.S.C. 1304 – Special Domestic Violence Criminal Jurisdiction**

Virginia Davis, National Congress of American Indians

9:00 – 9:10 a.m. **Traditional Opening & Welcome**

President Delbert W. Ray, Sr., Salt River Pima-Maricopa Indian Community

9:10 – 9:20 a.m. **Overview of Inter-Tribal Working Group Meeting**

*John Dossett, General Counsel, National Congress of American Indians
Steve Aycock, National Council of Juvenile & Family Court Judges*

9:20 – 10:40 a.m. **Update from Implementing Tribes**

There are at least 10 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 (AZ)
- Tulalip Tribes (WA)
- Confederated Tribes of the Umatilla Reservation (OR)
- Sisseton-Wahpeton Oyate (SD/ND)
- Assiniboine & Sioux Tribes of the Ft. Peck Reservation (MT)
- Little Traverse Bay Band of Odawa Indians (MI)
- Eastern Band of Cherokee Indians (NC)
- Seminole Nation (OK)
- Nottawaseppi Huron Band of the Potawatomi
- Muscogee (Creek) Nation
- Others?

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.

10:40 – 10:50 a.m. **Break**

10:50 – 11:10 a.m. **Follow-Up from Last Inter-Tribal Working Group Meeting**

- Pilot Project Report

Virginia Davis, NCAI

The final report from the Pilot Project period will be distributed and discussed.

- DOJ Grant Program for SDVCJ Implementation

Rebekah Jones, USDOJ Office on Violence Against Women

Last December, Congress appropriated \$2.5 million for the program originally authorized in VAWA 2013 to support tribal efforts to implement SDVCJ. DOJ will provide an update on how these funds will be administered.

- Health care costs for non-Indian inmates

Virginia Davis, NCAI

We will discuss a draft paper exploring the challenges tribes face covering health care costs for non-Indian inmates and possible options for managing costs, including Medicaid eligibility after passage of the Affordable Care Act.

11:10 – 11:30 a.m. VAWA Implementation Questions for BIA, DOJ, and IHS

Facilitator: John Dossett, NCAI

During this session we will identify questions related to implementation of SDVCJ that require guidance or policy changes from our federal partners. Issues to be discussed may include detention of non-Indians, training for tribal law enforcement and court personnel, and information sharing.

11:30 – 12:00 Follow-up on Access to Federal Criminal Information Databases and DOJ's Tribal Access Program (TAP)

Tracy Toulou, USDOJ, Office of Tribal Justice

Brent Leonhard, Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

Michelle Demmert, Tulalip Tribes

Participants will provide an update on DOJ's TAP program. TAP was launched in 2015 to address tribal barriers to accessing the federal criminal information databases. Ten tribes, including CTUIR and the Tulalip Tribes, are currently participating in a User Feedback Phase.

12:00 – 1:30 p.m. Lunch – On your own

TLPI will be coordinating a lunch with tribal coalition representatives.

**1:30 – 3:15 p.m. Breakout 1 – Dove H & I
Considerations for SDVCJ Implementation**

Moderator: John Dossett, NCAI

Panelists: Ethel Branch, Attorney General, Navajo Nation

Jeff Harmon, Chief Prosecutor, Salt River Pima Maricopa Indian Community

During this session participants will discuss common concerns and questions that arise when tribes consider implementing SDVCJ including: funding, staffing resources, code development, jury management, whether to establish a DV court or docket, and detention issues, particularly health care costs for non-Indian inmates. Participants will also discuss, how to engage tribal stakeholders to consider whether to move forward with SDVCJ implementation and what role tribal leaders, tribal coalitions, and tribal attorneys can play in the decision-making process. This session is open to all interested attendees.

Breakout 2 – Quail E

Tribal Judges: Discussion of Implementation and Exercise of SDVCJ

Moderator: Judge Steve Aycock (ret.), NCJFCJ

Panelists: Judge Eldena Bear Don't Walk, Assiniboine & Sioux Tribes

Judge Bill Boyum, Eastern Band of Cherokee Indians

Judge Allie Maldonado (invited), Little Traverse Bay Band of Odawa Indians

During this session tribal judges will have an opportunity to talk with their peers about specific issues related to SDVCJ implementation. Judges from several of the implementing tribes will start the discussion by sharing their experiences. Judges will also discuss tribal court contempt power and how it can be a useful tool in SDVCJ cases. Time permitting we may also discuss protection orders, judicial training requirements or other topics as chosen by the judges. This session is open to tribal judges only.

Breakout 3 – Quail F **Subworking Group on Amendments to VAWA**

At the last in-person ITWG meeting, a subworking group was formed to identify ways that federal law should be strengthened to enhance SDVCJ implementation. This session will provide an opportunity for those interested in participating in this subworking group to discuss proposals to strengthen the law. This session is open to all interested attendees.

3:30 – 4:00 p.m. **Discussion: Criminal Contempt Authority**

Steve Aycok, NCJFCJ
Judge Kirk Saunooke, Eastern Band of Cherokee Indians

Because of the statutory framework for SDVCJ, the tribal court's inherent criminal contempt authority takes on a heightened importance. In this session, we will discuss the parameters of a court's contempt authority and how it can be used to address some of the gaps in SDVCJ. We will also discuss how criminal contempt authority should be addressed in tribal codes.

4:00 – 5:00 p.m. **Discussion: Responding to Constitutional and Habeas Corpus Challenges**

Discussion Leader: John Dossett, NCAI
Panelists: Shaun Eastman, Tribal Attorney, Sisseton Wahpeton Oyate
Brent Leonhard, Tribal Attorney, Confederated Tribes of Umatilla
Mary Kathryn Nagle, Pipestem Law Firm

When SDVCJ was being considered by Congress, there was a great deal of debate about the constitutionality of the provision. Since the law went into effect, we have anticipated that the constitutionality of the law would be challenged in tribal or federal court. The first such challenge was lodged earlier this year in the Sisseton Wahpeton tribal court. During this session, participants will discuss the recent challenge that occurred at Sisseton Wahpeton Oyate. We will also discuss what future challenges may look like and how we can prepare to defend the constitutionality of the law.

A group of Yale Law students who have been conducting research to help defend the law will provide an update on their work:

- *Katie Jones*
- *Chelsea Lane-Miller*
- *Lynsey Gaudio*
- *Gregory Buzzard*
- *Allison Tjemsland*

5:00 – 5:30 p.m. **Wrap-up and Next Steps**