



VAWA Implementation Considerations

The VAWA SDVCJ enactment was historic. However, implementation and execution will be more complex. Several considerations could be examined and contemplated prior to implementation to make system change and transition as uncomplicated as possible. It took decades to create a jurisdictional mess in Indian Country; it will take time, diligence, and patience to solve some of the problems created on our Reservations and communities.

1. **What is your goal? Mission? Why implement VAWA?** Is it consistent with your history, values, fundamental beliefs, principles, customs, and traditions? Is it about fairness? Do you have a moral imperative/responsibility? Do you have a problem? For the Pascua Yaqui Tribe, protecting women and children and holding DV offenders accountable is consistent with our values and centuries of historical precedent of protecting our people and homeland.
2. **How will you define success?** Mission accomplished? Data, stats?
3. **What resources will you need to accomplish your goal?** What resources can you provide? What intrinsic, personnel, and systemic assets do you possess?
4. **Start with an honest assessment and systemic evaluation:** (recognize that a tribal justice system is part of a larger regional system of justice, part of a larger ecosystem & symbiotic)
 - a) **Tribal Justice System:** What is the culture? Look at readiness, operational capacity, process, effectiveness, strengths, weaknesses, limitations, technology gaps. How is it organized? Complex? How is it working? Unorganized? Rules? Agreements? Dependent? Do you have bar certified public defenders? Judges? Prosecutors? Does your system employ lay advocates? Collect data, metrics, and measurements. Conduct case studies, interviews, focus groups, observation of activities, mapping of community assets, environmental scans, needs assessments, situational analyses. Public confidence, attitude, trust?
 - b) **Justice System/partners: (federal/state/local):** Who is on the team? What is the culture of those organizations? Are justice system teams interdependent? Supportive? What is the organizational framework of the multiple relationships? Does a current ecosystem map or diagram of agencies or process exist? What networks exist? Do they work together and well with the Tribe? Do MOUs, rules, statutes, or IGAs exist? Is the system coordinated with a SAUSA, federal Tribal Liaison or cross-deputized police officers? How does the MDT process work or does it exist? What are the outcomes of any coordinated process? Satisfactory? Declinations? Communication? How are decisions made? What is the relationship like with the Tribe? Do Protocols exist? Feedback loops? Public confidence, attitude, trust? History of partnership? What gaps currently exist? Public confidence, attitude, trust?
5. **How will your system be designed?** How to do it? Consider economics, efficiency, and resources. Identify the elements and dynamics of system changes that are required for Pilot. Consistent with your purpose and goals? Harmonized and aligned with VAWA 2013? How

to put law and theory into practice? How will you measure, improve, update, and adjust? How do you align, garner trust, and influence systems and teams? Shared purpose?

6. **Conduct an environmental scan for VAWA purposes:** This information will help predict future VAWA SDVCJ cases and the amount of resources that may be needed: Demographics (How many non-Indians live work, or go to school on the Reservation?), crime rate, poverty, unemployment, resource mapping, public perceptions, population, geography, historical education attainment/dropout rate, significant events, housing composition, economic & social temperature, interest groups (Council, elders, youth, cultural participants, etc.). Geography, location, near major metropolitan area, rural? Drug & alcohol abuse issues? Culture? Per Cap? What does this information look like in surrounding jurisdictions? Drug cartels/gangs. Common denominators? Quality of life? Prevention programs? Causation and symptoms of problems. Race relations? Prevention and treatment programs? Data can be collected from Enrollment Department, H.R., Housing Dept., Grants & Contracts Office, Health Department, IHS, etc.
7. **Information & data access:** Access to state and federal databases. Access to tribal information, employment information, criminal history, social history, and addresses for Jury pool composition. Housing data, surveys, data repositories, etc.
8. **Media Policy:** Who will conduct outreach, create talking points, address the press/media, create press releases, radio PSAs, television interviews, PIO, community education, internet updates, write newspaper articles? How will you conduct notice for the new law? How will the information be managed? Do you have a policy? What information will be shared? How are records shared and retained?
9. **Police Resources:** How is the department structured? (BIA, Tribal, F.B.I., State, mix). Who is responsible? Accountability? If Tribal, have you maximized jurisdictional authority and flexibility? Are police cross-commissioned/state certified, tribally certified, federally certified (SLEC)? Do they have access to NCIC? Court records? Warrant and Order of Protection information? Do they have mutual aid agreements? MOUs? IGAs? Can they cite people using federal CVB citations? Do they participate in an association that shares information/training? (ICIN/PCWINN/COPLINK) Do they have local evidence processing support? Do they work well with federal and state counterparts? How about with probation, pre-trials services, and prosecuting attorneys from all three jurisdictions? Will they need local training for VAWA? Who will conduct the training? Do they need investigative support? Do they work with victim advocates? Do they have a good relationship with surrounding jurisdictions (state & federal)? Tribal jurisdictions? Are officers Bi-lingual? Tri-lingual? Who handles detention? Will this entity take non-Indians? Public confidence, attitude, trust? Police culture? Morale?
10. **Do you have a system of alternatives?** Federal prosecution? State Prosecution? Orders of Protection? Trespass? Enforced federally? Collateral consequences? Civil remedy? Eviction? Etc. When will you employ them? Who will trigger? Police? Prosecutor, Tribal Council?