

## ADDRESSING VIOLENCE AGAINST WOMEN

### Key Points:

- American Indians and Alaska Natives (AI/AN) experience the highest crime victimization rates in the country and often lack access to justice and services. AI/AN women and children are particularly vulnerable.
- The vast majority of AI/AN victims report being victimized by a non-Indian, but tribal authority to prosecute these crimes is limited by federal law.
- Several pending bipartisan bills would help ensure tribal nations have the resources and authority they need to hold offenders accountable and meet the needs of victims. **We urge members of Congress to co-sponsor and support:**
  - The Violence Against Women Reauthorization Act of 2019 (S. 2843/H.R. 1585)
  - The Native Youth and Tribal Officer Protection Act (S. 290/H.R. 958)
  - The Justice for Native Survivors of Sexual Violence Act (S. 288/H.R. 3977)
  - Family Violence Prevention and Services Improvement Act of 2019 (S. 2259/H.R. 5041)
  - Savanna's Act (S. 227/H.R. 2733)
  - Not Invisible Act (S. 982/H.R. 2438)

### BACKGROUND

Tribal communities continue to be plagued by the highest crime victimization rates in the country. A recent study by the National Institute of Justice found that more than 80 percent of AI/AN people will be a victim of intimate partner violence, sexual violence, or stalking in their lifetime. The study also found that 90 percent of these victims were victimized by a non-Indian perpetrator. The complicated jurisdictional framework at play in Indian Country, which limits tribal authority to prosecute non-Indians, continues to undermine safety for victims of violence in tribal communities. Tribal nations are the only governments in America whose authority to protect their communities from domestic and sexual violence, child abuse, stalking, and trafficking is limited by federal law based on the political status/race of the defendant.

Seven years ago, when Congress passed VAWA 2013, it included a provision that reaffirmed the inherent sovereign authority of tribal nations to exercise criminal jurisdiction over certain non-Indians who violate qualifying protection orders or commit domestic violence against AI/AN victims on tribal lands. Victims of sexual violence, stalking, and trafficking, and AI/AN children and elders were left out, however. The limited scope of the federal law also leaves tribal nations unable to prosecute when a non-Indian domestic violence offender assaults a tribal law enforcement or corrections officer. These victims need the same protections that were extended to adult domestic violence victims in VAWA 2013.

In addition to falling through jurisdictional gaps, AI/AN victims and survivors are consistently left without culturally appropriate resources to meet their needs. For over three decades, the Family Violence Prevention and Services Act has supported various domestic violence programs and shelters throughout the United States. However, the bill has yet to be reauthorized. In order to holistically address violence against AI/AN victims and survivors, both the jurisdiction and resource gaps must be filled.

## **TRIBAL PRIORITIES**

**There are a number of bills currently pending that respond to the crisis of violence confronting American Indian and Alaska Native (AI/AN) Victims and Survivors.**

***The Violence Against Women Reauthorization Act of 2019 (S. 2843/H.R. 1585).*** This legislation contains key provisions that would reaffirm tribal jurisdiction over non-Indians for certain crimes involving children and elders, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and corrections personnel. The bill also includes provisions aimed at improving the response to cases of missing and murdered AI/AN women, creates a pilot project for Alaska tribal nations to exercise criminal jurisdiction, and clarifies that tribal nations in Maine are able to implement the VAWA 2013 jurisdiction provisions. NCAI strongly supports these provisions, which passed the House with bipartisan support last April.

***The Native Youth & Tribal Officer Protection Act (S. 290/H.R. 958).*** This bipartisan bill would amend 25 U.S.C. 1304 to reaffirm tribal nations' inherent authority over child abuse and crimes that are committed against certain justice officials, including assaulting a law enforcement officer or bailiff.

***Justice for Native Survivors of Sexual Violence Act (S. 288/H.R. 3977).*** This bipartisan bill would amend 25 U.S.C. 1304 to reaffirm tribal nations' inherent authority over sexual assault, trafficking, and stalking crimes committed by non-Indians against Indians in Indian Country.

***Family Violence Prevention and Services Improvement Act of 2019 (S. 2259/ H.R. 5041).*** To address violence against AI/AN women holistically, victims and survivors must have culturally appropriate resources. However, there are fewer than 45 tribal domestic violence shelters in Indian Country today. The Family Violence and Prevention and Services Act (FVPSA) provides critical support for tribal domestic violence shelters, training and technical assistance centers, safety planning, emergency response hotlines, and prevention initiatives. However, FVPSA currently remains unauthorized. This bipartisan legislation would reauthorize FVPSA and strengthen support for victims and survivors across Indian Country by increasing funding for tribal domestic violence programs, providing funding for tribal coalitions, and codifying an Indian Domestic Violence Hotline and Alaska Native Resource Center.

***Savanna's Act (S. 227/H.R. 2733).*** This bipartisan legislation aims to improve the response to missing and murdered AI/AN women by improving tribal access to the federal criminal information databases, requiring data collection on missing and murdered AI/AN people, and by directing the U.S. Attorney's Office to review, revise, and develop law enforcement and justice protocols to address missing and murdered AI/AN cases.

***Not Invisible Act (S. 982/H.R. 2438).*** This bipartisan bill is aimed at improving the response to missing and murdered AI/AN people and violent crime by: directing the Department of the Interior to designate an official to coordinate across agencies on efforts to address missing, trafficked, and murdered American Indians and Alaska Natives; establishing an advisory committee on violent crime occurring on Indian lands and against American Indians and Alaska Natives; tasking the advisory committee with making recommendations and developing best practices; and requiring the Secretary of the Interior and Attorney General to respond to the recommendations of the advisory committee in writing.

**NCAI strongly supports these bills and urges members of Congress to co-sponsor these life-saving pieces of legislation.**

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