

INTER-TRIBAL WORKING GROUP (ITWG) SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION

National Advocacy Center
Columbia, SC
May 29-30, 2019

DAY 1 - Wednesday, May 29, 2019

7:00–8:30 a.m. **Breakfast** (*NAC Dining Room*)

8:30–9:00 a.m. **Opening Prayer & Welcome**

Juana Majel-Dixon, Traditional Legislative Councilwoman, Pauma Band of Luiseño Indians, Co-Chair NCAI Task Force on Violence Against Women

Welcome to the National Advocacy Center

Leslie A. Hagen, National Indian Country Training Coordinator

Welcome from Office on Violence Against Women (OVW)

Sherriann C. Moore, Deputy Director, Tribal Affairs Division

Overview of Inter-Tribal Working Group (ITWG) Meeting

Kelly Stoner, Victim Advocacy Legal Specialist, Tribal Law and Policy Institute (TLPI)

9:00–9:45 a.m. **Breakout: Initial Conversations**

Attendees will break into groups based on their progress toward implementation of Special Domestic Violence Criminal Jurisdiction. Each group will choose one topic to include in the afternoon breakout session on Day 2.

Planning for SDVCJ

Facilitators: Chia Halpern
Beetso and Esther Labrado
This session is for ITWG tribes who are in the planning stage. Participants will get an overview of SDVCJ and the legal requirements to implement, including development of jury pools, defense counsel arrangements, law enforcement training, and notice to the community.

Beginning to Implement

Facilitators: Hon. Steve Aycok (Ret.) and Jerry Gardner
This session is for ITWG tribes who are close to, or recently began, implementing SDVCJ. Participants will discuss detention, training, and protocol development.

Hearing SDVCJ Cases

Facilitators: Virginia Davis and Kelly Stoner
This session is for implementing tribes who have had several SDVCJ cases. Participants will discuss training, protocols, and potential expansion of criminal jurisdiction.

9:45–10:00 a.m. **Break**

10:00–11:00 a.m. **Updates from Implementing Tribes**

Each tribe will provide a brief update on their cases and highlight challenges and successes with implementing Special Domestic Violence Criminal Jurisdiction (SDVCJ).

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)

Nottawaseppi Huron Band of the Potawatomi (MI)

Standing Rock Sioux Tribe (ND/SD)

Muscogee (Creek) Nation (OK)

Sac and Fox Nation (OK)

Kickapoo Tribe of Oklahoma

Sault Ste. Marie Tribe of Chippewa Indians (MI)

Lower Elwha Klallam Tribe (WA)

Cherokee Nation (OK)

Quinault Indian Nation (WA)

Gila River Indian Community (AZ)

Port Gamble S'Klallam Tribe (WA)

Confederated Tribes of the Chehalis Reservation (WA)

Eastern Band of Cherokee
Indians (NC)
Seminole Nation (OK)

Choctaw Tribe of Oklahoma
Alabama-Coushatta Tribe of
Texas

Grand Traverse Band of
Ottawa and Chippewa Indians
(MI)

Chitimacha Tribe of Louisiana

11:00–12:00 p.m. **Updates from ITWG Member Tribes**

Please be prepared to give a brief update on where you are with implementation and raise any issues your tribe would like to discuss.

12:00–1:00 p.m. **Lunch Break** (NAC Dining Room)

1:00–2:15 p.m. **Dynamics of Domestic Violence**

Janet Routzen, Legal Analyst/Coordinator, Rosebud Sioux Tribe

This session will cover the dynamics of domestic violence and will include a discussion on each discipline's role in the prosecution of a domestic violence case.

2:15–3:00 p.m. **Updates from Federal Agencies**

Department of Interior

Office of the Solicitor – David Armstrong, Attorney-Advisor, Division of Indian Affairs

Department of Justice

Office on Violence Against Women – Sherriann C. Moore, Deputy Director, Tribal Affairs
Division and Jennifer Kaplan, General Counsel

National Indian Country Training – Leslie A. Hagen, National Indian Country Training
Coordinator

Office of Tribal Justice – Marcia Good, Senior Counsel to the Director

3:00–3:15 p.m. **Break**

3:15–4:15 p.m. **Protection Orders – Full Faith and Credit**

Jennifer Kaplan, General Counsel, Office on Violence Against Women, Department of Justice

This session will provide an overview on the issuance and enforcement of protection orders under tribal law and a review of the federal full faith and credit statute (18 U.S.C. § 2265). Participants will then discuss their experiences issuing protection orders and working with State counterparts to enforce them.

4:15–4:45 p.m. **Legislative Update**

Virginia Davis, Senior Advisor, NCAI

This session will include a legislative update on VAWA reauthorization and other legislation which may impact or be of interest for ITWG member tribes.

4:45–5:00 p.m. **Debrief and Wrap-Up**

5:00–5:30 p.m. **Recess**

5:30–6:30 p.m. **OLE Reception** (A304, 3rd Floor Meeting Room/Lounge)

DAY 2 – Thursday, May 30, 2019

7:00–8:30 a.m. **Breakfast** (*NAC Dining Room*)

8:30–8:40 a.m. **Overview of the Day’s Agenda**
Hon. Steve Aycock (Ret.), Consultant, NCAI

8:40–9:40 a.m. **Litigation Update**
Panelists:
Mary Kathryn Nagle, Partner, Pipestem Law
M. Brent Leonhard, Attorney, Confederated Tribes of the Umatilla Reservation
Hon. Melissa Pope, Chief Judge, Nottawaseppi Huron Band of the Potawatomi
This session will cover current and recent federal court cases and their potential impact on Indian Country.

9:40–10:00 a.m. **Break**

10:00–11:30 a.m. **Breakout Sessions**

#1: Planning for SDVCJ: Approaches to Implementing SDVCJ

Moderator: Kelly Stoner, Victim Advocacy Legal Specialist, TLPI

Panelists:

Alicia Hooper, Little Traverse Bay Bands of Odawa Indians

Chris Barone, Port Gamble S’Klallam Tribe
Jerrie Simmons, Confederated Tribes of the Chehalis Reservation

This session is geared toward tribes who are planning for implementation of SDVCJ. Panelists will describe their approaches to code development, development of a jury pool, indigent defense arrangements, detention, etc.

#2: Beginning to/Already Implementing: A conversation on Evidentiary Issues and Appeals

Speaker: Leslie A. Hagen, National Indian Country Training Coordinator

Facilitator: Hon. Steve Aycock (Ret.), Consultant, NCAI

This session is geared toward tribes who have already implemented VAWA SDVCJ. The first portion of this session will be a targeted discussion on evidentiary issues (collection, preservation, and use).

The second portion of this session will be a facilitated discussion on SDVCJ appeals. Participants will discuss the SDVCJ or SDVCJ-related issues raised on appeal in their respective courts.

11:30–11:45 a.m. **Group Photo**

11:45–12:45 p.m. **Lunch** (*NAC Dining Room*)

12:45–1:45 p.m. **Profession-Based Breakout Sessions**

Participants will break into the following profession-based groups and discuss challenges, new issues, and successes. Additional groups of occupations not listed below may also form based on those in attendance.

Judges

Defense Counsel

Prosecutors

Victim Advocates

Tribal Attorneys

**Law Enforcement /
Probation**

Court Staff

1:45–2:45 p.m. **Topic-Based Breakout Sessions**

Legal Issues

Participants will identify and discuss legal issues pertaining to the exercise of SDVCJ.

One-on-One TA

TA providers will be available for one-on-one TA. OVW Tribal Jurisdiction grantees will also have an opportunity to assess their project progress and discuss potential collaboration. OVW staff will be available to answer questions.

Intersection of TLOA and VAWA

Participants will examine TLOA ESA and VAWA SDVCJ and discuss the potential challenges for Tribes interested in exercising both SDVCJ and TLOA Enhanced Sentencing simultaneously.

Session 4 - TBD [to be determined on the morning of Day 1]

2:45–3:15 p.m. **Debrief: Afternoon Breakout Sessions**

3:15–3:30 p.m. **Break**

3:30–4:30 p.m. **Developing a Data-Informed Approach to Domestic Violence**

Presenters: Hannah Smith, Senior Associate Attorney General; Shelli Buckner, Tribal Prosecutor; Bonnie Claxton, Manager of Legal Assistance, Eastern Band of Cherokee Indians
This session will discuss the importance of a data-informed approach to addressing domestic violence and describe the Eastern Band of Cherokee Indians' progress and successes in this area.

4:30–5:00 p.m. **Wrap-Up Discussion and Next Steps**

5:00 p.m. **Adjournment**