

**Recommendations on the
National Institute of Justice
Proposed Program of Research to**

**Examine Acts of Domestic Violence, Dating Violence, Sexual Assault,
Stalking, and Murder Committed Against Indian Women and
Evaluate the Effectiveness of
Federal, State, Tribal, and Local
Responses to such Violence**

**as Required Under the
Violence Against Women Act,
Safety for Indian Women Title, Section 904**

**Submitted by Members of the
Section 904 Violence Against Women in Indian Country Task Force**

of the

**Office on Violence Against Women and the National Institute of Justice
United States Department of Justice**

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¹ The Section 904 Task Force was established by the Attorney General on March 31, 2008 pursuant to Section 904(a)(3) of the Violence Against Women Act of 2005, Pub. L. No. 109-162. The members listed completed the two-year term established by the charter of the Task Force and participated in the consensus process to formulate the recommendations contained in this document.

Task Force Recommendations²

Responsibility of the United States to Assist Indian Tribes In Safeguarding the Lives of Indian Women³

I. Overview

In 2005, Congress reauthorized the Violence Against Women Act⁴ (“VAWA”) to continue the progress made under this landmark legislation to enhance the safety of women. It further acknowledged the responsibility of the United States to assist Indian tribes in safeguarding the lives of Indian women by including within the VAWA a specific title to address violence against Indian women; Title IX Safety for Indian Women.⁵ This title was enacted in an attempt to protect the safety of Indian Women, a class that is severely victimized in greater numbers than their non-Indian counterparts.⁶ The VAWA, Title IX, Section 902 states as its purpose:

- (1) to decrease the incidence of violent crimes against Indian women;
- (2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and
- (3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

Title IX was the product of a national alliance of tribal and non-tribal organizational efforts to respond to questions presented by Congress⁷ to understand the complexities of federal Indian law and the impact upon the safety of Indian women.⁸ It was recognized by this alliance that the advances made under the VAWA nationally were not reaching women within tribal communities. While violent victimization was reported to drop nationally the rates of victimization of Indian women had not decreased but remained the same or increased. It was commonly understood that certain nuances of federal Indian law mired the progress within tribal communities toward enhancing the safety of Indian women under the prior VAWA legislation. Specifically, VAWA is based upon a justice model that assumes a comprehensive justice system that utilizes a coordinated community response to VAWA related crimes.

² The final meeting of the Section 904 Task Force was held on December 1, 2009 in Oklahoma City during which time the members reached consensus on the recommendations contained in this document. Task Force members Jacqueline Agtuca and Shannon Cozzoni performed the principal writing of this document.

³ The usage of the term Indian tribe is as defined under the Indian Self-Determination Act.

⁴ 42 U.S.C. § 3796gg-10 note.

⁵ 42 U.S.C. § 3796gg-10 note, Title IX, § 904(a).

⁶ See e.g., Pub. L. No. 109-162 § 901 (2006).

⁷ Specifically the Senate and House Judiciary Committees, and Senate Committee on Indian Affairs.

⁸ The National Task Force to End Sexual and Domestic Violence was created in 2000 to inform and educate Congress and the public of the on-going need to enhance the safety of women. The National Congress of American Indians Task Force on Violence Against Indian Women joined this alliance following its formation in 2003. These organizations reflect the strong grass roots foundation that informed then Senator Joe Biden’s efforts to continue to enhance the safety of women and specifically American Indian women through passage and subsequently reauthorization of the VAWA.

Due to federal Indian law jurisdictional restrictions, historical and current lack of resources and choices a comprehensive western based justice system is not a given within Indian tribes. Further, institutional barriers created by federal law act as systemic roadblocks to holding perpetrators accountable for their violence and prevent Indian tribes from adequately responding to violence against Indian women. Such institutionalized legal barriers include specific acts of Congress such as the Indian Civil Rights Act limiting the sentencing authority of Indian tribes to a maximum sentence of one year per offense and a fine of no more than \$5,000⁹ regardless of the felony level severity of the crime such as rape.¹⁰ Further Indian tribes are restricted from providing a meaningful remedy when women are physically and sexually assaulted because Indian tribes have no criminal jurisdiction over non-Indians, and may not prosecute or punish non-Indians.¹¹ Such institutionalized legal barriers have grave consequences for the safety of Indian women and often leave them without criminal recourse provided all other women within the United States. Non-Indian perpetrators are aware of the lack of tribal jurisdiction and the vulnerability of Indian women.¹² State law enforcement and courts are similarly saddled with limitations on their authority to prosecute non-Indians who commit acts of violence upon Native women in tribal communities because of the implications of the General Crimes Act.¹³

The lack of understanding of these restrictions and other legal barriers contained in this complex body of federal Indian law was the basis for a section of the tribal title to mandate analysis and research of the federal, state, tribal, and local systems responsible for safeguarding the lives of Indian women. If VAWA is to enhance the safety of Indian women it is critical to understand these systems that are charged with the responsibility of responding to VAWA related crimes. These legal barriers ultimately impact the ability of Indian women to live free of violence and the authority of Indian tribes to safeguard the lives of the citizens of their respective nations.¹⁴ The well documented under reporting of these crimes by Indian women is illustrative of the failure of the systems to be evaluated.

The statute acknowledged that such research would require the close guidance of Indian tribes, advocates providing services to Indian women, and other policy experts and mandated that a task force be created to guide the development and implementation of the

⁹ Indian Civil Rights Act of 1968, 25 U.S.C. § 1301 *et seq.*

¹⁰ Of the 50 states, two territories, and the District of Columbia 20 (37.0%) provide for a maximum term of life imprisonment for rape. Twenty-four (45.3%) have a maximum penalty of 20 years or more. The federal sentence provides for a maximum sentence of life imprisonment without possibility of parole for offenders convicted of aggravated sexual assault. *Report to Congress: Analysis of Penalties for Federal Rape Cases* (U.S. Sentencing Commission 1995) (available at http://www.uscc.gov/r_congress/FEDRAPE.PDF).

¹¹ *Oliphant v. Suquamish*, 435 U.S. 191 (1978).

¹² *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country* (U.S. Commission on Civil Rights 2003) (available at <http://www.usccr.gov/pubs/na0703/na0204.pdf>).

¹³ 18 U.S.C. § 1152.

¹⁴ § 904 recognized that the complexity of understanding and formulating recommendations to be presented in the report to Congress encompass criminal justice and public health systems. The criminal systems were mandated under § 904(a) and health under § 904(c). These two research components are essential to a full understanding of violence against Indian women.

research project.¹⁵ Specifically, the statute required that the task force was charged with assisting in the development and implementation of a baseline study to examine violence committed against Indian women, including: (i) domestic violence; (ii) dating violence; (iii) sexual assault; (iv) stalking; and (v) murder, including the effectiveness of Federal, State, Tribal and local response.

The Section 904 Task Force (Task Force) was established by the Attorney General in March 2008. It has since the first meeting struggled with the daunting nature of the challenges posed by the authorizing statute. While the responsibilities presented by the statute are welcomed the Task Force it is also concerned by what it conceives as presumptions set upon it by the statute. Throughout its two-year existence it has engaged in a dialogue to advance its understanding of the complicated nature of the issues presented as a means to formulate recommendations to assist the National Institute of Justice (NIJ) to successfully implement the research required by the statute. To this end the most prominent of these concerns and corresponding recommendations are summarized. The program of research proposed by NIJ contains four components and this document responds to each component in the order presented.

General Notes on Authorizing Statute.

Over the two-year lifetime of the Task Force the authorizing language for the research has been discussed continuously. The Task Force in general is concerned with the following statutory language authorizing the research.

1. Usage of Term Indian Country.

First, the term Indian Country contained within subparagraph (a)(1)¹⁶ reads as follows:

IN GENERAL. — The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

The complex nature of Indian Country jurisdiction from both a civil and criminal level does not provide for a streamlined method of addressing violence against Indian women within the jurisdictional context of solely on Indian Country. The limitation of Indian Country not only ignores federal law defining the interstate nature of crimes against women, but also ignores factual situations that exist on a daily basis due to jurisdictional issues.

Indian Country has changed over the years. Indian Country was once the entire land that we now call the United States, occupation and attempted assimilation pushed tribes to smaller and smaller areas of land. In some areas of the United States, the federal government took all of the tribal lands and gave some to members in allotments.¹⁷ These tribes were left with the burden of rebuilding its land base. In addition, there are

¹⁵ § 904(a)(3).

¹⁶ A provision of S.327 is intended to correct this problem. A similar legislative fix was introduced immediately following the enactment of VAWA 2006.

¹⁷ General Allotment Act of 1887.

Dependent Indian Communities, defined as Indian Country in 18 U.S.C. § 1151, that exist outside of formal reservations.¹⁸ Unless the land is the subject of litigation, Dependent Indian Communities will not have been judicially determined making the determination of Indian Country problematic for survey purposes. As Indian Country continues to change, state and federal courts have continued to chip away at the sparse jurisdiction the federal government left to tribes resulting in confusion over jurisdictional issues regarding Indian Country.

Although § 904 narrows the baseline study to Indian Country, federal laws that criminalize domestic violence and stalking, recognize that the victimization of Indian women does not occur on one location. 18 U.S.C. § 2261, Interstate Domestic Violence, and 18 U.S.C. § 2261A, Interstate Stalking, subjects individuals who “travel in interstate or foreign commerce” or “enters or leaves Indian country” to criminal charges. As recognized by the federal government, violence against Indian women crosses lines and focusing only on crimes occurring on Indian Country ignores the dynamics of abuse and the willingness of a perpetrator to cross any line to get to the victim. Focusing solely on women who reside in Indian Country or women who have been victimized on Indian Country ignores a segment of Indian victims who may cross into or out of Indian Country, if even for a brief moment. For instance, what of women who are victimized outside of Indian Country but escape to their reservation and families for protection? They may obtain protective orders from the tribal court, seek counseling from tribal support systems but we are to ignore these women in our study simply because the assault took place off of Indian Country.

What of jurisdictions such as Oklahoma or Michigan, where the federal policies of assimilation and allotments created checkerboard jurisdiction and crossing in and out of Indian Country may not even be cognizant to the batterer? Often in these jurisdictions the tribes and states combine services to more effectively reach all. A woman may be battered outside of Indian Country, but she returns to her tribe for counseling and housing. What of women who have been battered on Indian Country but now live off Indian Country for various reasons, including residing in off-reservation shelters that may be supported by tribes. What of native women who leave the reservation to escape a member of the reservation?

This Task Force believes that studies isolated to crimes occurring only in Indian Country fail to take into account all factors including where the abuse occurs, where women go to receive safe shelter and what other services they are taking advantage of. This information is essential for tribes to continue to take care of its citizens.

If the baseline study is to evaluate the response of Federal, State, tribal and local governments, how can that study be effective without knowing what happens outside of Indian Country? Any study of crime against Native women in Indian country must be interpreted in light of similar crimes occurring against Native women to gain an understanding of how jurisdictional issues may impact effective prosecution outside

¹⁸ See *Hydro Resources, Inc. v USEPA*, 562 F.3d. 1249 (10th Cir 2009).

Indian country as well. If it is determined that a PL 280¹⁹ state is filing cases where Indian women are the victim off of Indian Country but not filing when the abuse happens on Indian Country then perhaps one issue is confusion over jurisdiction in that state. Conversely, a lack of response in either situation may reveal apathy towards domestic violence victims or even to native women.

The lack of jurisdiction at the tribal level presents a gap that allows battering to occur in Indian Country. If the batterer is a non-Indian tribes must rely on either the state, often completely uneducated in Indian country jurisdiction and hampered by limitations imposed by 18 USC § 1152, or the federal government to prosecute. The federal response is limited because of the Major Crimes Act's emphasis on serious felonies and the concomitant prohibition in 18 USC § 1152 on the prosecution of Indian on Indian crime that does not rise to the level of a Major Crimes violation and may not result in prosecution. Restoring full prosecutorial jurisdiction to tribes, regardless of whether the perpetrator is Indian or non-Indian should be seriously studied.

In addition to the confusion regarding criminal jurisdiction, confusion about civil jurisdiction may also cause victims to go off Indian Country to file for protective orders, divorces and custody matters, often without reporting to law enforcement. Service on the batterer may be difficult to obtain with jurisdictional crossings and lack of cooperation on local levels. Many tribes issue protective orders and although 18 U.S.C. § 2265 grants full faith and credit to tribal protection orders, if jurisdictions fail to recognize tribal divorce, custody and protective orders then the effectiveness of the tribal response has been thwarted by the non-tribal response. A review of the filing of protective orders and the enforcement of tribal protective orders is necessary to determine the effectiveness of Indian Country protective orders.

Lastly, the term Indian Country excludes 229 federally recognized Indian tribes within the State of Alaska.²⁰ It is inconceivable to the Task Force that a national study of violence against Indian women would exclude almost one-half of all the federally recognized Indian tribes in the United States. This exclusion the Task Force maintains was not the intent of the statute and notes the definition of Indian tribe under VAWA includes all federally recognized Indian tribes.

¹⁹ Public Law 83-280 (commonly referred to as PL 280) was a transfer of jurisdiction from the federal government to certain state governments in Indian country that greatly complicated the concurrent criminal jurisdiction of Indian tribes over violent crimes. Pub. L. 83-280, *codified at* 18 U.S.C. § 1162, 28 U.S.C. § 1360 (2000). *See* Carole Goldberg-Ambrose, *Planting Tail Feathers: Tribal Survival and Public Law 280* (UCLA American Indian Studies Center, 1997).

²⁰ With the exception of Metlakatla Indian Community Annette Island Reserve that shares concurrent jurisdiction with the United States.

2. Program of Research Remain Consistent with Statutory Scope of Section 904.

Second, the Task Force is concerned that the focus of the statute remains within the context of the language of the statute defining the scope of the research that reads as follows:

(2) SCOPE-

(A) IN GENERAL – The study shall examine violence committed against Indian women, including—(i) domestic violence; (ii) dating violence; (iii) sexual assault; (iv) stalking; and, (v) murder.

(B) EVALUATION- The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS- The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

It is generally agreed that the language of the statute clearly focuses on the following: 1) examining the violence, 2) the effectiveness of the federal, state, tribal and local systems responding to the violence, and, 3) as a result of the study report to Congress recommendations to improve the effectiveness of these systems to the five crimes listed. It is the concern of the Task Force that the crimes enumerated and the response of the systems to these crimes remain the focus of the program of research. Further, the §904 study is time sensitive. Everyday the impact of failed systems charged with safeguarding the lives of Indian women translates into loss of life, constant threat of physical injury, and in general a detrimental impact on the quality of life of American Indian women. While much research is needed the NIJ is encouraged to focus on the evaluation of the effectiveness of these systems.

The Task Force recommends that the NIJ program of research not focus on the behavior of Indian women participating in the study. For too long the standard responses of criminal justice personnel to not hold perpetrators accountable have involved the victim's behavior. Perpetrators of crimes of domestic violence, dating violence, sexual assault, and stalking are responsible for their criminal behavior and not the victims of these horrific crimes. It is the strong opinion of the Task Force that to understand the violence to be examined the NIJ program of research must provide equal focus on the offenders of these crimes. The perpetrators of these crimes typically do not commit single acts but repeat their violent behavior over time with the same or different victims.²¹ It is the beliefs offenders use to justify their criminal acts and their patterns of violent behavior that can enlighten the process of formulating the recommendations to increase the effectiveness of the systems to be examined. To enhance the safety of Indian women the current systems must be reformed. It is the strong opinion of the Task Force that primary data be collected from perpetrators and the systems to be examined to develop such recommendations.

²¹ The definition of domestic violence typically refers to a pattern of behavior.

Advancing recommendations reforming the systems charged with the responsibility of responding to such crimes will enhance the safety of Indian women by holding the perpetrators accountable for their crimes.

II. General Comments on Four Components of NIJ Proposed Program of Research

1. Tribally Representative Primary Data Collection. The NIJ proposes to collect standardized questionnaire data from a representative sample of Indian women from the tribal communities that choose to participate in the project. The primary data collection process would include: questionnaire development (public safety and public health questions); development of a comprehensive plan to pilot and cognitively test the questionnaire; submission of required OMB and IRB (federal and tribal) applications; and development and testing of modes of questionnaire administration and respondent recruitment strategy. Prior to collection NIJ proposes to develop procedural guidelines, study manuals, training materials, and protocols, as well as a data dictionary, codebook(s), and an analysts' guide including a data repository plan. Other tasks include developing and implementing marketing, outreach and dissemination strategies, and creating MOU/MOA and participatory agreements with Tribal Nations.

It is the strong opinion of the Task Force that the primary data collection component be broadened to include Indian women, perpetrators, and systems' personnel for the following purposes:

- a) Indian Women – To understand the effectiveness of the systems to be examined the needs and concerns of actual victims and survivors must be included in the study,
- b) Perpetrators – To understand the violence to be examined research must be focused upon the perpetrators of the violence. The perpetrators of these crimes typically do not commit single acts but repeat their violent behavior over time with the same or different victims. The offender of these crimes can inform the process of formulating the recommendations to increase the effectiveness of the systems to be examined,²²
- c) Systems Personnel - To understand the effectiveness of the federal, state, local, and tribal systems to be examined personnel working within these systems must be included. Gathering secondary data of statistics will not by itself form the recommendations of why the personnel failed to appropriately respond to crimes of violence committed against Indian women.

²² In the context of Indian perpetrators it is a concern that the violence be addressed in that typically tribal offenders return to their tribal community. It is important to understand the violence of Indian and non-Indian perpetrators to strategically address and eradicate violence against women. The Task Force recognizes that perpetrators commonly place responsibility for their violence on the victim of their violence. Developing recommendations that will highlight the patterns in the violence and gaps in the systems to be examined can assist in the process of reform.

Given the current planning phase of the NIJ proposal the following recommendations focus on the process for how these tasks will be achieved and not the specific design or content of these materials.

Recommendations for NIJ in the area of primary data collection:

- 1) NIJ collect primary data from personnel working within the systems to be examined to evaluate the effectiveness of those systems.
- 2) NIJ collect primary data from perpetrators of the crimes to be examined to evaluate the effectiveness of the systems charged with holding offenders accountable for their violent behavior.
- 3) NIJ collect primary data from Indian women to evaluate and increase the effectiveness of the systems to be examined and form the recommendations to improve the response of these systems to violence committed against Indian women.
- 4) NIJ establish and maintain a governmental relationship with each Indian tribe choosing to participate in this process. Further, that the NIJ maintain on-going relations with these Indian tribes to allow full, informed, and consistent participation in the implementation of this component.
- 5) NIJ understand the sovereign authority of each Indian tribe and give deference to the respective Indian tribe to determine the process that is most applicable to its unique circumstances.
- 6) NIJ develop an MOU or MOA with each Indian tribe and if agreed upon develop such written document in conjunction with the respective Indian tribe. The document should identify the responsibilities of NIJ to the specific Indian tribe and address issues of concern expressed by the tribal government.
- 7) NIJ recognize that while partnerships with federal departments charged with responsibilities for providing services to Indian tribes, such as law enforcement and health, are helpful they do not constitute formal governmental consultation or relationships with Indian tribes agreeing to participate in the primary data collection component.
- 8) NIJ recognize the sensitive and complex nature of the information to be collected from Indian women and develop a system for a woman to be accompanied by a support person to the collection site.
- 9) NIJ develop in all phases of the primary data collection component partnerships with the organization providing advocacy and related services to Indian women seeking safety in the jurisdictions selected as collection sites. The purpose of these partnerships is to inform the development of the data collection process. Examples of these organizations are battered women's shelters, rape crises services, and prevention and education services provided by tribal women's coalitions. Given the current under-resourcing of such advocacy and related service organizations it is recommended that when appropriate NIJ compensate these entities for time provided to NIJ in the data collection process.
- 10) NIJ develop a response for anonymity due to fear of retaliation for participating in the study and exposing the failure of the federal, state, tribal or local system from providing a response to a participant. Victims viewed as whistle blowers on the

failed response of a system should not face retaliation for their participation in the NIJ research project.

- 11) NIJ develop anonymity for Indian tribes concerned about the loss of federal VAWA or other funding due to participating in the data collection that informs NIJ of institutionalized barriers created by the current federal or state system.
- 12) NIJ hire and train tribal women with demonstrated expertise in the areas of violence against Indian women and Federal Indian Law to implement the primary data collection component.
- 13) NIJ contract with researchers with demonstrated expertise in the areas of violence against Indian women and Federal Indian Law to conduct the data analysis and write the primary data collection component.
- 14) NIJ provide training on violence against Indian women and Federal Indian Law to all participants employed and or contracted to implement this component of the program of research including the use of tribal colleges as a resource.

2. Secondary Data Analysis of Federal, State, Local and Tribal Crime and Health Data Systems. The NIJ proposes to review multiple data systems and sources as they relate to violence against Indian women. Specifically, it proposes to locate and analyze the following eight pieces of information: Indian Country crime and victimization rates; number and type of calls for service; number and types of arrests and charges; number of preliminary and permanent protective orders issued and enforced; Indian Country prosecution rates and sentencing practices; number and effects of dual jurisdiction; and homicide and mortality rates. Given the complexity of Federal Indian Law it is important that this research recognize the unique jurisdictional circumstance impacting specific Indian tribes and Indian women.

Recommendations for Secondary Data Component:

- 1) NIJ locate and analyze data from federal agencies, state agencies, and tribal agencies.
- 2) NIJ recognize that Indian Civil Rights Act limits the ability of Indian tribes to adequately sentence persons convicted of the five crimes to be examined under the statute.
- 3) NIJ recognize that the United States Department of Justice (USDOJ) is the sole entity with felony sentencing authority within tribal jurisdiction sharing concurrent federal criminal jurisdiction. The response or lack of response by the USDOJ to the five crimes listed under § 904 must be focused upon in judicial / prosecutorial Districts in which Indian tribes are located. Data reflecting no response or zero prosecution of these crimes must be reflected in this component.
- 4) NIJ recognize the detrimental impact of Public Law 83-280 and similar legislation upon Indian tribes.²³
- 5) NIJ develop a process for reporting murders to allow for inclusion of such cases that may not be reflected in the data collected by federal or state agencies but known to the tribal community, service provider or family.

²³ The Task Force encourages NIJ to recognize the legal barriers created by PL 83-280 and similar legislation impacting a significant number of Indian tribes such as the 119 Indian tribes located within the State of California, the 229 Alaska Native Villages located within the State of Alaska, and others.

- 6) NIJ recognize that the concepts of safety, perpetrator accountability and justice within a western system may not include the restoration of balance and well-being of a woman in a tribal setting.

3. Recommended Program Evaluations. The NIJ proposes to conduct as the third component of the program of research program evaluations. Given the mandate of § 904 to evaluate the effectiveness of federal, state, tribal, and local systems response to the five enumerated crimes of violence against Indian women the Task Force recommends that the evaluations be of these systems in their entirety.

Given the urgent nature of understanding the varying systems responding to violence against Indian women the Task Force recommends that NIJ evaluate such system in their entirety. The Office on Violence Against Women has for over 15 years promoted the concept of a coordinated community response to domestic violence and VAWA related crimes. This approach while effective as a national model highlights the severe inequity in the response of the United States to violence committed against Indian women. The legal restriction on Indian tribes to appropriately respond to such crimes combined with the lack resources to do so weakens a strong and immediate response to such crimes. The lack of a local presence or accountability of the federal or state felony prosecutor furthers the likelihood that the perpetrator will not be held accountable. Similarly the court with felony jurisdiction is not local and typically hundreds of miles away. The Task Force is well aware of these and many other gaps in the current systems upon which Indian women must rely for their safety. It is the mandate of § 904 to evaluate these systems and create recommendations for enhancing the effectiveness of these systems to such crimes. Such recommendations hold the potential for creating a comprehensive, effective and accountable systemic response to violence against Indian women.

Recommendations for the Program Evaluation Component:

1. NIJ evaluate the effectiveness of a tribal-federal concurrent jurisdiction system.
2. NIJ evaluate the effectiveness of a tribal-multiple federal jurisdiction system.
3. NIJ evaluate the effectiveness of a tribal-state concurrent jurisdiction system.
4. NIJ evaluate the effectiveness of a tribal system.
5. NIJ evaluate the effectiveness of advocacy services programs.

4. Special Task Force Requested Studies. The fourth component of the NIJ proposed program of research is comprised of special studies. Specifically, it contains the following: trafficking of Indian women; women with special needs; comparison of tribal laws/codes relating to violence against Indian women; comparison of PL 280 vs. non-PL 280 prosecutorial and sentencing practices; U.S. and Tribal Nation border issues; and impact of “Full Faith and Credit” statutes. While these specialized topics are important the Task Force recognizes that funding such studies may require additional resources beyond the authorized amount and that the primary purpose of § 904 is to provide Congress with recommendations to enhance the effectiveness of the federal, state, tribal, and local response. In developing the program of research NIJ is encouraged to focus and expeditiously implement the three components above to provide such

recommendations to Congress and seek additional resources to conduct such specialized studies.

III. General Recommendations Regarding the Implementation of the Program of Research.

The following recommendations are not specific to a single component of the proposed program of research but are made to NIJ with regard to the entire proposed program of research.

- 1) NIJ provide to the Task Force an update of the role of the Task Force as required by § 904(a)(3)(A) to assist in the development and implementation of the study.
- 2) NIJ maintain on-going relations and provide updates to Indian tribes and national / regional tribal²⁴ organizations actively engaged in the effort to increase awareness of issues concerning the safety of Indian women such as the National Congress of American Indians²⁵, the United Southern and Eastern Tribes²⁶, the Great Plains Tribal Chairman's Association, Alaska Federation of Natives, and California Association of Tribal Governments, other tribal organizations.
- 3) NIJ host a briefing session following each of the annual VAWA USDOJ tribal consultations to inform tribal leadership of the progress, challenges and status of the program of research until the report and recommendations required under §904 are completed.
- 4) NIJ provide Indian tribes that agree to participate in the research project the data collected within their respective reservations to assist the tribal government in increasing the effectiveness of law enforcement, prosecutors, courts, services and other related program areas to cases of domestic violence, sexual assault, dating violence and stalking.
- 5) The Task Force respectfully recommends that Attorney General Holder renew the charter of the Section 904 Task Force for an additional two-year period to guide the development and implementation of the NIJ Program of Research and development of the recommendations to Congress on increasing the effectiveness of the federal, state, tribal and local response to the violence against Indian women as required by § 904(a)(3)(A).²⁷

²⁴ The usage of the term tribal organization is as defined under the Indian Self-Determination Act.

²⁵ *Support of the 2011 Reauthorization of the Violence Against Women Act*, Res. PSP 09-090c, National Congress of American Indians (October 16, 2009).

²⁶ *Position on Violence Against Women Act Consultation*, Res. 209:064, United Southern and Eastern Tribes (October 29, 2009).

²⁷ The Section 904 Task Force was established by Attorney General Mukasey pursuant to § 904(a)(3) of the Violence Against Women Act of 2005 on March 31, 2008 for a two-year period and under the sunset provisions of the Federal Advisory Committee Act the charter of the Task Force will be terminated unless renewed.