

**Who:** Department of Justice (DOJ) Office on Violence Against Women (OVW)

**What:** The 20th Annual Government-to-Government Violence Against Women Tribal Consultation

**When:** October 28-30, 2025

**Where:** Prior Lake, Minnesota

**Reason for Tribal consultation:**

The Office on Violence Against Women is a grant-making agency in the U.S. Department of Justice. Under §903 of Title IX of the United States Department of Justice Reauthorization and Violence Against Women Act (VAWA) of 2005, OVW is responsible for conducting annual government-to-government consultations with the leaders of all Federally recognized Indian Tribal governments on behalf of the United States Attorney General.

The purpose of each consultation is to solicit recommendations from tribal government leaders on the following topics:

- Administering Tribal funds and programs;
- Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- Strengthening the federal response to such crimes; and,
- Improving access to local, regional, state, and federal crime information databases and criminal justice information systems.

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**Talking Points:**

**Tribal Consultation must take place before a decision is made.**

Pursuant to 34 U.S.C. § 20126, the U.S. Attorney General is required to conduct an annual consultation with Indian Tribal governments to solicit recommendations on four purpose areas: administering Tribal funds and programs; enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking; strengthening the federal response to such crimes; and improving access to local, regional, state, and federal crime information databases and criminal justice information systems. This annual consultation is vital to strengthening the Nation-to-Nation relationship between Tribal Nations and the United States by ensuring meaningful dialogue and Tribal input in decision-making. In order to foster

trust, prevent harm, and achieve the purpose of promoting Tribal sovereignty and protecting American Indian and Alaska Native (AI/AN) victims of violence, Tribes must be consulted before decisions are made.

**The Office on Violence Against Women must remain an independent office.**

34 U.S.C. § 10442 established the Office on Violence Against Women as a “separate and distinct office within the Department of Justice, not subsumed by any other office.” The OVW and its staff provide subject matter expertise, institutional knowledge, and federal prioritization and investment in addressing domestic and sexual violence. Given the specialized nature of the work and programs administered by OVW, including those serving American Indians and Alaska Natives, it is essential for the office to remain independent. Consolidating OVW with any other office risks weakening the enforcement of the Violence Against Women Act and reducing victim-centered services, which are crucial for the safety of American Indian and Alaska Native people and communities.

Any effort to consolidate OVW with another office cannot proceed without congressional approval and should include extensive consultation with Tribal leaders. Our participation in the 20th Annual OVW Violence Against Women Tribal Consultation highlights OVW’s vital role in tackling the crisis of violence in Indian Country and fulfilling the federal government’s trust and treaty obligations to Tribal Nations, which includes the “responsibility to assist tribal governments in safeguarding the lives of Indian women.”<sup>1</sup>

**Programs that serve American Indians and Alaska Natives should maintain full funding.**

Funding cuts to programs serving Indian Country would have devastating and disproportionate impacts on the safety, sovereignty, and well-being of Tribal communities, and would undermine the federal government’s trust and treaty obligations to Tribal Nations. Violence against American Indian and Alaska Native people remains a public safety crisis, with 84.3 percent of AI/AN women and 81.6 percent of AI/AN men experiencing violence in their lifetime.<sup>2</sup> Grants and programs serving Tribal Nations and AI/AN populations, including those from the OVW, are essential to responding to this crisis and keeping communities safe. Cuts to these programs can mean the difference between life and death in our communities. The disruption of life-saving services and resources would erode Tribal self-determination, increase violence and trauma in Indian Country and surrounding communities, and breach the federal trust responsibility to ensure safety and justice for Tribal Nations. DOJ and all federal agencies must oppose any

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<sup>1</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, § 901(6), 119 Stat. 2960, 3077 (2006).

<sup>2</sup> National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey*, May 2016. <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

proposed reductions to Tribal violence prevention, public safety programs, and programs that otherwise serve AI/AN people.

Recommendations:

-DOJ should advocate for increased and sustained funding for Tribal programs and all violence prevention and public safety programs that serve American Indian and Alaska Native people.

-DOJ should work with Tribal Nations to identify long-term funding solutions that support Tribal justice systems and culturally-appropriate prevention and healing programs.

-DOJ should prioritize Tribal set-aside funding and direct funding streams to Tribal Nations that avoid overly burdensome competitive grant processes.

**Tribal jurisdiction over non-Indian offenders and Special Tribal Criminal Jurisdiction (STCJ):**

The 2022 reauthorization of VAWA expanded the list of covered crimes over which Tribes can exercise jurisdiction over non-Native perpetrators. While a pivotal step forward, the most recent reauthorization did not address serious crimes that co-occur with domestic and sexual violence. Perpetrators will continue to slip through the cracks until Congress fully restores every Tribal Nation's complete jurisdiction over all crimes committed by non-Indians on Indian land.

Recommendations:

-We urge Congress to legislatively pass a full *Oliphant* fix, as outlined in NCAI Resolution SPO-16-037.

-DOJ and DOI should coordinate and collaborate to implement the provisions of VAWA 2022 and support Tribal Nations in implementing their restored jurisdiction over non- Indian perpetrators.

-DOJ and DOI should support legislation that would fully restore Tribal Nations' jurisdiction over non-Indians for any offense on Tribal lands.

-Tribal Nations are unable to meaningfully exercise restored jurisdiction and make Indian Country safer without public safety funding and resources to implement the restored jurisdiction. DOJ, DOI, and all other federal agencies should live up to their trust and treaty responsibilities to Tribal Nations by including annual, consistent, and sustainable noncompetitive funding for Tribal Nations for all public safety and victim services needs in their annual budget requests.

-DOJ should request the full amount of funding authorized for Tribal programs in VAWA 2022.

**The Department of Justice and Department of the Interior must not pull vital resources out of Indian country after the *Oklahoma v. Castro-Huerta* Supreme Court decision.**

Since the 2022 U.S. Supreme Court decision in *Oklahoma v. Castro-Huerta*, Tribal Nations have been concerned about the federal government reducing much-needed justice-related resources from Indian country. Tribal Nations have already reported seeing this trend on the ground in Oklahoma. Tribal Nations have reported that Federal Bureau of Investigation (FBI) agents and staff have been removed from the state since the 2022 decision and have also shared that some U.S. Attorneys in the state are declining to take on cases against non-Indians in favor of sole state or local government prosecution. These decisions are being made without coordination and without government-to-government consultation with Tribal Nations in Oklahoma or throughout the country. This is especially concerning after Congress and the Administration sought to invest more justice resources in Indian country located in Oklahoma following the 2020 *McGirt* decision.

**Recommendations:**

- We urge the DOJ and DOI to reverse the course and instead pour more staff, resources, education, and training into Indian country to ensure that safety is increased, rather than decreased.
- DOJ should provide training and education for U.S. Attorneys, FBI personnel, Criminal Chiefs, Victim Witness Coordinators, and any additional relevant DOJ staff on the link between Tribal sovereignty, Tribal consultation, and safety in Indian country.
- DOJ and DOI should continue to prioritize public safety in Indian country by addressing the disproportionately high rates of violence experienced by AI/AN people.
- DOJ and DOI should issue guidance stating that the *Castro Huerta* decision does not alter federal jurisdiction to prosecute crimes in Indian country pursuant to 18 U.S.C. §§ 1152 and 1153.
- DOJ must communicate to Congress that it supports the proposed legislation encapsulated in NCAI Resolution SAC-22-043 to affirm Tribal sovereignty and protect Native women and children, whose lives are at stake.

**Outstanding injustice of Missing and Murdered Indigenous Women and Relatives (MMIWR):**

The federal response to the MMIWR crisis is a breach of the federal trust responsibility and a human rights violation as reflected in the statistical disparities documented by the National

Institute of Justice (NIJ).<sup>3</sup> An adequately resourced local Tribal response to prevent abductions and murders is critically important in Indian Country. In the 2017 U.S. Department of Justice *Indian Country Investigations and Prosecutions* report, the DOJ noted that “[i]t is the Department’s position that prioritization of initiatives in Indian country, including the effort to build capacity in Tribal courts, will lead to enhanced public safety for Native Americans.” The failure to adequately fund Tribal services and Tribal law enforcement, and the lack of response from federal law enforcement contribute to the increased violence against AI/AN people.

### Recommendations:

-The Not Invisible Act of 2019, established the creation of the Department of the Interior and the Department of Justice Joint Commission on Reducing Violent Crime Against Indians. The Commission, called the Not Invisible Act Commission (NIAC), submitted its report, *Not One More: the Not Invisible Act Commission*, to the DOI and DOJ on November 1, 2023. NIAC developed recommendations through the work of six subcommittees focused on improving intergovernmental coordination and establishing best practices for state, Tribal, and federal law enforcement to bolster resources for survivors and victims' families and combating the crises of missing persons, murder, and trafficking of American Indian and Alaska Native peoples, as specified under the law. DOI and DOJ, as well as other relevant federal agencies, including the Department of Homeland Security (DHS) and the Department of Health and Human Services (DHHS), should implement the NIAC recommendations in a timely manner and share frequent updates of progress and plans for implementation. The report should be restored and accessible to the public on both the DOJ and DOI websites.

-The Federal Emergency Management Agency (FEMA) should coordinate with Tribal Nations to help find MMIW victims during or after disasters.

-The 2005 reauthorization of the VAWA NIJ research program should be fully implemented, and specifically provide Tribal Nations information regarding missing and murdered AI/AN women, including unique barriers facing Tribal Nations and Native women in P.L. 280 states.

-All federal departments should coordinate efforts to increase support for Tribal responses to missing or murdered AI/AN people as required by Savanna’s Act and the Not Invisible Act of 2019.

-DOJ and DOI should support the Bridging Agency Data Gaps and Ensuring Safety for Native Communities (BADGES) Act and the Parity for Tribal Law Enforcement Act.

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<sup>3</sup> National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey*, May 2016.  
<https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

-DOJ should ensure that data on Indian Country, Tribal Nations, and Tribal citizens is included in the various reports. In particular, the public reports that contain anonymized data from the Accountability Database should include a breakdown of what cases occurred in Indian Country and in what BIA region the conduct occurred.

-While preventing the occurrence of MMIWR should be the primary goal, further steps must be taken to ensure that when crimes occur, both families and victims are supported in a culturally-appropriate way. In many reported incidents, the pain of losing a loved one was exacerbated by improper or culturally-insensitive treatment of the case or remains.

-Federal agencies should develop protocols, in consultation with Tribal Nations, which recognize the inherent right of American Indians and Alaska Natives to exercise their traditional practices to prevent and intervene in response to MMIWR. These protocols must address the current violations of Tribal religious and cultural practices in the handling of human remains. The protocols must address the following:

- The cremation of AI/AN peoples' remains without notice or consent of a family member. In numerous cases, like in the case of Kaysera Stops Pretty Places, families did not consent to the coroner's unilateral decision to cremate the body of an AI/AN victim.

- The denial of requests by immediate family members to see the bodies of their loved ones. In documented cases, the requests of the family to see the remains of the AI/AN victim have been denied without explanation.

- Mailing and shipping human remains without notice to the family, often without proper clothing and modesty covers.

### **Disparities in funding for Tribal Nations in P.L. 280 States:**

Sixty-five percent of all federally recognized Indian Tribes are located in P.L. 280 states. Certain P.L. 280 states fail to investigate and prosecute crimes involving violence against AI/AN women, yet Tribal Nations located in P.L. 280 states receive little, if any support for Tribal law enforcement and Tribal courts. Consequently, the Tribal Nations in P.L. 280 have insufficient resources to develop their Tribal justice systems, while states that have concurrent jurisdiction fail to fulfill their responsibilities under the law. It is imperative not only to fully restore Tribal Nations' jurisdiction over non-Indian perpetrators, but also to provide funding for their justice systems so that they can make their communities safer for everyone who lives there.

### **Recommendations:**

-DOI's Bureau of Indian Affairs (BIA) should continue to request appropriate additional federal funding to provide public safety and justice resources to Tribal Nations located in P.L. 280 states.

-BIA should provide funding to Tribal Nations located in the P.L. 280 states for Tribal court systems and law enforcement agencies, and administer that funding in a sustainable and equitable manner.

-BIA should seek to end the disparity in funding between Tribal Nations based on their location within or outside of a P.L. 280 state.

### **Federal accountability and compliance with the Tribal Law and Order Act of 2010 (TLOA):**

TLOA Section 212 requires U.S. Attorneys to coordinate with Tribal justice officials on the use of evidence when declining to prosecute a crime on the reservation. Sharing evidence of crimes committed on a reservation is critical to keeping AI/AN women safe. Tribal officials need to be notified in a timely manner when a U.S. Attorney declines to prosecute sexual assault or domestic violence cases, and why the U.S. Attorney has declined.

Section 261 requires the U.S. Bureau of Prisons (BOP) to notify Tribal justice officials when a sex offender is released from federal custody into Indian country.

#### **Recommendations:**

-The U.S. Attorney General should direct U.S. Attorneys to implement the Section 212 of TLOA and be accountable for the necessary coordination and reporting duties with Tribal justice officials pursuant to 25 U.S.C. § 2809 (b). The failure to implement the law should be tied to employee performance metrics.

-Ensure that Tribal justice officials are notified of prisoner release and re-entry on Tribal lands, regardless of the process by which this occurs. Proper implementation of this provision is critical to the safety of AI/AN women.

### **Family Violence Prevention and Services Act (FVPSA):**

Tribal leaders, Tribal communities, and AI/AN survivors of violence have raised concerns about the lack of shelter and supportive services for Tribal Nations. The Family Violence Prevention and Services Act (FVPSA) is the only dedicated federal funding source for domestic violence shelters across the country; however, FVPSA authorization expired in 2015.

#### **Recommendations:**

-DHHS should support a FVPSA reauthorization that:

- Adjusts the funding distribution to increase the amount that Tribes receive from 10% to 12.5%;

- Dedicates formula funding for Tribal coalitions to provide culturally appropriate

technical assistance to Tribes;

- Provides permanent funding for the national Indian domestic violence hotline;
- Provides permanent funding for the Alaska Tribal Resource Center on Domestic Violence to reduce disparities facing Native victims; and
- Provides permanent funding for the Native Hawaiian Resource Center on Domestic Violence.

**DOJ must continue to submit the statutorily mandated annual Tribal consultation reports and Indian Country investigations and prosecutions reports to Congress.**

Tribal Nations' concerns and recommendations regarding violence against AI/AN women are extensive, as documented in past consultation reports. The federal government must coordinate and collaborate to enact changes that will address the disproportionate rates of violence against AI/AN women. The OVW Annual Tribal Consultation Reports and Indian Country Investigations and Prosecutions Reports to Congress are important mechanisms for ensuring coordination and collaboration.

Recommendations:

- DOJ must consistently and timely submit the OVW Annual Tribal Consultation Report to Congress on the DOJ website.