

Legislative Update

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Presentation Goals

- Provide information about the MMIW crisis
- Provide a summary of pending legislation
 - VAWA
 - Marker Bills
 - Other legislation to watch

Missing and Murdered Indigenous Women (MMIW)



The Alaska Native Women's Resource Center

Who we are and what we do

ALASKA NATIVE TRIBAL RESOURCE CENTER ON DOMESTIC VIOLENCE (ANTRC)

Funded by a 2017 Appropriations for a State Tribal Resource Center to provide:

1. Technical Assistance & Training, including Needs Assessment
2. Public Awareness/Resource Development
3. Policy Development & Systems Advocacy/Engagement
4. Research and Knowledge Development



The Violence Against Women's Act

VAWA

VAWA Reauthorization: History

- First enacted in 1994
- Reauthorized in 2000, 2005, and 2013
- Each reauthorization has strengthened the law and included provisions aimed at enhancing safety for Native victims of domestic violence, dating violence, sexual assault, stalking, and trafficking.

2005 Title IX: Safety for Indian Women

- Historic Amendment for Indian Country: Created in VAWA 2005– historic because within the act, Congress recognized the severity of the violence against Native women and the need to enact federal legislation supporting increased protections.
- Recognized the unique legal relationship and commitment that the US has to Indian tribes and the safety of Native women.
- Required Sec. 903, U.S. shall conduct annual government to government consultations with Indian tribal governments concerning administration of tribal funds and programs under this act.

VAWA 2013

Historic Amendment

- Restored inherent tribal authority of Indian Tribes to prosecute non-native defendants for certain crimes (partial Oliphant fix) - known as Special Domestic Violence Criminal Jurisdiction
- Limited in Scope • Domestic Violence with certain requirements and Violations of a Protection Order

VAWA 2013

- Limited in Scope
 - Domestic Violence
 - Dating Violence
 - Violations of a Protection Order
- Defendant must have close ties to Indian Country
 - Resides in Indian Country of tribe
 - Employed in the Indian Country of tribe or
 - A spouse, intimate partner or dating partner of a tribal member or non-member Indian who resides in the Indian Country of the tribe

VAWA 2013

- Effect on Alaska: 228 out of 229 tribes left out of some of these provisions.
- Jurisdiction tied to “Indian Country”
- Because of *Venetie v. Alaska*, Indian Country is limited in Alaska.

House Bill 1585 Reauthorization of VAWA 2019

1. Reauthorizes 2013 provisions and expands prosecution of non-Indians to include obstruction of justice-type crimes, sexual assault crimes, sex trafficking and stalking.
2. Creates pilot project for up to five Alaska Tribes and expands the definition of Indian Country to include ANCSA lands, townsites and communities that have populations of at least 75% native.
3. Expands definition of DV victims to include children who witness the crime.
4. Provides a specific finding for Alaska and jurisdictional challenges because of restrictive land settlement.
5. Expands Tribal Access Program (TAP) to tribes without law enforcement.
6. Expands enforcement of tribal protection orders and specifically in Alaska with land issues.

New Section: Alaska

SEC. 901. FINDINGS AND PURPOSES.

(15) In States with restrictive land settlement acts such as Alaska, "Indian country" is limited, resources for local tribal responses either nonexistent or insufficient to meet the needs, jurisdiction unnecessarily complicated and increases the already high levels of victimization of American Indian and Alaska Native women. According to the Tribal Law and Order Act Commission Report, Alaska Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the State population, but are 47 percent of reported rape victims. And among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country.

VAWA 2019: SEC. 903

(g) Indian Country Defined.—For purposes of the pilot project described in subsection (f)(5), the definition of ‘Indian country’ shall include Alaska Native-owned Townsites, Allotments, and former reservation lands acquired in fee by Alaska Native Village Corporations pursuant to the Alaska Native Claims Settlement Act ([43 U.S.C. 33](#)) and other lands transferred in fee to Native villages.”

Young Amendment expands jurisdiction: “2) All lands within any Alaska Native village with a population that is at least 75 percent Alaska Natives.”

VAWA 2019: Criminal Jurisdiction SEC 106 2 e

- *Protection Order enforcement and reach expanded:*
- *“This applies to all Alaska tribes without respect to ‘Indian country’ or the population of the Native village associated with the Tribe.”*

“Marker” Bills

A **marker bill** is a piece of legislation introduced in Congress that's not actually intended to pass as a standalone **bill**, but rather is intended for inclusion in a larger **bill** (such as the farm bill)

Native Youth & Tribal Officer Protection Act

- S. 290/HR 958 - Introduced by Senators Udall (D-NM), Murkowski (R-AK), and Cortez Masto (D-NV) and Reps. Cole (R-OK) and O'Halleran (D-AZ).
- Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including: child abuse and crimes that are committed against certain public safety & justice officials.
- Referred to the Indian Affairs Committee.

Studying the Missing and Murdered Indian Crisis Act

- S. 336 - Introduced by Sen. Tester (D-MT), Daines (R-MT), Cortez Masto (D-NV), Lankford (R-OK), Smith (D-MN).
- Directs the Comptroller General of the United States to submit a report on the response of law enforcement agencies to reports of missing or murdered Indians and make recommendations for improvement.
- Referred to the Senate Committee on Indian Affairs.

Justice for Native Survivors of Sexual Violence Act

- S. 288 - Introduced by Senators Smith (D-MN), Murkowski (R-AK), and Udall (D-NM).
- Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including: sexual assault, stalking, and trafficking.
- Referred to the Indian Affairs Committee.

Senate Bills to watch...

The SURVIVE Act (VOCA for Tribes)

- S. 211: directs that five percent of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes to provide crime victim services.
- Would result in approx. \$150-170M for crime victim services in Indian Country annually based on recent funding levels

The bill was reported favorably by the SCIA in Feb. 2019

Would be useful to include victim assistance and compensation, which are two different things.

Savanna's Act (MMIW)

- S. 227 - aims to improve the response to missing and murdered Native women by
 - improving tribal access to the federal criminal information databases,
 - requiring data collection on missing and murdered Native people, and
 - directing the U.S. Attorneys to develop law enforcement and justice protocols to address missing persons.

Ways to strengthen the bill

- We have a lot of deaths in Alaska classified as unnatural, but the manner of death is determined “accident, suicide or undetermined” even though there are unexplained injuries.
- In my home village of Klawock, initial reports of the death of Francile Turpin on Jan. 14, 2018, was “suspicious”, but more than a year later no one is held accountable.

Gunalchéesh-Thank you

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