



COALITION to STOP VIOLENCE AGAINST NATIVE WOMEN

Recommendations for **NEW MEXICO TRIBAL COMMUNITIES**

2016 Government-to-Government Annual Tribal
Consultation on Violence Against Women
December 6, 2016 | Palm Springs, CA

4 out of 5 Native women are affected by violence

55%
of violence against Native
women is domestic violence

56%
of violence against Native
women is sexual violence

88% of offenders of sexual violence against Native
women and children in New Mexico are Native American

71% of all cases declined for prosecution in Indian Country Crimes in 2015 were due to insufficient evidence, according to the latest federal statistics available. The insufficient evidence category includes circumstances where there is a lack of evidence of criminal intent, weak or insufficient evidence, or witness problems.

The majority of these 2015 cases involved physical assaults or sexual assaults, sexual exploitation, or failure to register as a sex offender.

The Coalition to Stop Violence Against Native Women provides this brief on the status of violence against Native women and children to tribes as a summary of current perspectives and public safety priorities for our Native women and children. While tribal communities in our region face many challenges and have several needs, coordinated and continued communication with federal and state agencies, legislation, ongoing training and technology will aid tribes with addressing sexual assault and domestic violence in their communities. CSVANW is a 20-year-old, New Mexico-based organization with a mission is to stop violence against Native women and children by advocating for social change.

The annual Violence Against Women Tribal Consultation is required by the Violence Against Women and the U.S. Department of Justice (DOJ) Reauthorization Act of 2005 (VAWA 2005) to address the federal administration of tribal funds and programs established under the VAWA 1994 and its subsequent reauthorizations. The purpose is to solicit recommendations from tribal leaders on the following:

- Enhancing the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, stalking and sex trafficking;
- Strengthening the Federal response to the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
- Administering grant funds appropriated for tribal government and programs created to benefit tribal governments by the original Violence Against Women Act and subsequent legislation.

CSVANW RECOMMENDS

1. Advocate for expanded tribal jurisdiction over all non-Natives who commit crimes on tribal lands. CSVANW calls for DOJ to consult with tribal governments about the development of a federal bill that would expand tribal jurisdiction and fill the gaps left by VAWA 2013. The bill would reaffirm tribal authority to prosecute non-Natives for crimes committed on tribal lands. Some proposed legislation that includes expansion of jurisdiction but does not fully cover gaps such as expanded jurisdiction for sexual violence crimes include:
 - a. S. 2785: Tribal Youth and Community Protection Act of 2016
 - b. Reauthorization of VAWA of 2018
2. Support the reauthorization of the Tribal Law and Order Act (2010). TLOA took a comprehensive approach to improving public safety in tribal communities and assisting our tribal justice systems in reforming prevention, response, law enforcement, detention, court processes and rehabilitation. Many of the key opponents of TLOA expired in 2014. Reauthorization of TLOA should be prioritized in the next two years.
3. Hold DOJ accountable to prioritizing and supporting tribes in the investigation and prosecution of crimes in our communities. CSVANW calls for more comprehensive training of tribal law enforcement, criminal investigators and first responders to ensure the comprehensive investigative and prosecution processes are conducted in accordance to meet defined standards for prosecution. CSVANW also calls on a continued trust and relationship-building with the U.S. Attorney's Office (USAO).
4. Ensure tribal governments have access to federal criminal information databases. In 2015, DOJ launched the pilot programs Tribal Access Program (TAP) and Purpose Code X to further address the long-standing issue of tribal access to the federal criminal information databases. This access facilitates sharing of information, including protective orders, criminal history and sex offender status across jurisdictions. These programs should be expanded to all tribes, and federal funding should be appropriated to increase the facilitation and enforcement of protection orders and offender registries.
5. Support the congressional call for a National Day of Awareness for Missing and Murdered Native Women and Girls. This congressional call seeks to designate May 5th as a national day of awareness to commemorate the lives of missing and murdered Native American women and girls. CSVANW asks our tribal leaders to support this resolution.
6. Support federal appropriations for direct streams of funding for tribal victims of crime. The Crime Victims Fund (VOCA) pays for itself by collecting criminal fines, forfeited appearance bonds, penalties, special assessments, gifts and donations. Currently, every state has access to a set-aside fund but unfortunately these funds reach our tribal communities at very low rates, despite significant need for victim assistance. According to DOJ, Native American victims (who experience the highest crime victimization rates in the country) receive less than 0.5% of all VOCA funds annually. A federal tribal set-aside for 10% is being requested.
7. Invest in violence prevention, early intervention and offender reintegration. CSVANW calls for tribal leaders to prioritize Native youth violence prevention and early intervention efforts. Native youth who experience violence in the home are 75% more likely to become a future victim of violence or a perpetrator. CSVANW humbly asks tribal leaders to invest in prevention efforts simultaneously with offender reintegration to ensure that offenders who return back to our communities have the support and services they need to live healthier and balanced violence-free lives.

U.S. Department of Justice Indian Country Investigations and Prosecutions CY2015

| State | Cases Resolved by USAO | USAO Declinations | Cases Resolved Other Than by Federal Declination | USAO Declination Rate |
|------------|------------------------|-------------------|--|-----------------------|
| Arizona | 848 | 224 | 624 | 27% |
| Colorado | 21 | 11 | 10 | 52% |
| New Mexico | 216 | 105 | 111 | 49% |
| West Texas | 1 | 0 | 0 | 0% |

About the Coalition to Stop Violence Against Native Women

In 2016, CSVANW provided education and training to **614** individuals

41%

of NM tribal communities are impacted positively by CSVANW's technical assistance through such efforts as grant management aid, tribal code & policy development, and resource sharing.

CSVANW is a member-driven tribal coalition that represents the broadest and most unified voice in advocating and collectively addressing violence against Native women and children across the region. An alliance of more than 50 passionate, distinguished and highly committed organizations and individuals, the CSVANW staff, Board of Directors and committed membership work aggressively to raise awareness about the safety of Native women and children at the state, tribal and federal levels, in addition to providing the utmost critical lifeline services to those affected by violence. CSVANW provides training, advocate support, and technical assistance for tribes and law enforcement seeking help in working with tribes. The Coalition also offers policy advocacy on behalf of tribes.

CSVANW has four main focuses: training, technical assistance, policy advocacy and support. Within this framework, CSVANW chooses to also focus on prevention, early intervention and breaking the cycle of violence.

In 2015, CSVANW helped 11 tribes and Pueblos with their grant applications. Nine were successfully funded.

For more information about CSVANW or to become a member, go to www.csvanw.org.

Coalition to Stop Violence Against Native Women
4600 Montgomery Blvd NE Suite 2028
Albuquerque, NM 87109
(505) 243-9199