

## Tribal Public Safety and Justice

- **VAWA 2022**
- **Alaska Intertribal Working Group**



# VAWA 2022 and Alaska Tribes

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- Defines for the first time the territory "within which" Alaska Tribes' jurisdiction is recognized. Does not create "Indian country" – Alaska specific definition of Village
- Clarifies Alaska Tribes' authority over Native people within the Village
- Pilot project available to Alaska Tribes – criminal jurisdiction over non-Native people that commit certain crimes within the Village

# Where to start?

Indian Tribe



occupying

a

Village



25 U.S.C Sec. 1305

# Tribal Jurisdiction in Alaska

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Congress recognizes and affirms the inherent authority of any Indian tribe occupying a Village to exercise criminal and civil jurisdiction over all Native people in the Village.

25 U.S.C. Section 1305(a)

# Why do Tribes exercise Criminal Jurisdiction over Native people?

1. Crime is committed with no accountability.
2. Domestic violence, sexual violence or child abuse occurs, and offenders often return to the home where they are committing violence.
3. State public safety and justice is not available.

What other reasons can you think of?

# VAWA 2022 Pilot Project

AlaskaTribe



Criminal  
Jurisdiction  
over

Non-Native



People

25 U.S.C Sec. 1305(d)

# Pilot Project Overview

## (Tribal Jurisdiction over non-Native People)

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Alaska Tribes, that meet certain standards to protect defendant's rights, can exercise special tribal criminal jurisdiction (STCJ) over certain crimes committed in their villages by non-Native perpetrators

25 U.S.C. Section 1305(d)

# Pilot Project – defendant’s rights

## (Tribal Jurisdiction over non-Native People)

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Indian Civil Rights Act and:

1. Free, licensed attorneys for poor defendants;
2. Law-trained tribal judges (with bar membership);
3. Publicly available tribal criminal laws;
4. Recorded criminal proceedings;
5. Jury trials with representative jury pool;
6. Informed of right to file federal habeas petitions.

25 U.S.C. Sections 1302(a)(c); 1304(d).



# Pilot Project – certain crimes

## (Tribal Jurisdiction over non-Native People)

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- A. assault of Tribal justice personnel;
- B. child violence;
- C. dating violence;
- D. domestic violence;
- E. obstruction of justice;
- F. sexual violence;
- G. sex trafficking;

# What's an ITWG?

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## Inter-Tribal Technical Assistance Working Group

- Formed in 2013 by Department of Justice focused on L48 Tribes implementing VAWA 2013
- Approximately 70 Tribes
- Bi-annual meetings
- Open to all interested Tribes
- *National ITWG*

# What's an AK ITWG?

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## Alaska Inter-Tribal Technical Assistance Working Group

- Like the national ITWG but specifically for Alaska
- Alaska Tribes working together on public safety and justice
- Peer-to-Peer Collaboration
- Alaska specific Technical Assistance
- First meeting was in April 2024 – hosted by TCC
- Second meeting in Anchorage – Oct. 21-22, 2024

# Track One: Alaska ITWG

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DOJ has picked ANJC to lead the Alaska Inter-Tribal Technical Assistance Working Group (AK ITWG). Partners include TCC, RurAL Cap, AKNWRC, UAF, AVCP.

- Open to all interested tribes, regardless of whether they plan to apply for the Pilot Program
- Peer-to-peer information sharing and learning
- Members will receive targeted technical assistance
- Tribes who wish to join the AK ITWG should submit a letter to DOJ (we have model letter)

# Upcoming ANJC Events

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## ICWA Training

- October 10-11 Virtual
  - November 7-8 In Person
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## Alaska Inter-Tribal Technical Assistance Working Group

- October 21-22



# ANJC Supports Alaska Tribes

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- Training/Technical Assistance with Tribes and Tribal Justice Systems
- Resources and Facilitation
- Lawyers for Alaska Tribes in state court child welfare cases
  - Case must be in Southcentral AK
  - Expanding soon

# Thank you!

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# QUESTIONS?



Alex Cleghorn, J.D.

ANJC, Chief Operating Officer

