#### **Tribal Public Safety and Justice**

- VAWA 2022
- Alaska Intertribal Working Group

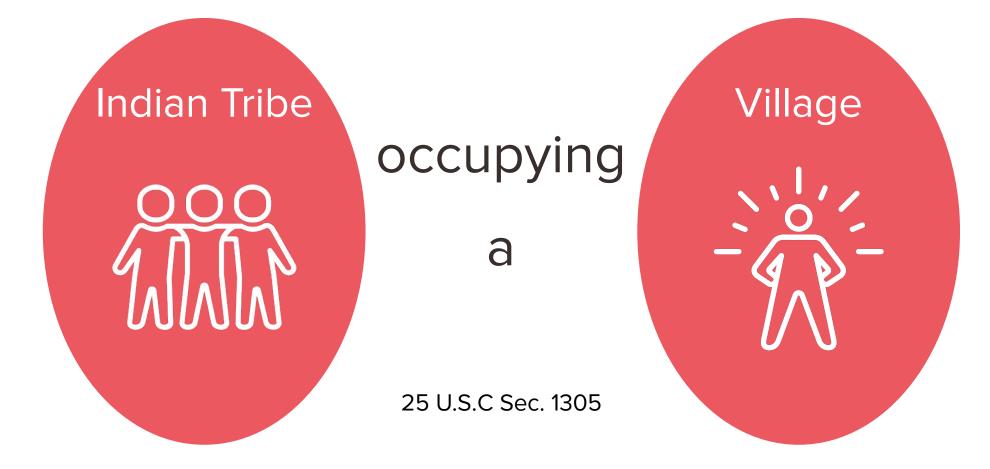


## VAWA 2022 and Alaska Tribes

- 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?





### **Tribal Jurisdiction in Alaska**

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)



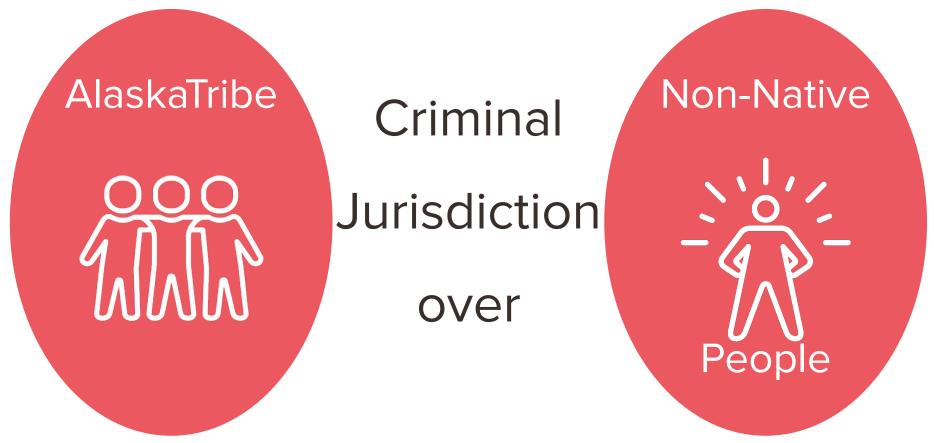
# Why do Tribes exercise Criminal Jurisdiction over Native people?

- 1. Crime is committed with no accountability.
- 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



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



## **Pilot Project Overview**

#### (Tribal Jurisdiction over non-Native People)

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)

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)

- 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?

Inter-Tribal <u>Technical Assistance</u> <u>Working</u> <u>Group</u>

- 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 <u>AK</u> ITWG?

#### <u>Alaska Inter-Tribal Technical Assistance Working Group</u>

- Like the national ITWG but <u>specifically for Alaska</u>
- 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

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**

#### **ICWA Training**

- October 10-11 Virtual
- November 7-8 In Person



Assistance Working Group

• October 21-22







### **ANJC Supports Alaska Tribes**

• 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!

## **QUESTIONS?**

Alex Cleghorn, J.D. ANJC, Chief Operating Officer

