

# UTFAV Newsletter

## Grand Traverse Band of Ottawa and Chippewa Indians Implements SDVCJ!

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UNITING THREE FIRES  
AGAINST VIOLENCE

EDUCATING  
ADVOCATING  
RESEARCHING

On November 1st the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians (GTB) amended their Domestic Violence Ordinance authorizing tribal police and justice officials to investigate and prosecute domestic violence crimes committed by non-Indians on tribal land, often called Special Domestic Violence Criminal Jurisdiction (SDVCJ). Non-Indians who live or work on the reservation or have a marriage or dating relationship with a Native person now may be prosecuted by GTB for domestic and dating violence crimes, and for criminal violations of certain protection orders.

Council Chair Sam McClellan stated, "The epidemic of

violence against Native women has worsened as a result of tribal governments' forced reliance on distant federal officials for justice. Domestic violence demands a local solution. At long last, we have one. Tribal law enforcement officers are no longer required to obtain federal permission to arrest a non-Indian who perpetrates domestic violence against an Indian. Bad actors who assault our women are on notice: They will be prosecuted and put in jail."

Prior to 1978, Tribal governments had the authority to investigate, prosecute, convict and sentence Non-Indian individuals who committed certain crimes on the reservation. However, In the Supreme Court case *Oliphant v Suquamish Indian Tribe* (1978), The U.S. Supreme Court stripped tribal governments of their criminal authority over non-Indians. It wasn't until the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) was enacted that Indian Tribes were eligible to implement SDVCJ which would restore a small portion of their inherent authority to

investigate, prosecute, convict, and sentence non-Indians who commit crimes on the reservation. While the legislation restores some authority, there are still significant limitations in regards to protecting other victims of crime committed by Non-Indians, including: children, criminal justice personnel and victims of sexual assault without the context of domestic violence.

There are only approximately twenty tribes around the United States that have implemented SDVCJ. In addition to Grand Traverse Band of Ottawa and Chippewa Indians, three other Tribes in Michigan have also implemented this important protection within their communities. Those Tribes are: Little Traverse Bay Bands of Ottawa Indians and Nottawaseppi Huron Band of Potawatomi, and Sault Ste. Marie Tribe of Chippewa Indians

*\*Information and Statements from GTB Chair Sam McClellan were obtained from Turtle Talk which can be found at <https://turtletalk.wordpress.com>*



### Inside this issue:

<i>GTB Implements SDVCJ</i>	1
Michigan Legislation	1
UTFAV Updates	2



## Michigan Legislation—HB 6388

In late September, State Representative Martin Howrylak (R– District 41) introduced legislation to the Michigan House of Representatives that if passed, would create Trauma Recovery Centers – designed to help crime victims – throughout Michigan. To do this, an advisory committee would be developed within the Department of Health and Human Services (DHHS) to

assist with the development of policies related to the trauma recovery centers. This committee will consist of mental health professionals, law enforcement, crime survivors and representatives from community-based organizations. There are some concerns with this legislation. One concern is the trauma recovery centers use a mental health model which includes: intervention,

individual and group treatment, medication management, substance abuse treatment, case management, and assertive outreach. Domestic violence advocates worry that the mental health model often labels victims as “deficient” and focus on “treatment” as opposed to healing. Another concern with the legislation is that it is duplicative, in that services for crime victims already exist

within the State through the Division of Victim Services within the Department of Health and Human Services. Currently, the legislation has been referred to the Committee on Law and Justice. If you would like more information about this bill and other legislation, please contact UTFAV at 906-253-9775.

# UTFAV Updates

## OVW Consultation

UTFAV Executive Director Rachel Carr attended the Office on Violence Against Women (OVW) Tribal Consultation held August 21-August 22 in Sioux Falls, South Dakota. The purpose of this consultation is to solicit recommendations on enhancing safety for American Indian and Alaska Native women, strengthening the Federal response to the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking, and administering grant funds. Tribal Leaders from throughout the United States provided critical testimony to the federal partners in attendance, including the Department of Justice, the Department of Health and Human Services and the Department of the Interior. The United States Acting Associate Attorney General Jesse Panuccio delivered the keynote address, stating “We are honored and grateful to be here with you for this government-to-government consultation. Please allow me to extend warm greetings to the many leaders of tribal nations, public safety officials, victim advocates, and all of those in attendance who share a dedication to stopping violence against women in our communities. We know

that many of you traveled great distances, and cleared very busy schedules, to be here today. The Department of Justice appreciates your commitment to addressing violence against women in your tribal nations.” This year, the event was extended to a full day and a half for those interested in providing testimony. The second half of the second day was a government-to-government interactive session, allowing Tribal and Federal leadership an opportunity to have an open discussion and Q&A session.

## NCAI Task Force on Violence Against Native Women

On Sunday October 21st, UTFAV Executive Director Rachel Carr and Community Outreach Specialist Hali McKelvie attended the NCAI Task Force on Violence Against Native Women meeting held during NCAI’s 2018 Annual Conference in Denver, Colorado. Updates from the meeting included:

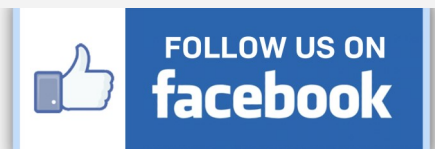
- Litigation/Supreme Court Update (U.S. v. Gamble) from Mary Kathryn Nagle, Pipestem Law;
- Violence Against Women Act (VAWA) Reauthorization Update from NCAI Project Attorney Esther Labrado;

- Appropriations Update and VOCA set aside Update from NCAI Senior Policy Advisor Virginia Davis;
- Family Violence Preventions and Services Act (FVPSA) Reauthorization Update from Paula Julian from the National Indigenous Women’s Resource Center;
- Updates from Federal Partners including Sherriann Moore, Deputy Director, Tribal Affairs, Office on Violence Against Women and Eugenia Tyner-Dawson, Senior Policy Advisor to the Assistant Secretary of Indian Affairs, Department of Interior;
- Updates from Chris Foley at the Indian Law Resource Center and Michelle Demmert on the Tri-lateral Summit on Violence Against Women;
- And Updates on the Tribal Resource Mapping Project from Samantha Wauls from the National Center for Victims of Crime.

A more detailed update will be shared with Tribal programs in the near future. If you have any questions and/or comments regarding UTFAV updates, please call 906-253-9775.

## Uniting Three Fires Against Violence

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*Uniting Three Fires Against Violence is Michigan’s Native American Domestic Violence and Sexual Assault Coalition. Our mission is to support Michigan Tribes in promoting the social change necessary to address the disproportionate rates of violence impacting our communities. We are dedicated to providing resources, safety and advocacy to ensure the physical, mental, spiritual and emotional well-being of Native Americans victimized by violence.*

*For more information about Uniting Three Fires Against Violence, please contact us at 906-253-9975.*

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