

# FY 2020 Office on Violence Against Women - Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction

February 7, 2020



National Congress of American Indians  
Tribal Law and Policy Institute

[www.tlpi.org](http://www.tlpi.org)

[www.ncai.org/tribal-vawa](http://www.ncai.org/tribal-vawa)

**FY 2020 Application Due: February 26, 2020**

# Presenters

- **Esther Labrado**, *Project Attorney-Special Domestic Violence Criminal Jurisdiction*, National Congress of American Indians
- **Chia Halpern Beetso**, *Tribal Court Specialist*, Tribal Law and Policy Institute
- **Jim Taylor**, *Managing Attorney, Tribal Prosecutor's Office*, Confederated Salish and Kootenai Tribes
- **Hon. Kim McGinnis**, Chief Judge, Pueblo of Pojoaque
- **Hon. Cindy Smith**, *Chief Judge*, Suquamish Tribal Court

# Outline of Webinar Presentation

- FY 2020 OVW Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ)
- Confederated Salish and Kootenai Tribes
- Pueblo of Pojoaque
- Suquamish Tribe
- General Grant Writing Tips
- Questions

# What this Webinar will NOT be Covering

- Full range of information and resources needed for a complete OVW application.
  - For more OVW resources, please see <https://www.justice.gov/ovw/open-solicitations>
  - See OVW SDVCJ Pre-Application Webinar PPT
- Full range of federal grant opportunities that could be used to fund VAWA implementation.
- Exhaustive overview of VAWA special domestic violence criminal jurisdiction requirements.



## VAWA 2013 Special Domestic Violence Criminal Jurisdiction *Tribal Criminal Jurisdiction over Non-Indians*



VAWA 2013's  
SPECIAL DOMESTIC VIOLENCE  
CRIMINAL JURISDICTION  
FIVE-YEAR REPORT

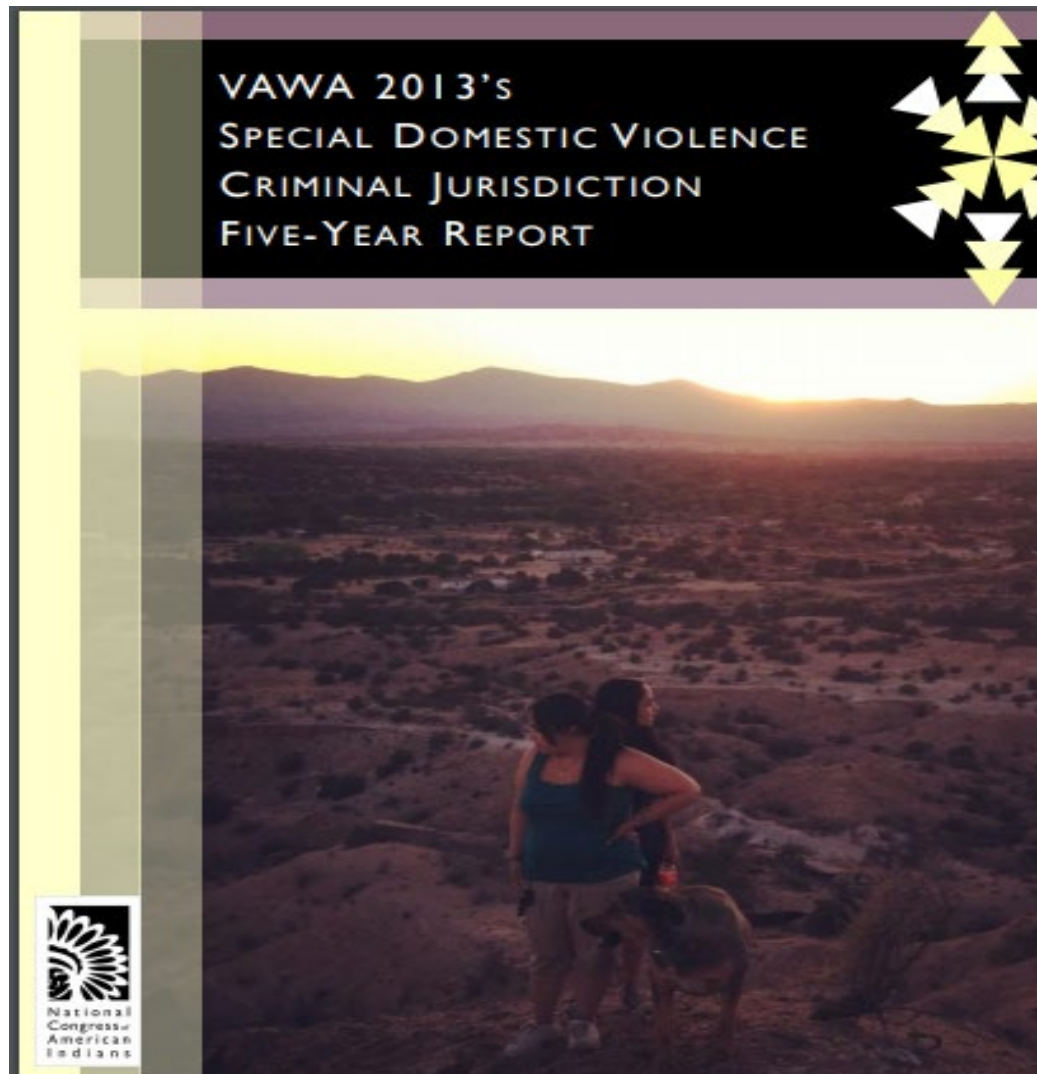
### A Look at VAWA SDVCJ in the First Five Years

[Read Full Report Here](#)

VAWA 2013's SDVCJ Five Year Report

In the five years following the passage of VAWA 2013, 18 tribes began exercising Special Domestic Violence Criminal Jurisdiction. Learn about ...

# VAWA 2013's SDVCJ Five-Year Report



# Title IX of the 2013 VAWA Reauthorization

- Section 904: Tribal Jurisdiction over Crimes of Domestic Violence
  - “Special Domestic Violence Criminal Jurisdiction” which recognizes a tribe’s inherent criminal jurisdiction over **non-Indians** for the crimes of:
    - Domestic Violence
    - Dating Violence
    - Violation of Protection Order

# Tribes can now exercise Special Domestic Violence Criminal Jurisdiction

- Under VAWA Reauthorization Act of 2013, tribes now have the OPTION to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ).
- Currently, the following tribes are exercising SDVCJ:
  - Confederated Tribes of the Umatilla Indian Reservation
  - Pascua Yaqui Tribe
  - Tulalip Tribes
  - Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation
  - Sisseton Wahpeton Oyate of the Lake Traverse Reservation
  - Little Traverse Bay Bands of Odawa Indians
  - Eastern Band of Cherokee
  - Seminole Nation of Oklahoma
  - Nottawaseppi Huron Band of the Potawatomi
  - Standing Rock Sioux Tribe
  - Kickapoo Tribe of Oklahoma
  - Sac and Fox Nation
  - Alabama-Coushatta Tribe of Texas
  - Choctaw Nation
  - Muscogee (Creek) Nation
  - Standing Rock Sioux Tribe
  - Sault Sainte Marie Tribe of Chippewa Indians
  - Chitimacha Tribe of Louisiana
  - Lower Elwha Klallam Tribe
  - Quinault Indian Nation
  - Cherokee Nation
  - Gila River Indian Community
  - Port Gamble S'Klallam Tribe
  - Confederated Tribes of the Chehalis Reservation
  - Grand Traverse Band of Ottawa & Chippewa Indians
  - Suquamish Tribe



# SDVCJ Needs that could potentially be funded:

- Effective assistance of counsel for defendants
- Free, appointed, licensed attorneys for indigent defendants
- Law-trained Judges who are licensed
- Publicly available criminal laws and rules
- Recorded criminal proceedings
- Jury pool selection
- Law enforcement training
- Detention facilities
- Medical insurance/costs for non-Indian detainees
- Probation
- Create a Domestic Violence Court/Docket
- Code Development
  - Domestic Violence Offenses
  - Firearm Offenses
  - Victims' Rights

## OVW - Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction

# Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ)

- Created in FY 2016
- Program is designed to assist Indian tribes, with jurisdiction over Indian country, to plan for and exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ)
- Provides monetary and technical support for activities across the planning, implementation, and exercising phases
- The program encourages collaborations and coordinated involvement of the entire tribal criminal justice system including victim service providers
- 25 tribes currently funded

For more information – see <https://www.justice.gov/ovw/open-solicitations>

Application Due Date: **11:59 p.m. Eastern Time on February 26, 2020**

# Application Timeline

## ❑ Solicitation:

- ❑ Opened on or about November 26, 2019
- ❑ ***Closes February 26, 2020 (11:59pm Eastern)***
- ❑ Recommended to register with Grants.gov and with the System for Award Management (SAM) no later than January 24, 2020.
- ❑ Applicants are strongly encouraged to submit a letter of registration to [OVW.TribalJurisdiction@usdoj.gov](mailto:OVW.TribalJurisdiction@usdoj.gov) by January 24, 2020.
- ❑ OVW anticipates notifying all applicants of funding decisions by October 1, 2020.

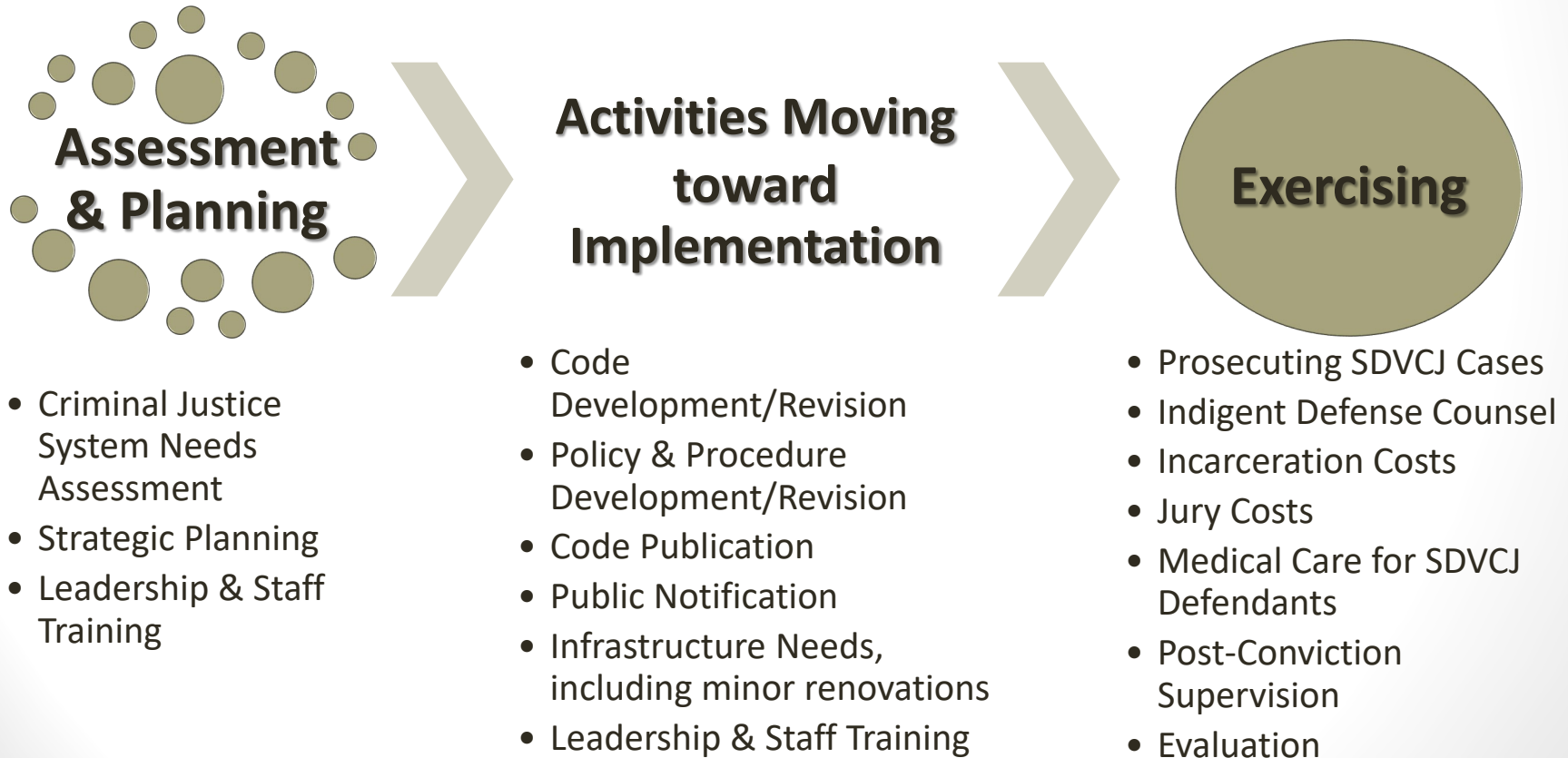
# OVW Tribal Jurisdiction Program

## Purpose Areas

1. To strengthen tribal criminal justice systems to assist Indian tribes in exercising SDVCJ, including:
  - A) law enforcement.
  - B) prosecution.
  - C) trial and appellate courts.
  - D) probation systems.
  - E) detention and correctional facilities.
  - F) alternative rehabilitation centers.
  - G) culturally appropriate services and assistance for victims and their families.
  - H) criminal codes and rules of criminal procedure, appellate procedure, and evidence.
2. To provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes a crime of domestic violence or dating violence or a criminal violation of a protection order.
3. To ensure that, in criminal proceedings in which a participating tribe exercises SDVCJ, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements.
4. To accord victims of domestic violence, dating violence, and violations of protection orders rights that are similar to the rights of a crime victim described in section 3771(a) of Title 18, consistent with tribal law and custom.

# RANGE OF PROJECTS

Not limited to tribes that are already exercising or immediately prepared to exercise SDVCJ upon receiving funding. OVW will consider applications from tribes at any phase.



# Program Requirements – Post-award

- Applicants that receive funding under the Tribal Jurisdiction Program will be required to engage in the following activities:
- **Inter-tribal Technical Assistance Working Group (ITWG) on SDVCJ Participation**
  - Applicants need not be current members but will be *expected to join and participate in the ITWG if they receive an award.*
- **O VW training and technical assistance participation**
- **MOU/IMOU required partners**
  - *Tribal Leadership*
  - *Tribal Court*
  - *Prosecutor*
  - *Tribal Attorney/General Counsel*
  - *Victim Services Provider*
- **Planning period** which includes submitting grant documentation that is not being required at the time of application.
- Submission and approval of the **SDVCJ readiness certification**, if applicable.

# Federal AWARD INFORMATION

<b>Funding Type:</b>	Grant
<b>Estimated Total Funding:</b>	\$4,000,000
<b>Expected Number of Awards:</b>	10
<b>Award Ceiling:</b>	New – \$450,000 Continuation – \$300,000
<b>Award Floor:</b>	N/A
<b>Average Projected Award Amount:</b>	\$400,000
<b>Length of Award Period:</b>	New – 36 months Continuation – 24 months

***At the end of the initial 36-month award period, grantees may be eligible to receive 24 months of additional funding to continue their projects.***



# APPLICANTS

- **Eligible Applicants:** Indian tribal governments that have jurisdiction over Indian country.
- **New:** Applicants that have never received funding under this program.
- **Continuation:** Applicants that have an existing award under this program. Continuation funding is not guaranteed.

\*\*\*Continuation applicants with 50% or more of funds remaining in the existing award, as of March 31, 2020, without adequate justification may not be considered for funding, or may receive a reduced award amount if selected for funding in FY 2020.

# Application and Submission Information

- The complete application package is available on Grants.gov or at the OVW website. Applicants wishing to request a paper copy of the application materials should contact [OVW.TribalAffairs@usdoj.gov](mailto:OVW.TribalAffairs@usdoj.gov).

Letter of Registration – encouraged to submit by January 24<sup>th</sup>

# Application

- **Summary Data Sheet (5 pts)**
- **Proposal Abstract (Not scored)**
- **Project Narrative (75 pts total)**
  - Initial Assessment (35 pts)
  - What Will Be Done (30 pts)
  - Who will implement (10pts)
- **Tribal Resolution or Other Document(s) Demonstrating Authority to Apply (5 pts)**
- **Budget Detail Worksheet and Narrative (15 pts)**
- **Other Documents:**
  - Application for Federal Assistance (SF-424)
  - Standard Assurances and Disclosure of Lobbying Activities
  - Pre-Award Risk Assessment

# Application Contents

Applications that do not include the following three documents will be **eliminated from consideration** prior to peer review.

- ✓ Project Narrative
- ✓ Budget Detail Worksheet and Narrative
- ✓ Tribal Resolution or Other Document(s) Demonstrating Authority to Apply

**Additionally**, the following three documents should be created and attached to your application package:

- ✓ Summary Data Sheet
- ✓ Proposal Abstract
- ✓ Pre-Award Risk Assessment

The following two documents will be generated electronically as part of the application submission process:

- ✓ Application for Federal Assistance: SF 424
- ✓ Standard Assurances & Certifications

Do not submit documents in addition to those specified in the solicitation.

OVW - Grants to Tribal Governments to  
Exercise Special Domestic Violence  
Criminal Jurisdiction Grantees

# FY 2016 SDVCJ Grantees

- **Tulalip Tribes**- Located in Tulalip, Washington. Tulalip is one of the five pilot project tribes and began exercising Special Domestic Violence Criminal Jurisdiction (SDVCJ) in February 2014. The tribe is utilizing grant funds to fund a victim services coordinator within the prosecutor's office. The tribe is also using grant funds to utilize GPS monitoring for the purpose of tracking and monitoring defendants to safeguard victims.
- **Little Traverse Bay Bands of Odawa Indians**- Located in Harbor Springs, Michigan. Prior to receiving the Tribal Jurisdiction grant, the tribe implemented SDVCJ in March 2015. The tribe is using the grant funds for staff training; finalizing SDVCJ policies and procedures; refining the process for indigent defendants; and refining the jury pool process.
- **Confederated Tribes of the Chehalis Reservation** - Located in Oakville, Washington. The tribe has not yet implemented SDVCJ. The tribe is utilizing the grant funds for: code drafting; staff training; jury pool procedures; incarceration for non-Indians; and health care for non-Indians.
- **Port Gamble S'Klallam Tribe** - Located in Kingston, Washington. The tribe is currently in the process of code drafting for SDVCJ. The tribe is utilizing the grant funds for staff training. The tribe's goal is to be exercising SDVCJ by the end of 2018.
- **Santa Clara Pueblo** - Located in Rio Arriba County, New Mexico. The tribe is currently in the process of code drafting for SDVCJ. The tribe is utilizing the grant funds for staff training for judges, defense counsel and law enforcement.
- **Yurok Tribe** - Located in Del Norte and Humboldt Counties, California - a Public Law 280 state. The tribe is currently in the process of drafting its criminal code and the necessary SDVCJ codes. The tribe is utilizing grant funds for staff training and incarceration for non-Indians.

# FY 2017 SDVCJ Grantees

- **Eastern Band of Cherokee Indians** – Located in western North Carolina. The tribe implemented SDVCJ in June 2015. The tribe is utilizing the grant funds to develop a data collection initiative and accompanying software to achieve domestic violence offender accountability and ensure victim’s rights. The tribe is also using funds to create a cross-agency trauma-informed DV response system to enhance victim safety and to ensure offender accountability through increased witness participation.
- **Standing Rock Sioux Tribe** – Located in Sioux Country, North Dakota and Corson County, South Dakota. The tribe implemented SDVCJ in May 2016. The tribe is utilizing grant funds for jury pool development. The tribe is also using funds to hire a tribal victim advocate and a consultant to provide counseling for victims. In addition the tribe will use funds to provide training to shelter staff, advocates, tribal staff and members of the multi-disciplinary team. The tribe will also use grant funds for criminal case management software and software for the jury pool process.
- **Comanche Nation** – Located in southwest Oklahoma. The tribe is using the grants funds for: constitutional reform; recording equipment for the courtroom; the development of an Indigent Defense Program; the development of an on-call victim advocacy program; the development of a wallet size protection order program; and the development of a batterer’s intervention program.
- **Gila River Indian Community** – Located in Pinal and Maricopa Counties, Arizona. The tribe is using the grant funds for drafting Criminal Code revisions. The tribe is also using funds to develop jury pool procedures and for anticipated trial costs. In addition the tribe is utilizing grant funds to implement policies and procedures for all departments to maintain SDVCJ data collection. The tribe also plans to use funds to implement policies and procedures for non-Indian inmate housing and detention, including procedures for non-Indian inmate medical care. The tribe will also use grant funds to hire a defense investigator to assist public defenders. It will also use funds to provide training and technical assistance to all stakeholder departments on SDVCJ and domestic violence.
- **Los Coyotes Band of Cahuilla and Cupeno Indians** – Located in northeastern San Diego County, California – a Public Law 280 state. The tribe is using their grant funds to establish a domestic violence court. The tribe will plan, implement and assess the court once it has been established.
- **Swinomish Indian Tribal Community** – Located in Skagit County, Washington. The tribe is utilizing grant funds to revise the tribal code. The tribe is also using the grant funds to provide court case management software to prosecution and defense counsel. In addition the tribe is using grant funds to hire a bailiff and transport officer.

# FY 2018 SDVCJ Grantees

- **Little River Band of Ottawa Indians** – Located in western Michigan. The tribe is utilizing the grant funds to prepare for and ultimately exercise SDVCJ. The tribe will use the funds to revise its jury selection system, establish an indigent defense program, enact a Victims' Bill of Rights, amend the Domestic Violence code and Constitution. Ultimately, the tribe plans to begin prosecuting SDVCJ cases and will use grant funds to cover incarceration costs.
- **Pascua Yaqui Tribe** – Located in southwest Arizona, near Tucson. The tribe implemented SDVCJ in February 2014 and is using grant funds to enhance its ability to exercise SDVCJ and respond to the needs of victims of VAWA cases. Specifically, the tribe is utilizing grant funds to hire a prosecutor, obtain additional domestic violence training, and cover medical care expenses for defendants.
- **St. Croix Chippewa Indians** – Located in northwestern Wisconsin. The tribe is using the grant funds for to hire a project coordinator who will also act as Tribal Prosecutor and indigent defense counsel. The tribe will also use grant funds to cover defendants' incarceration and medical care costs.
- **Rosebud Sioux Tribe** – Located in south central South Dakota. The tribe is using the grants funds to review and update tribal codes, court processes and forms, develop and implement jury processes, and cover the costs for qualified judges, prosecutors and defense counsel to handle SDVCJ cases. The tribe will also use grant funds to cover medical expenses for defendants and provide on-site training on domestic violence and SDVCJ related issues to law enforcement, attorneys, court staff, etc.



# Confederated Salish and Kootenai Tribes

## Facts about the Tribes

- Reservation of approximately 29,000 persons, about ¼ of which are tribal members
- CSKT lost significant portions of the reservation due to Allotment Acts, but has an aggressive buy back program
- 7669 CSKT members, 70% of which live on the Flathead Reservation
- PL-280 jurisdiction with partial retrocession

## Project Goals

- Planning grant
- CSKT's primary goal is to decide whether VAWA jurisdiction is the right way for CSKT to go
- Hire consultant to gather, analyze and present data to Tribal Council



# Pueblo of Pojoaque

## Facts about the Pueblo

- Small checker-board land base
- About 4,000 people living within the boundaries
- 15% identify as Native American
- Lots of visitors
- In 2018, PPD responded to 50 DV incidents involving non-Native offender

## Project Goals

- SDVCJ Project:
  - Code Drafting, including victim's rights code
  - Hire prosecutor
  - Contract with public defender
  - Justice Partner Training
  - Establish Domestic Violence Docket



# Suquamish Tribe

## Facts about the Tribe

- Suquamish Tribe has approximately 1900 enrolled members
- Checkerboard reservation, 12 square miles.
- Total population on reservation approximately 7700 people
- Has numerous business enterprises and is one of the largest employers in the county

## Project goals

- Develop pretrial services and probation services program
  - Training and consultant
  - Risk assessment
  - GPS monitoring
  - Software for probation dept.
- Create a domestic violence docket that includes:
  - Funding for public defenders
  - Funding for video capability with local jail
  - Funding for interpreters
  - Funding for jury selection software
  - Funding for jail and medical costs



# Questions

# GENERAL GRANT WRITING TIPS

# While planning and before submitting...

- If you are working on your application and you make a **single** file made up of separate attachments-DO NOT submit it to OVW this way.
- It is very important to use **separate attachments** of documents when submitting your application to OVW.
- Clearly label each attachment.
- Combine related attachments such as resumes so peer reviewers are not overwhelmed with multiple attachments.

# Common Problems: biggest reasons for unsuccessful applications overall

- Not responding to all of the requested information
- Failed to draw connection between pressing problems identified in the “project narrative” and programmatic activities proposed.
- Not providing the requested information in relevant section where peer reviewers could easily locate it
- Failed to draw the connection between the proposed budget and the programmatic activities requested in the “project narrative.”
- Inconsistencies within proposal - different writers by section
- Did not provide specific measurable targets for performance measures

# Tips for submitting a proposal

- 1. Read the Solicitation.** Read entire solicitation and follow all instructions carefully. No detail is too small and no instruction should be ignored. Be sure to respond to all questions and requirements in the solicitation.
- 2. Check all of the resources available through the Online OVW website.**
- 3. Don't wait until the deadline to apply!** Avoid connection issues with the Internet or the Grants Management System (GMS) and apply early. GMS runs slowly on the deadline day because of increased website traffic. Apply at least 72 hours before the deadline!
- 4. Go back and review the “project narrative”:** Make changes as needed to ensure that the connection is clearly drawn between pressing problems identified in “project narrative” and programmatic activities requested.
- 5. Go back and review the budget after completing the project narrative:** Make changes as needed to ensure that the connection is clearly drawn between proposed budget and programmatic activities requested in the “project narrative.”



# General Approach to Federal Grants

- 1. Plan Ahead – *Do Not Wait until the RFP is out***
- 2. Regular Annual Rhythm/Pattern for most Federal Grants**  
*(RFP in November-February with Grant Award not until September)*
- 3. Contact Agency Grant Managers**
- 4. Contact Tribal Technical Assistance (TA) Providers**
- 5. Review Online Resources and Prior Proposals**
- 6. Serve as Peer Reviewer (*or at least Mock Peer Review Exercise*)**
- 7. Register on Grants.gov and GMS well ahead**

# If You Have Applied Unsuccessfully:

- Always ask Agency to provide you with strengths and weaknesses comments
- Keep prior proposals & comments (*although different review panel each time*)
- Ask Agency what other services can be provided such as:
  - Training and Technical Assistance (T/TA) without grant
  - Capacity Building
  - Scholarships for Conferences/Trainings
- Ask Agency who was funded and for copies of successful applications
- Ask Agency for TA Provider contact information

# Tips for Writing Grants

- **Focus on deadline and any necessary attachments (*tribal resolutions, support letters*)**
- **Focus on scoring criteria (*think of it as a checklist because it is*)**
- **Use scoring criteria as a general guide for how many pages you devote to each section**
- **Always answer every question / address every issue**
- **Use all available pages**
- **Utilize attachments if at all possible (*timeline, support letters, etc.*)**
- **Follow all format directions (such as labeling sections/page numbering)**
- **Make it easy for the reviewer to read and score**
- **Have staff internally review and score**
- **Always PDF everything**
- **Always label clearly**
- **Do something different, interesting, and replicable**

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# Questions