



## VIOLENCE AGAINST WOMEN ACT 2005

### TITLE IX – TRIBAL PROGRAMS

American Indian and Alaska Native women are battered, raped and stalked at far greater rates than any other group of women in the United States. The U.S. Department of Justice estimates that: 1 of 3 Native women will be raped; that 6 of 10 will be physically assaulted; approximately 9 in 10 rapes or assaults against American Indian are committed by non-Indian assailants and that Native women are stalked at a rate at least twice that of any other population.

While many issues need to be addressed to confront this crisis, it is clear that jurisdictional limitations placed on Indian nations are key factors in creating this disproportionate violence. The U.S. Department of Justice has general jurisdiction over felony crimes by or against Indians, including homicide, rape, and aggravated assault, but perpetrators of such crimes against Indian women are rarely, if at all, prosecuted given the broad case load faced by U.S. Attorneys.

If the federal government declines prosecution, non-Indian rapists, batterers, and stalkers walk free knowing that they can return to commit future crimes in the same or different Indian nation. Indian nations also face the obstacle that Congress has limited the sentencing authority of tribal courts to *“in no event impose for conviction of any offense any penalty or punishment greater than imprisonment for one year.”* As a result, Indian perpetrators not prosecuted by the federal government may not receive a sentence appropriate to the crimes of rape and battery under current law.

In 1994, recognizing the importance of addressing the safety of women in this country, the United States passed into law the Violence Against Women Act (VAWA). The legislation contained specific sections referencing Indian tribes that, while important, did not adequately address the complicated issues surrounding any strategic resolution of the endemic violence Indian women endure on a daily basis.

The purposes of the Tribal Title are to:

- Decrease the incidents of violent crimes against Indian women
- Strengthen the capacity of Indian nations to exercise their sovereign authority to respond to violent crimes committed against Indian women
- Ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior

Provisions in the reauthorization of VAWA would:

- Restore the authority of Indian tribes to appropriately respond to domestic violence and rape by sentencing perpetrators of such crimes beyond one year and \$5,000 fine
- Restore the authority of Indian tribes to prosecute non-Indians committing rape and domestic violence within tribal jurisdictions
- Increase the analysis and research on violence against Indian women
- Permit Indian law enforcement agencies to enter and obtain criminal information from Federal criminal information databases
- Establish a national tribal sex offender and tribal protection order registry
- Increase support for essential tribal services for Indian women
- Ensure the proper government-to-government relationship between Indian nations and the Department of Justice by requiring an annual consultation with Indian nations and creating a Tribal Division within the Office on Violence Against Women

**The programs described here are proposals under consideration for inclusion in the VAWA reauthorization bill that Members of Congress will introduce in early 2005. As the bill has not been finalized, we cannot be certain that the proposals will be included as described in this document.**