

INTER-TRIBAL WORKING GROUP (ITWG) SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION

River Spirit Casino Resort
8330 Riverside Parkway, Tulsa, Oklahoma
December 11-12, 2019

DAY 1 – Wednesday, December 11, 2019

Unless otherwise noted, all sessions will be in Ballroom 2

8:30–9:00 a.m. **Registration – Ballroom Foyer**

Pre-meeting for new members – Ballroom 1

Presenter: Esther Labrado, Project Attorney,
National Congress of American Indians (NCAI)

This optional session is for first-time ITWG meeting attendees and will provide an overview of SDVCJ and the legal requirements to implement, including available resources.

9:00–9:15 a.m. **Opening Prayer & Welcome – Ballroom 2**

Dode Barnett, Muscogee (Creek) Nation

Welcome from Office on Violence Against Women (OVW)

Rebekah Jones, Grants Program Specialist, Tribal Affairs Division

Welcome from the Native Alliance Against Violence (NAAV)

Shelley Miller, NAAV Advocacy Specialist

Overview of Inter-Tribal Working Group (ITWG) Meeting

Hon. Steve Aycock, Consultant, NCAI

Kelly Stoner, Victim Advocacy Legal Specialist, Tribal Law and Policy Institute (TLPI)

9:15–9:45 a.m. **Breakout: Initial Conversations**

Attendees will break into groups based on their progress toward implementation of Special Domestic Violence Criminal Jurisdiction.

Beginning to Implement – Ballroom 2

Facilitators: Chia Halpern Beetso, Esther Labrado, and Jerry Gardner

This session is for ITWG tribes who are close to, or recently began, implementing SDVCJ. Participants will discuss detention, training, and protocol development. Participants will identify one topic they want to discuss in the final session of the meeting.

Hearing SDVCJ Cases – Ballroom 1

Facilitators: Hon. Steve Aycock, Kelly Stoner, and Virginia Davis

This session is for implementing tribes who have had several SDVCJ cases. Participants will discuss training, protocols, and potential expansion of criminal jurisdiction. Participants will identify one topic they want to discuss in the final session of the meeting.

9:45–10:00 a.m. **Break**

10:00–11:00 a.m. **Updates from Implementing Tribes**

Each tribe will provide a brief update on their cases and highlight challenges and successes with implementing Special Domestic Violence Criminal Jurisdiction (SDVCJ).

Pascua Yaqui Tribe (AZ)

Nottawaseppi Huron Band of
the Potawatomi (MI)

Lower Elwha Klallam Tribe
(WA)

Tulalip Tribes (WA)

Standing Rock Sioux Tribe
(ND/SD)

Cherokee Nation (OK)

Confederated Tribes of the Umatilla Reservation (OR)	Muscogee (Creek) Nation (OK)	Quinault Indian Nation (WA)
Sisseton-Wahpeton Oyate (SD/ND)	Sac and Fox Nation (OK)	Gila River Indian Community (AZ)
Assiniboine & Sioux Tribes of the Ft. Peck Reservation (MT)	Kickapoo Tribe of Oklahoma	Port Gamble S'Klallam Tribe (WA)
Little Traverse Bay Band of Odawa Indians (MI)	Sault Ste. Marie Tribe of Chippewa Indians (MI)	Confederated Tribes of the Chehalis Reservation (WA)
Eastern Band of Cherokee Indians (NC)	Choctaw Tribe of Oklahoma	Grand Traverse Band of Ottawa and Chippewa Indians (MI)
Seminole Nation (OK)	Alabama-Coushatta Tribe of Texas	Suquamish Tribe (WA)
	Chitimacha Tribe of Louisiana	

11:00–12:00 p.m. Updates from ITWG Member Tribes

Please be prepared to give a brief update on where you are with implementation and raise any issues your tribe would like to discuss.

12:00–1:00 p.m. Lunch Break (on your own)

Attendees are encouraged to break into the following profession-based groups and discuss challenges, new issues, and successes during lunch. TA providers will be available to facilitate each profession-based conversation.

Tribal Council	Tribal Attorneys	Victim Advocates	Law Enforcement/ Probation
Prosecutors	Defense Counsel	Judges	Court Staff

1:00–1:50 p.m. Updates from Federal Agencies

- **National Data Exchange (N-DEX) System**, Belinda Cumpston, Liaison Specialist, Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation
A representative from the CJIS Division of the FBI will provide an overview of the N-DEX system, focusing on tribal access.
- **National Indian Country Training Initiative**, Leslie Hagen, National Indian Country Training Coordinator
- **Office of Tribal Justice**, Marcia Good, Senior Counsel to the Director
- **Office on Violence Against Women**, Rebekah Jones, Grants Program Specialist

1:50–2:50 p.m. Legislative Update

Virginia Davis, Senior Advisor, NCAI

This session will include a legislative update on VAWA reauthorization and other legislation which may impact or be of interest for ITWG member tribes.

2:50–3:00 p.m. Break

3:00–4:00 p.m. Judicial Oversight – Considerations for Tribal Courts

Hon. Carrie E. Garrow, Chief Judge, Saint Regis Mohawk Tribal Court

This session will discuss the importance of judicial oversight commissions, including an overview of the various oversight models available, and considerations for tribal governments, particularly in the context of efforts to address domestic violence.

4:00–4:45 p.m. **Breakout Session: Facilitated Discussions**

Participants will break into two groups for guided discussions on the following topics:

Habeas Petitions – Ballroom 2

Facilitator: Hon. Carrie E. Garrow, Chief Judge, Saint Regis Mohawk Tribal Court

This session will provide an overview of the number and kind of habeas petitions filed in federal and tribal courts. Participants will discuss habeas procedures in their own courts, including important considerations for SDVCJ cases.

Alternatives to Incarceration– Ballroom 1

Facilitator: Nan Benally, Tribal Program Grants Manager, American Probation and Parole Association

This session will provide an overview of the alternatives to incarceration (including probation), important considerations for SDVCJ cases, and information about available resources, followed by a facilitated discussion about existing and potential alternatives to incarceration in attendees' own communities.

4:45–5:00 p.m. **Debrief Breakout Sessions**

5:00 p.m. **Recess**

DAY 2 – Thursday, December 12, 2019

All sessions will be in Ballroom 2

9:00–9:05 a.m. **Overview of the Day's Agenda**

Hon. Steve Aycock, Consultant, NCAI

Kelly Stoner, Victim Advocacy Legal Specialist, Tribal Law and Policy Institute (TLPI)

9:05–10:05 a.m. **First Appearance of a Non-Indian Offender**

Representatives from Muscogee (Creek) Nation

In this session, representatives from the Muscogee (Creek) Nation will provide an overview of MCN's experiences with SDVCJ and conduct a mock first appearance of a non-Indian offender charged with an SDVCJ offense. Attendees will have an opportunity to discuss the proceeding and variances in rules of criminal procedure.

10:05–10:15 a.m. **Break**

10:15–11:15 a.m. **Special Domestic Violence Criminal Jurisdiction Jury Trials**

Panelists: Representatives from the Fort Peck Assiniboine and Sioux Tribes

Hon. Stacie FourStar, Chief Judge

Denise Garfield, Chief Clerk of Court

Dustin Kuipers, Public Defender

Scott Seifert, Chief Tribal Prosecutor

In this session, representatives from the Fort Peck Assiniboine and Sioux Tribes will discuss their recent SDVCJ jury trials, including pre-trial issues, the voir dire process, and preservation of issues for appeal.

11:15–12:00 p.m. **Targeted Discussion: [Topic TBD]**

In this session, attendees will have a targeted discussion on the topic(s) identified in the "Initial Conversations" breakout sessions on Day 1.

12:00 p.m. **Conclude Part 1**

1:00 p.m.	Begin Part 2
1:00–2:00 p.m.	<p>Challenges in Domestic Violence Cases</p> <p>Presenters: Family Violence Protection Program, Muscogee (Creek) Nation Mitzi Pope, MSW, LCSW, Program Therapist Mackenzie Torbett, Staff Attorney Tania Bardin, BSW, Project Coordinator/Victim Advocate Shawn Partridge, MSW, Director</p> <p><i>This interactive session will be an opportunity for judges and court staff to identify and discuss the various challenges that arise in domestic violence cases, including identifying strategies to address those challenges.</i></p>
2:00-2:15 p.m.	Break
2:15–3:00 p.m.	<p>Creating an SDVCJ Bench book</p> <p><u>Facilitator:</u> Hon. Steve Aycock, Consultant, NCAI</p> <p><i>This session will be an opportunity for judges and court staff to discuss and take initial steps in the development of a Judicial Bench book for the handling of Special Domestic Violence Criminal Jurisdiction cases.</i></p>
3:00–4:00 p.m.	<p>Facilitated Discussion: Issues in SDVCJ</p> <p><u>Facilitators:</u> Kelly Stoner, Victim Advocacy Legal Specialist, TLPI and Hon. Steve Aycock, Consultant, NCAI</p> <p><i>Attendees will participate in a facilitated discussion on drafting criminal judgments (judgments after jury and bench trials, and plea agreements) and plea bargaining and jurisdiction (including lesser-included and alternate offenses).</i></p>
4:00 p.m.	Conclude Part 2