

VAWA

ANCHORAGE • VOLUME VI • JUNE, 2007

Restoration

OF NATIVE SOVEREIGNTY

*Restoration of
Safety for
Native Women*



**VIOLENCE AGAINST WOMEN
IS NOT OUR TRADITION**



National Task Force
to End Sexual and
Domestic Violence Against Women



A CALL FOR ACTION:

End Sexual Violence Against American Indian and Alaska Native Women

Dear Friends,

Re-authorization of the Violence Against Women Act 2005, including Title IX. Safety for Indian Women, represents a bright chapter in our historic journey to restore the safety of Native women and strengthen the sovereignty of Indian nations. We now turn attention to an emerging issue, and focus of Volume VI, of the Adam Walsh Child Protection and Safety Act of 2006.

The goal of the Act is to enhance monitoring of sex offenders and thereby increase protection for children and communities from such crimes. The Act however is written in a way that undermines both its effectiveness for protecting Native people and tribal sovereignty. It fails to recognize the authority of Indian tribes located in PL 280 jurisdictions and transfers tribal authority under the Act to state governments. For non-PL 280 tribes it mandates an arbitrary opt-in date of July 27, 2007. Tribes failing to opt-in by the deadline will be treated as having transferred their authority under the Act to the state, including state access to tribal lands to enforce the Act.

Tribal governments face numerous challenges in responding to sexual violence including jurisdictional restrictions and limited resources. One of the greatest challenges is a systemic failure and a lack of state and federal governmental response to the sexual assault of Native women. The inaction of government officials in the aftermath of a sexual assault causes many women to feel unprotected. In addition, the lack of prosecution of these crimes sends a message to perpetrators that Native women are easy targets for victimization. The Act while well intended adds a new layer to the jurisdictional maze that already hampers a strong tribal response to sexual assault. Effective monitoring of sex offenders in tribal communities requires the full participation of tribal governments.

We call upon everyone concerned with the safety of Native women to join the effort to educate Congress about the barriers to safety created by this Act. Thank you to the Alaska Native Villages and Tribes for welcoming us to your homelands.

NCAI Task Force Co-Chairs,

Juana Majel,
Recording Secretary,
National Congress of American Indians

Karen Artichoker,
Management Team Director
Cangleska, Inc.-Sacred Circle

Table of Contents

Letter to Our Friends	2
Time And Again	4
Adam Walsh Act Raises Concerns	5-6
Tribal Checklist: Next Steps on the Adam Walsh Act	6
Adam Walsh and Indian Tribes: Section 127	7
Summary of the Adam Walsh Act	8-15
National Congress of American Indians Resolution on the Adam Walsh Act	16-17
Top Ten Questions about the Adam Walsh Act	18-19
Eastern Band of Cherokee Indians Tribal Resolution	20-21
Sex Offender Registry: Technical Assistance	22-23
Sex Offender Registry: Technical Specifications	24
Lorraine Edmo: Deputy Director Office on Violence Against Women, Tribal Affairs	25
VAWA 2005 Update: Implementation of Title IX and Talking Points	26-28
USDOJ Tribal Consultation September 2007: Prepare Your Comments Now	29
Violence Against Alaska Native Women	30-31
Emmonak Women's Shelter and the Yup'ik Women's Coalition	32-33
Lulyahan Oti, A New Shelter for Native Women	34-35
Summit to End Violence Against Aboriginal Women	36-37

*"I saw the body of
White Antelope with the
privates cut off, and I
heard a soldier say he
was going to make a
tobacco-pouch out of
them."*

– historical quote

***Sacred Circle would like to thank the Ms. Foundation for their generous
contribution to the publication of this Magazine.***

NEWS ABOUT THIS MAGAZINE!

We are excited to announce on-going plans for the "Restoration of Sovereignty and Safety" magazine. The publication began as a bridge to provide tribal leaders, advocates and communities with information on the campaign to re-authorize the Violence Against Women Act of 2005. In recognition of the road ahead NCAI and Sacred Circle have agreed to continue publication of the magazine on a bi-annual basis. The magazine will be dedicated to coverage of issues impacting the safety of Native women and sovereignty of Indian Nations. Sacred Circle will continue to fund the production of the Magazine. We are very pleased to announce that Terri Henry and Jacqueline Agtuca, of Clan Star, Inc., have agreed to serve as co-editors for the Magazine under a contract with Sacred Circle.

The June '07 issue is being released during the NCAI Mid-Year Conference in Anchorage and its design is dedicated to Alaska Native Women. Many of the photos were provided by members of the Alaska Native Women's Coalition and the Yup'ik Women's Coalition. These Coalitions are non-profit tribal organizations that provide essential services and also work to address gaps in services essential to the safety of Alaska Native Women. The cover photo is of Heather Powell with her son Richard Didrickson Jr.

Many Thanks to the Production Team! Co-Editors: Terri Henry and Jacqueline Agtuca; Contributing Member: Virginia Davis, Associate Counsel, NCAI; Kay Humphrey, and Sarah Deer; Design & Layout, Lonnie Jeffries; Carla Rae Marshall, Production Coordinator Vol. I-V.

TIME AND AGAIN

Indian Nations have always held Women as Sacred. These important moments of the last few years reflect that we are fulfilling our responsibilities to carry this belief into the future.

June 18, 2003 – NCAI Membership adopts by unanimous consent Resolution #PHX-03-034 supporting reauthorization of the VAWA 2005 and establishes NCAI Taskforce on Violence Against Women.

February 23, 2004 – NCAI and Sacred Circle Capitol Hill Reception. Wiping of the Tears Ceremony is held at the Hart Senate Office Building.

January 5, 2005 – VAWA 2005, Title IX. Safety for Indian Women signed into law by President Bush.

September 19, 2006 – OVW conducts first Consultation on the Safety of Indian Women.

October 4, 2006 – NCAI Task Force receives Harvard Honoring Tribal Nations Award.

October 30, 2006 – Lorraine Edmo hired as Deputy Director Tribal Affairs, Violence Against Women Office.



ADAM WALSH ACT RAISES CONCERNS

The United States has a unique legal responsibility in safeguarding the lives of Indian women.

In the wake of a new federal law aimed at tracking sex offenders, tribal leaders and victim advocates are discussing the best course of action. The Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248), passed by the Senate in July 2006, expands the National Sex Offender Registry. The act establishes a comprehensive national system for the registration of sex offenders. It requires all jurisdictions - states, territories and Indian tribes - to maintain a sex offender registry that conforms to the requirements under the new act. Unfortunately, the new federal law strips Indian tribes within PL-280 jurisdictions of the ability to participate in the new registry. The act creates additional obstacles for tribal governments attempting to protect their citizens.

The National Congress of American Indians passed a resolution in late February calling for amendments to the act. The resolution notes that Section 127 of the Adam Walsh Act “addresses Indian tribes and was included without any hearings, consultation or consideration of the views of tribal governments and current tribal practices.”

“If the goal of the act is to provide law enforcement agencies across the country with the same access to information about the registration of sex offenders in the United States, Indian tribes must be included in their capacity as governments,” said Juana Majel, NCAI recording secretary.

Section 127 requires that tribal governments not affected by PL-280 pass a resolution by July 27 indicating their intent and desire to participate in the national system and meet the requirements of the act. Without such a tribal resolution, the new act forever strips Indian tribes of the authority to maintain a registry and places it under the state government. State management of the tribal sex offender registry includes entering tribal lands to enforce the requirements of the act. The NCAI resolution calls this an “expansion of state jurisdiction on tribal lands [that] represents an unprecedented diminishment of tribal sovereignty.”

According to Maureen White Eagle, a staff attorney at the Tribal Law and Policy Institute in Saint Paul, “[t]he states and those tribes that decide to ‘opt in’ by the July 27, 2007 deadline agree to participate in an integrated, uniform registry system.” NCAI and other national advocacy organizations are encouraging tribal governments to pass a resolution to protect their authority to engage in sex offender registration and tracking.

“We know that tribes are making this decision with incomplete information, but we are encouraging tribes to pass a resolution preserving their authority over their lands to buy some time to figure out the details,” said NCAI Associate Counsel Virginia Davis. “We think that tribes will be able to come up with any number of creative ways to meet the requirements of the act through cooperative agreements without diminishing their sovereign authority,” she continued.

The Eastern Band of Cherokee Indians passed its resolution electing to maintain its tribal sex offender registry and participate in the new national registry. “If a convicted sex offender is within the Qualla Boundary we have only one option - and that is to monitor his whereabouts. The fact that one of three Native women will be sexually assaulted in their lifetime mandates that we make the monitoring of these offenders our business,” stated Clan Star Legal Director Robert Saunooke.

Concerns have also been raised about the differential treatment that the law gives to tribal govern-



Send Tribal Letter and Resolution to opt-in to National Sex Offender Registry to by July 27, 2007:

Office of Justice Programs
SMART Office
U.S. Department of Justice
810 Seventh Street, NW
Suite 8241
Washington, DC 20531
Phone: (202) 616-6459

ments in PL-280 states and tribal governments in non-PL-280 states. For tribes affected by PL-280, the pertinent state government is “automatically” responsible for the implementation of the sex offender registration on the reservation and the tribe must provide access and cooperate with the state.

“Tribes are very concerned about and dedicated to protecting women and children from sex offenders,” said Majel. “Unfortunately, the current language in the Adam Walsh Act does not honor or respect tribal authority in these cases. The authority to operate the registry within PL-280 jurisdictions is delegated to the state government. This is an outrage. Over one-half of all federally recognized tribes were denied participation in the national registry created by the act.”

“To effectively monitor sex offenders within tribal communities, the tribal governments must be involved. State and federal government cannot achieve the goals of the act within Indian tribes because they are not present in our communities. This act will again widen the gaping hole for perpetrators to enter our communities and prey upon women and children,” said Karen Artichoker, director of Sacred Circle: National Resource Center to End Violence Against Native Women.

While many days late and even more dollars short, the Department of Justice has scheduled a consultation session with tribal leaders to discuss implementation of the act for March 27 in Prior Lake, Minn. In the meantime, NCAI and advocates say they will be working with Congress to amend the language to more accurately reflect the nature of tribal authority.

Sarah Deer, J.D., Muscogee, is a victim advocacy legal specialist at the Tribal Law and Policy Institute in St. Paul, Minn.

Indian Country Today, March 23, 2007
Deer: Widening the gap

TRIBAL LEADERS CHECKLIST:

Next Steps on the Adam Walsh Act?

- ✓ Pass tribal resolution to opt-in to national registry.
- ✓ Send resolution to SMART Office via certified mail by July 27, 2007.
- ✓ Educate Congress on tribal concerns regarding Act.

What Congress needs to do:

- ✓ Remove the July 27, 2007 deadline.
- ✓ Allow tribes in PL 280 states to participate.
- ✓ Remove the provision delegating tribal authority to the states.
- ✓ Fund the National Tribal Sex Offender Registry authorized in VAWA 2005.
- ✓ Consult with Tribes on the monitoring of sex offenders on tribal lands.
- ✓ Fund Indian tribes to implement requirements of the ACT.



*Amnesty International report: Maze of Injustice
Taken from www.amnestyinternational.org*

ADAM WALSH CHILD PROTECTION SAFETY ACT OF 2006 (P.L. 109-248)

Indian Tribes Must Comply With New Sex Offender Act

Send Tribal Letter and
Resolution to opt-in to
National Sex Offender
Registry to by July 27,
2007:

Office of Justice Programs
SMART Office
U.S. Department of Justice
810 Seventh Street, NW
Suite 8241
Washington, DC 20531
Phone: (202) 616-6459

Last year, Congress passed the Adam Walsh Act. The Act creates a new federal law that requires all jurisdictions to increase monitoring of convicted sex offenders. The law mandates serious penalties for sex offenders that violate registration requirements. The new law applies to every state, tribe and U.S. territory. Indian tribes like other jurisdictions are required to implement this new federal law.

The Act contains a section that requires tribal governments to affirmatively elect to comply with the new mandates by July 27, 2007. The Act provides Indian tribes with two choices. First, a tribe can choose to opt-in to participate in the national registry. Second, a tribe can delegate the responsibilities created by the Act to another jurisdiction within which the tribe is located. If an Indian tribe fails to take action to opt-in by July 27, 2007 its authority under the Act is delegated to the state. The tribe will be treated as though it has delegated its authority under the Act to the state. *The state would then have the right to enter tribal lands to carry out and enforce the requirements of the Act.*

Summaries of certain sections are provided to assist tribal leaders, advocates and communities to understand the Act.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) Election.—

(1) In general.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) Imputed election in certain cases.—A tribe shall be treated as if it had made the election described in paragraph

(1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not substantially implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) Cooperation Between Tribal Authorities and Other Jurisdictions.—

(1) Non-duplication.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) Cooperative agreements.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

US Department of Justice
Office of Justice Programs
Sex Offender Sentencing, Monitoring, Apprehending, Registering, & Tracking (SMART) Office

SUMMARY OF THE ADAM WALSH ACT

THE SEX OFFENDER REGISTRATION AND NOTIFICATION PROVISIONS OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 (P. L. 109-248)

The Adam Walsh Child Protection and Safety Act includes a comprehensive revision of the national standards for sex offender registration and notification. This statement summarizes the relevant provisions of the Act. The descriptions of these provisions are organized under the following headings:

I. SEX OFFENDER REGISTRATION AND NOTIFICATION STANDARDS

- A. Names and purposes
- B. Covered jurisdictions
- C. Covered offenses and offenders
- D. Classes of sex offenders
- E. Required registration information
- F. Disclosure and transmittal of information
- G. Where registration is required
- H. Initial registration
- I. Keeping the registration current
- J. Verification/show-up requirements
- K. Duration of registration
- L. Consequences of registration violations
- M. Time for implementation

II. RELATED FEDERAL GOVERNMENT FUNCTIONS

- A. Guidelines and regulations
- B. SMART Office
- C. National Sex Offender Registry
- D. National Sex Offender Website
- E. Registry management software
- F. Funding and assistance programs
- G. Studies and reports
- H. Federal and military sex offenders
- I. Sex offenders entering the United States

I. SEX OFFENDER REGISTRATION AND NOTIFICATION STANDARDS

A. Names and purposes

The short name for Title I, which contains the sex offender registration and notification standards, is the “Sex Offender Registration and Notification Act.” The Act establishes a comprehensive national system for the registration of sex offenders and offenders against children, in order to protect the public from such offenders. The program established by the Act is also referred to as the “Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.” (Relevant provisions: §§ 101-03.)

B. Covered jurisdictions

The jurisdictions subject to the Sex Offender Registration and Notification Act are the states, the District of Columbia, the principal territories, and Indian tribes to the extent provided in § 127. (Section 127 generally allows an election by Indian tribes between functioning as registration jurisdictions or delegating their registration and notification functions to the states in which they are located.) The general requirement for covered jurisdictions is to maintain a sex offender registration and notification program conforming to the Act's standards. The Attorney General is directed to issue guidelines and regulations to interpret and implement the Act. Jurisdictions and their officials are immune from liability for good faith conduct under the Act. (Relevant provisions: §§ 111(9)-(10), 112, 131.)

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

(a) Jurisdiction To Maintain a Registry.—Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title.

(b) Guidelines and Regulations.—The Attorney General shall issue guidelines and regulations to interpret and implement this title.

C. Covered offenses and offenders

The “sex offenders” for whom registration is required include persons convicted under the laws of state, local, tribal, federal, military, or foreign jurisdictions. However, registration based on a foreign conviction is not required if it was not obtained with sufficient safeguards for fundamental fairness and due process as provided in the Attorney General's guidelines or regulations. “Conviction” for purposes of the Act usually means an adult conviction, but it includes delinquency adjudications of juveniles age 14 or older for offenses comparable to aggravated sexual abuse as defined in 18 U.S.C. 2241, or an attempt or conspiracy to commit such an offense. (Roughly speaking, the referenced federal “aggravated sexual abuse” offense encompasses forcible rape or its equivalent, and offenses involving sexual acts with victims below the age of 12.) (Relevant provisions: § 111(1), (5)(B), (6), (8).)

The predicate “sex offenses” for which registration is required in case of conviction include: (i) offenses whose elements involve a sexual act or sexual contact with another (regardless of victim age), (ii) most sex offenses and abduction offenses involving minors (i.e., persons below the age of 18) as specified in the statute, (iii) the principal federal sex offenses as specified in the statute, (iv) military offenses as specified by the Secretary of Defense, and (v) attempts or conspiracies to commit any of the foregoing offenses. However, offenses involving consensual sexual conduct with adults are not covered, unless the adult was under the custodial authority of the offender, and offenses involving consensual sexual conduct with minors are not covered if the victim was at least 13 years old and the offender was not more than 4 years older than the victim. (Relevant provisions: § 111(5)(A), (C), (7), (14).)

D. Classes of sex offenders

The Act distinguishes three classes of sex offenders (“tiers”) based on the nature of the registration offense and the offender's recidivism. Tier I is the lowest (default) category for sex offenders who do not satisfy the criteria for classification in a higher tier. Tier

II includes offenders convicted of various sorts of felony sex offenses against minors – generally speaking, the predicate offenses for this tier include offenses involving sexual contact with minors (and attempts and conspiracies to commit such offenses), child prostitution offenses, and production or distribution of child pornography. Tier II also includes offenders convicted of a felony sex offense that occurred after a prior sex offense conviction. Tier III generally includes felony offenders convicted of sexual assaults involving sexual acts with victims of any age, offenses involving sexual contact with children below the age of 13, nonparental kidnapping of minors, and attempts or conspiracies to commit any of the foregoing offenses. Tier III also includes offenders convicted of a felony sex offense that occurred after a prior conviction or convictions of the offender that would qualify the offender for inclusion in Tier II. (Relevant provisions: § 111(2)-(4).)

Under the Act's standards, the tier classifications have implications for the required duration of registration, the frequency of required showups by sex offenders to verify registration information, and the required public disclosure of information about sex offenders through the Internet. (Relevant provisions: §§ 115, 116, 118(c)(1).)

E. Required registration information

The Act requires that the registration information include name, Social Security number, residence address, names and addresses for places of employment and school attendance, license plate number and description for motor vehicles, physical description, text of the law defining the registration offense, criminal history of the offender, current photograph, fingerprints and palm prints, DNA sample, copy of driver's license or identification card, and any other information required by the Attorney General. (Relevant provisions: § 114.)

F. Disclosure and transmittal of information

Section 118 of the Act generally requires that all information about each sex offender in the registry must be made available to the public through the Internet, and that the field search capabilities of the Internet sites must include zip code/geographic radius search-


SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) Provided by the Offender.—The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

- (1) The name of the sex offender (including any alias used by the individual).
- (2) The Social Security number of the sex offender.
- (3) The address of each residence at which the sex offender resides or will reside
- (4) The name and address of any place where the sex offender is an employee or will be an employee.
- (5) The name and address of any place where the sex offender is a student or will be a student.
- (6) The license plate number and a description of any vehicle owned or operated by the sex offender.
- (7) Any other information required by the Attorney General.

(b) Provided by the Jurisdiction.—The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

- (1) A physical description of the sex offender.
- (2) The text of the provision of law defining the criminal offense for which the sex offender is registered.
- (3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.
- (4) A current photograph of the sex offender.
- (5) A set of fingerprints and palm prints of the sex offender.
- (6) A DNA sample of the sex offender.
- (7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.
- (8) Any other information required by the Attorney General.



es, and other field search capabilities needed for full participation in the national sex offender website (established by § 120) as provided by the Attorney General. The Internet posting requirements for sex offender information would be subject to: (i) mandatory exemption of victim identity, Social Security number, and arrests not resulting in conviction, and (ii) discretionary exemption of information about tier I sex offenders not convicted of offenses against minors (as specified in § 111(7)), employer name, and name of educational institution attended. The Attorney General would have the authority to exempt additional information from Internet disclosure. (Relevant provisions: § 118.)

Section 121 of the Act provides that, immediately after a sex offender registers or updates a registration, an appropriate official shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) to:

The Attorney General, for inclusion of the information in the National Sex Offender Registry (established by § 119(a)) or other appropriate databases.

Appropriate law enforcement (including probation) agencies and schools and public housing agencies in areas in which the sex offender resides, works, or goes to school.

Each jurisdiction in which the sex offender resides or works or goes to school, and each jurisdiction from or to which a change of residence, employment, or student status occurs. (Two related provisions – §119(b) provides that the Attorney General shall ensure that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions; § 113(c) provides that a jurisdiction in which a sex offender appears to report a change of name, residence, employment, or student status must immediately provide that information to all other jurisdictions in which the offender is required to register.)

Agencies responsible for employment-related background checks under the National Child Protection Act.

Social service entities responsible for protecting minors in the child welfare system.

Volunteer organizations in which contacts with minors or other vulnerable individuals might occur.

Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

The requirement that the information be provided “immediately” is qualified to allow that the entities referenced in (vi) and (vii) – volunteer organizations and other requesters – may elect to receive the notification no less frequently than once every five business days. (Relevant provisions: § 121.)

G. Where registration is required

Sex offenders are required to register and keep the registration current in each jurisdiction in which they reside, work, or go to school. A sex offender must also initially register in the jurisdiction in which convicted if it is different from the jurisdiction of residence. (Relevant provisions: §§ 111(11)-(13), 113(a).)

H. Initial registration

Initial registration is generally required prior to completing a sentence of imprisonment, or not later than three business days after sentencing if the sex offender is not sentenced to imprisonment. At the time of initial registration, an appropriate official must inform the sex offender of his or her registration duties, obtain a signed acknowledgment, and ensure that the sex offender is registered. The Attorney General has the authority to prescribe rules for the registration of sex offenders who cannot be registered within the normal time frame, and to specify the applicability of the Act’s requirements to sex offenders convicted before its enactment or its implementation in a particular jurisdiction. (Relevant provisions: §§ 113(b), (d), 117.)

I. Keeping the registration current

Sex offenders are required to keep the registration current in each jurisdiction in which they reside, work, or go to school. This includes appearing in person in at least one such jurisdiction within three business days to report any change of name, residence, employment, or student status. (Relevant provisions: § 113(c).)

J. Verification/show-up requirements

The Act requires that a sex offender periodically appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which the offender is required to be registered. The required frequency of such show-ups is at least annually for tier I sex offenders, at least semiannually for tier II sex offenders, and at least quarterly for tier III sex offenders. (Relevant provisions: § 116.)

SEC. 116. PERIODIC IN PERSON VERIFICATION.

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

- (1) each year, if the offender is a tier I sex offender;
- (2) every 6 months, if the offender is a tier II sex offender; and
- (3) every 3 months, if the offender is a tier III sex offender.

K. Duration of registration

The required registration period is 15 years for a tier I sex offender, 25 years for a tier II sex offender, and life for a tier III sex offender. However, for a tier I sex offender, the registration period could be reduced from 15 years to 10, and for a tier III sex offender registered on the basis of a juvenile delinquency adjudication, the registration period could be reduced from life to 25 years, if the offender maintains a “clean record.” A clean record in the relevant sense means not having a subsequent felony or sex offense conviction, successfully completing any period of supervision, and successfully completing an appropriate sex offender treatment program certified by a jurisdiction or the Attorney General. (Relevant provisions: § 115.)

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

(a) Full Registration Period.—A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

- (1) 15 years, if the offender is a tier I sex offender;
- (2) 25 years, if the offender is a tier II sex offender; and
- (3) the life of the offender, if the offender is a tier III sex offender.

(b) Reduced Period for Clean Record.—

(1) Clean record.—The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph

(2)...

L. Consequences of registration violations

The Act provides that each jurisdiction (other than an Indian tribe) shall provide felony penalties for the failure of a sex offender

to comply with its requirements. Appropriate officials are to notify the Attorney General and appropriate law enforcement agencies of sex offenders' failure to comply with registration requirements and to revise the jurisdiction's registry to reflect the nature of the violation; the officials and agencies involved are to take any appropriate action to ensure compliance. (Relevant provisions: §§ 113(e), 122.)

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

(a) In General.—An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

- (1) inform the sex offender of the duties of a sex offender under this title and explain those duties;
- (2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and
- (3) ensure that the sex offender is registered.

(b) Notification of Sex Offenders Who Cannot Comply With Subsection

(a).—The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

M. Time for implementation

Jurisdictions have three years to implement the new sex offender registration and notification requirements; the Attorney General may authorize up to two 1-year extensions of this deadline. Jurisdictions that fail to substantially implement the Act within the applicable time frame are subject to a 10% reduction of Byrne Grant funding. The principal pre-existing sex offender registration and notification provisions of federal law are repealed, but the effectiveness of the repeal is delayed until the deadline for implementation of the new Act's standards. (Relevant provisions: §§ 124, 125, 129.)

II. RELATED FEDERAL GOVERNMENT FUNCTIONS

A. Guidelines and regulations

As noted in the course of the foregoing summaries of the new sex offender registration and notification standards, the Attorney General is generally directed to issue guidelines and regulations to interpret and implement the new standards, and is also authorized to carry out several more specific functions in fleshing out or supplementing the Act's provisions, which could be done through the implementing guidelines or regulations. (Relevant provisions: §§ 112(b), 113(d), 114(a)(7), (b)(8), 117(b), 118(a), (b)(4), (c)(4), 119(b).)

B. SMART Office

The Act creates a new Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking ("Smart Office") in the Department of Justice. The SMART Office's functions would include: (i) administering the national standards for sex offender registration and notification, (ii) administering grant programs relating to sex offender registration and notification and other grant programs authorized by the Act as directed by the Attorney General, (iii) cooperating with and providing technical assistance to states and other public and private entities in relation to sex offender registration and notification and other measures for the protection of the public from sexual abuse or exploitation, and (iv) performing such other functions as the Attorney General may delegate. (Relevant provisions: § 146.)

C. National Sex Offender Registry

The Act provides a new statutory basis for the National Sex Offender Registry (NSOR), the database maintained by the FBI which effectively compiles information obtained in the states' sex offender registration programs and makes it available to law enforcement agencies on a nationwide basis. (The pre-existing statutory basis for NSOR is 42 U.S.C. 14072(b).) (Relevant provisions: § 119(a).)

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) Internet.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) Electronic Forwarding.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

D. National Sex Offender Website

The Act provides a statutory basis for the national sex offender website (www.nsopr.gov) – which makes information in the various state sex offender websites accessible to the public on a nationwide basis through single – query searches – and names it the “Dru Sjodin National Sex Offender Public Website.” (Relevant provisions: § 120.)

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) Establishment.—There is established the Dru Sjodin National Sex Offender Public Website...

(b) Information To Be Provided.—The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

E. Registry management software

The Act directs the Attorney General, in consultation with the jurisdictions, to develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites. The functions of the software would be to facilitate immediate exchange of information among jurisdictions, public access over the Internet to sex offender information, full compliance with the Act's requirements, and communication of information to community notification participants under § 121. The first complete edition of the software is to be made available to jurisdictions within two years. (Relevant provisions: § 123.).

F. Funding and assistance programs

The Act authorizes a number of federal grant or assistance programs that are specifically concerned with sex offender registration:

A “Sex Offender Management Assistance Program,” involving grants to jurisdictions to offset the costs of implementing the new sex offender registration and notification standards. (§ 126.)

A direction to the Attorney General to use federal law enforcement resources to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements (§ 142), and an authorization of grants to states and other entities to assist in enforcing sex offender registration requirements (§ 623). Also, a direction to the Attorney General to assist jurisdictions in identifying and locating sex offenders relocated as a result of a major disaster (§ 144).

(iii) An authorization of grants to states and other entities to carry out programs requiring an appropriate official to verify periodically the residence of all or some registered sex offenders (§ 631).

In addition to the funding and assistance programs specifically concerned with sex offender registration, supporting effective sex offender registration is included among the objectives of some more broadly defined funding or assistance programs under the Act. (Relevant provisions: §§ 145(a)(4), 625(b)(1), (3).)

G. Studies and reports

The Act directs a number of studies and reports relating to sex offender registration: (i) Directs the National Institute of Justice to conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on sex offender registration and notification and sex offender treatment (§ 634). (ii) Directs the Attorney General to submit annual reports to Congress concerning implementation of various aspects of the Sex Offender Registration and Notification Act (§ 635). (iii) Directs the Government Accountability Office to study the feasibility of using driver’s license registration processes as means of promoting compliance with sex offender registration requirements (§ 636). (iv) Directs the Attorney General to conduct a study of risk-based sex offender classification systems (§ 637).

H. Federal and military sex offenders

The Act perpetuates with some amendment pre-existing provisions relating to federal and military sex offenders, including requirements that federal correctional and supervision authorities notify state and local registration and law enforcement authorities concerning the release of federal sex offenders to their areas, and requirements that released federal sex offenders register in the jurisdictions to which they go as conditions of their federal supervision. It enacts a new version of the federal failure to register offense (and related provisions), creating federal criminal liability for sex offenders who fail to register under circumstances supporting federal jurisdiction, such as interstate travel. (The pre-existing version of the federal failure to register offense is 42 U.S.C. 14072(i).) The Act also enacts some new provisions relating to penalties or restraint for sex offenders who are required to register, e.g., a mandatory additional 10 year prison term for registrants who commit certain federal sex offenses. (Relevant provisions: §§ 141, 210, 216(1), 401, 702, 704(a)(3).)

I. Sex offenders entering the United States

The Act directs the Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, to establish a system for informing relevant jurisdictions about persons entering the United States who are required to register. (Relevant provisions: § 128.)



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ECWS-07-003

Title: Urging Congress to Amend Section 127 of the Adam Walsh Act

EXECUTIVE COMMITTEE

PRESIDENT

Joe A. Garcia
Ohkay Owingeh
(Pueblo of San Juan)

FIRST VICE-PRESIDENT

Jefferson Keel
Chickasaw Nation

RECORDING SECRETARY

Juana Majel
Pauma-Yuima Band of Mission
Indians

TREASURER

W. Ron Allen
Jamestown SKIallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA

Mike Williams
Yupiaq

EASTERN OKLAHOMA

Joe Grayson, Jr.
Cherokee Nation

GREAT PLAINS

Mark Allen
Flandreau Santee Sioux

MIDWEST

Robert Chicks
Stockbridge-Munsee

NORTHEAST

Randy Noka
Narragansett

NORTHWEST

Ernie Stensgar
Coeur d'Alene Tribe

PACIFIC

Cheryl Seidner
Wiyot

ROCKY MOUNTAIN

Carl Venne
Crow Tribe

SOUTHEAST

Leon Jacobs
Lumbee Tribe

SOUTHERN PLAINS

Steve Johnson
Absentee Shawnee

SOUTHWEST

Manuel Heart
Ute Mountain Ute Tribe

WESTERN

Kathleen Kitcheyan
San Carlos Apache

EXECUTIVE DIRECTOR

Jacqueline Johnson
Tlingit

NCAI HEADQUARTERS

1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, according to Department of Justice statistics, 1 in 3 Native women will be sexually assaulted in her lifetime; and

WHEREAS, tribal governments are committed to fulfilling their responsibility to protect and promote public safety on tribal lands and a number of tribes have developed innovative strategies for tracking sex offenders on tribal lands; and

WHEREAS, on July 27, 2006 Congress passed the Adam Walsh Act, which created a National Sex Offender Registry and Notification System; and

WHEREAS, Section 127 of the Adam Walsh Act addresses Indian tribes and was included without any hearings, consultation or consideration of the views of tribal governments and current tribal practices; and

WHEREAS, Section 127 forces tribal governments to affirmatively elect to comply with the mandates of the Act by July 27, 2007 or *the state in which the tribe is located will be given jurisdiction to enforce the Act and would then have the right to enter tribal lands to carry out and enforce the requirements of the Act*; and

WHEREAS, tribal governments in the mandatory P.L. 280 states would be forced to relinquish civil jurisdiction to the states for limited purposes under the Act; and

WHEREAS, the Act requires tribes who elect to comply with the Act, to maintain a sex offender registry that includes a physical description, current photograph, criminal history, fingerprints, palm prints, and a DNA sample of the sex offender; and

WHEREAS, the tribal provisions of the Adam Walsh Act make no reference to the National Tribal Sex Offender Registry authorized in Title IX of the reauthorization of the Violence Against Women Act passed in 2005 that was developed in consultation with Tribal governments and is more consistent with principles of tribal sovereignty; and

WHEREAS, Congress has failed to appropriate any money to develop the National Tribal Sex Offender Registry, nor to assist tribes into developing the systems necessary to comply with the mandates of the Adam Walsh Act and is unlikely to do so prior to the July 27, 2007 deadline for tribes to opt-in; and

WHEREAS, the Department of Justice has not yet issued any regulations or guidance for implementation of the Act and it seems increasingly unlikely that any such guidance will be promulgated prior to the July 27, 2007 deadline; and

WHEREAS, the provision in the Adam Walsh Act that gives states enforcement authority essentially delegates federal law enforcement authority on many reservations where no such delegation has occurred for any other area of law and states are not currently exercising criminal jurisdiction; and

WHEREAS, requiring tribes to take affirmative action to avoid an expansion of state jurisdiction on tribal lands represents an unprecedented diminishment of tribal sovereignty and will likely result in an expansion of state jurisdiction that will unnecessarily complicate the already confusing system of criminal jurisdiction on tribal lands and diminish cooperation between states and tribes on law enforcement; and

WHEREAS, the existing scheme of criminal jurisdiction on tribal lands is sufficient to fully enforce the registration requirements of the Adam Walsh Act without the provision delegating federal enforcement authority to the state in places where states do not currently have this authority; and

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call upon the Congress to amend the Adam Walsh Act to remove the existing tribal provisions and engage in a process of consultation with tribal governments to determine how best to include tribal nations in the national sex offender registry; and

BE IT FURTHER RESOLVED, that the NCAI does hereby call upon the Congress to remove the arbitrary July 27, 2007 deadline for tribes to elect to participate; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress to strike the portion of the Adam Walsh Act that delegates federal enforcement authority under the statute to the states; and

BE IT FINALLY RESOLVED, that NCAI calls upon Congress to appropriate sufficient funds for tribes to develop registration systems that will comply with the mandates of the Adam Walsh Act and for the development of the National Tribal Sex Offender Registry, and calls upon the Department of Justice to authorize tribal registration numbers.



TOP TEN QUESTIONS ABOUT THE ADAM WALSH ACT.

Do You Know The Answers?

What happens if my Tribe does not pass a resolution before July 27, 2007?

If a Tribe does not pass a resolution stating their intention to participate in the National Sex Offender Registration and Notification System **prior to July 27, 2007** the Tribe will be treated as though it had delegated its authority under the Act to the state. The state would then have the authority to come onto tribal lands for purposes of enforcing the Act.

Can a tribe choose to opt-in later?

No. A tribe cannot opt-in at a later date. Under the new law Indian tribes must assert their authority and jurisdiction before the cut-off date. On the other hand, a Tribe that opts-in by July 27, 2007, can later choose to opt-out of participation or can enter into a cooperative agreement with another jurisdiction.

Where do Tribes send resolutions once they haven been passed?

Tribal resolutions must be sent to the Sex Offender Sentencing, Monitoring, Apprehending, Registering, & Tracking (SMART) Office:

Office of Justice Programs
SMART Office
U.S. Department of Justice
810 Seventh Street, NW
Suite 8241
Washington, DC 20531
Phone: (202) 616-6459

Does the law require a Tribe to have a sex offender registry system in place before July 27, 2007?


No. While the statute requires a Tribe to decide whether it will participate in the Act prior to July 27, 2007, a Tribe that elects to do so will have an additional 2 years to come into compliance with the Act.

If my Tribe already has a sex offender registration code, do we still need to pass a resolution?

Yes. Even if your Tribe has a sex offender registration system in place, the Tribe still must indicate its intention to participate in the National Sex Offender Registration System in order to avoid delegating this authority to the state. Your Tribe will also likely have to amend its sex offender registry code to meet the requirements of the Adam Walsh Act.

How does the law apply in PL 280 states?

Section 127 of the Adam Walsh Act states that Tribes in mandatory PL-280 states



(California, Alaska, Wisconsin, Minnesota, Oregon, and Nebraska) will be treated as though they have delegated their authority to the state to enforce the Act. Under the plain language of the statute, these Tribes do not have the option to opt-in and assert their authority. All other tribes in PL-280 situations have the same rights under the Act as do Tribes in non-PL280 jurisdictions and should consider passing a resolution prior to July 27, 2007.

Many Tribes in mandatory PL-280 jurisdictions have chosen to pass a resolution as well to indicate their desire to exercise this authority, even if the law does not currently contemplate it.

If my tribe elects to opt-in, what are we required to do?

If a tribe elects to comply with the Act, it will be required to maintain a sex offender registry that includes a physical description, current photograph, criminal history, fingerprints, palm prints, and a DNA sample of the sex offender. Participating tribes will also be required to comply with the notification requirements established in the Act and maintain a web site making sex offender registry information available to the public.

Is there financial assistance provided to tribes who elect to participate?

The Adam Walsh Act authorizes funds to help all participating jurisdictions (including Tribes who elect to opt-in) to come into compliance with the Act. At this time, it is unknown how much funding will be available and when it will be made available.

Can my tribe enter into a cooperative agreement with another jurisdiction to fulfill the requirements of the Act?

Yes. After passing a resolution opting-in to participation in the Act, a Tribe can meet the requirements of the Act by entering into a cooperative agreement with another jurisdiction. For example, a tribe may choose to delegate its registration duties under the Act to the state while maintaining its law enforcement authority. Or, several tribes could come together to build an inter-tribal registry.

What are the penalties if a tribe “opts-in” but then fails to meet the requirements of the Act?

The statute gives the Attorney General the authority to determine whether a Tribe has substantially complied with the mandates of the Act. If a Tribe is found to not be in compliance, the authority to enforce the Act will be given to the state. In addition, the Act specifies that non-compliant jurisdictions can lose 10% of their Byrne grant funding.

**SEND YOUR TRIBAL LETTER AND RESOLUTION TO OPT-IN TO THE
NATIONAL SEX OFFENDER REGISTRY BY JULY 27, 2007:**

SMART Office
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, NW, Suite 8241
Washington, DC 20531
Phone: (202) 616-6459

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
MAR 01 2007
DATE

RESOLUTION NO. 726 (2007)

WHEREAS, the United States House of Representatives and Senate passed the Adam Walsh Child Safety and Protection Act of 2006 ("the Act"); and

WHEREAS, the Act requires that Federally recognized Indian Tribes review the Act and exercise their powers of sovereignty and either establish a Sex Offender Registry Program that complies with the terms of the Act or in the alternative enter into a cooperative agreement with the State within which the Tribe is located; and,

WHEREAS, the failure of a Tribe to take any action will indicate to the federal government that the Tribe desires the State to maintain and manage the Sex Offender Registry Program and remove the Tribe from monitoring sex offenders within their jurisdiction; and

WHEREAS, the time for exercising this notification has been set by the federal government as occurring on July 27, 2007 and as of the date of this resolution there has been no indication from the Eastern Band of Cherokee Indians as to the intent of the Tribe regarding compliance with and election under the Act; and


WHEREAS, the time for compliance with the Act is fast approaching and failure of the Tribe to elect to implement the provisions of the Act within the jurisdiction and control of the Tribe will result in the State of North Carolina assuming permanent jurisdiction and control of a Sex Offender Registry Program that may or may not consider or be applicable to those offenders residing within the boundary of the Tribe.

WHEREAS, the current tribal programs like Heart-to-Heart Child Advocacy Center, Center For Family Services' Family Support, and the tribal Domestic Violence program provide direct services to abused children and children who witness violence, and, the Qualla Women Justice Alliance, a grassroots community based group whose efforts to end violence against women is recognized by Tribal Council in Resolution No. 68 (1999), have expertise in their respective areas and can provide input to the development of such a registry.

WHEREAS, it is estimated by the United States Department of Justice that one of three American Indian women will be sexually assaulted in their lifetime.

WHEREAS, sexual assault offenders frequently prey on their victims and have a high rate of recidivism.

WHEREAS, the future of the Eastern Band of Cherokee Indians rest in the capacity of the tribe to preserve the safety, integrity and well-being of its members, and the sovereign powers of



the Tribe and its people, especially the sacred status of Cherokee women and children, to live free from or fear of sexual assault.

WHEREAS, it is in the interest of the Eastern Band of Cherokee Indians to be informed of and monitor the presence of registered sex offenders residing, employed or attending school within Qualla Boundary as required by the Act.

NOW THEREFORE BE IT RESOLVED, by the Eastern Band of Cherokee Indians, in Annual Council assembled, at which a quorum is present, that the Tribe shall establish and maintain a Sex Offender Registry Program that is in compliance with the terms and requirements of the Act.

BE IT FURTHER RESOLVED, that the Tribe shall notify the U.S. Attorney General and any and all other appropriate agencies of the intent of the Tribe to maintain its own Sex Offender Registry Program.

BE IT FURTHER RESOLVED, that representatives of the Heart-to-Heart Child Advocacy Center, Cherokee Domestic Violence Program, Family Support Services, and Qualla Women's Justice Alliance be involved with the development and implementation of the Sex Offender Registry.

BE IT FURTHER RESOLVED that the Tribal Council and Chief shall appropriate sufficient funds through grant applications or Tribal budget to maintain the Sex Offender Registry.

BE IT FINALLY RESOLVED, that the Principal Chief shall carry out the intent of this resolution.

Submitted by: Robert Osley Saunooke, Esquire



US DEPARTMENT OF JUSTICE

Office of Justice Programs

Sex Offender, Sentencing, Monitoring, Apprehending, Registering, & Tracking (SMART)

Information found at: <http://www.ojp.usdoj.gov/smart/faq.htm#registry>

SEX OFFENDER REGISTRY:

Technical Assistance

Questions: How can I get technical assistance?

Answer: The SMART office provides technical assistance to states, the District of Columbia, units of local government, territories, tribal governments, and other public and private entities related to,

- * sex offender registration and notification, and
- * the protection of children and adults from sexual molest, assault and exploitation.

For technical assistance from the SMART office, please email GetSMART@usdoj.gov or call 202.514.4689


Questions: When is the compliance date for my jurisdiction?

Answer: The Adam Walsh Child Protection Act of 2006 was signed into law on July 27, 2006. Section 124 of the AWA specifically requires that all jurisdictions implement the SORNA requirements within 3 years: July 27, 2009. Section 125(a) allows for a 10 percent Byrne Justice Assistance Grant fund reduction for any state, the District of Columbia, or territory that fails to substantially implement the SORNA requirements by July 27, 2009. Failure to substantially implement will be considered on an individual basis by the Attorney General. Section 124(b) provides for the Attorney General to authorize up to two 1-year extensions of the implementation deadline. Requests for extensions will be considered on a case by case basis.

According to §126(a) of the AWA, the Attorney General shall establish and implement a Sex Offender Management program (SOMA) under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing SORNA. Section 126(c) allows for bonus payments to states, the District of Columbia, territories, and federally recognized Indian Tribes that promptly comply and implement the SORNA standards. The bonus award shall be 10 percent of the total received by the jurisdiction under SOMA program for the preceding fiscal year if the implementation is not later than July 27, 2007 or 5 percent if the implementation is not later than July 27, 2008.

Question: When are the Guidelines going to be published?

Answer: The SMART Office is very aware of the need by jurisdictions for guidance regarding implementation of the AWA. Accordingly, publication of the Guidelines is the number one priority for the SMART office. In the interim, jurisdictions in need of assistance may contact the SMART office at GetSMART@usdoj.gov for technical advice and assistance.



Question: My jurisdiction does not have a tier system as outlined in AWA §111, must a tier system be instituted?

Answer: No. SORNA establishes a national baseline for sex offender registration and notification programs. It constitutes a set of minimum national standards and sets a floor, not a ceiling, for jurisdiction programs. For example, a jurisdiction may have a system that requires registration by broader classes of convicted offenders than those identified in SORNA, or that requires in addition registration by certain classes of non-convicts (such as persons acquitted on the ground of insanity of sexually violent crimes or child molestation offenses, or persons released following civil commitment as sexually dangerous persons). A jurisdiction may require verification of the registered address or other registration information by sex offenders with greater frequency than SORNA requires, or by other means in addition to those required by SORNA (e.g., through the use of mailed address verification forms, in addition to in person appearances). A jurisdiction may require sex offenders to register for longer periods than those required by the SORNA standards. A jurisdiction may require that changes in registration information be reported by registrants on a more stringent basis than the SORNA minimum standards (e.g., requiring that changes of residence be reported before the sex offender moves, rather than within a short time frame following the move). A jurisdiction may extend web site posting to broader classes of registrants than SORNA requires, and may put up more information concerning particular registrants than SORNA requires.

Question: My jurisdiction has laws that are more severe or strict than SORNA. Do these laws need to be changed to coincide with the SORNA standards?

Answer: No. Measures, which encompass the SORNA baseline of sex offender registration and notification requirements but go beyond them, have no negative implication concerning a jurisdiction implementation of or compliance with SORNA. This is so because the general purpose of SORNA is to protect the public from sex offenders and offenders against children through effective sex offender registration and notification, and it is not intended to preclude or limit state discretion to adopt more extensive or additional registration and notification requirements to that end. The only exception to this point is that SORNA Section 118(b) requires that the following types of information— victim identity, registrant Social Security Number, registrants’ arrests not resulting in conviction, and passport and immigration information—be excluded from publicly accessible state sex offender web sites. In all other respects, state discretion to go further than the SORNA minimum is not limited.

Question: What type of hardware and software is needed for operating a Web-based Sex offender Registry?

Answer: For specific information regarding the necessary hardware, software and other requirements and estimated cost, please see the [Web-based Sex Offender Registry](#) section.

Question: Section 123 of the AWA requires the Attorney General in consultation with the jurisdictions to establish, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites. When is the software going to be available?

Answer: Please see the [Web-based Sex Offender Registry](#) section for detailed information.

SEX OFFENDER REGISTRY: *Technical Specifications*

The recommended hardware and software for operating a Web-based sex offender registry along with an estimated cost analysis follows:

HARDWARE

Primary Server	\$5,000
Redundant Server	\$5,000
Development PC/Server**	
(this allows for work on web site without interrupting the availability of the site to develop/test update, etc.)	\$5,000
Load balancing device** (used to manage number of hits on web site to prevent crashes)	\$20,000
Storage – RAID setup (200-400 GB depending on data and size)** (4 interchangeable drive for both the primary and redundant servers and single storage unit for development server)	\$1,400 (total for all servers)
RAID controller	\$200
Memory – 4 gb** (required for all three servers)	\$1,500 (total for all servers)
UPS backup power unit** (servers should be on generator the UPS system is for short term power backup and to maintain system during switch over to a generator)	\$500 (UPS only)
Firewall/Switch/Hub appliance	\$800
Data backup system (Tape)** (this reflects cost of a tape backup system, newer technology and higher capacity would be more costly)	\$300 (new technology or higher capacity \$5,000-\$10,000)
Mounting rack for servers and appliances (4 post minimum)	\$500 - \$700

SOFTWARE

Operating System (OS) Windows 2003 Server** (required for each of the 3 servers)	\$3,000 (\$1,000 per license per server)
Database (minimum MS Access, SQL)** (will depend on the amount of data to be stored)	\$300 – MS Access \$10,000 – SQL
Web page development	\$200
Web management** (this would include web site usage and problem monitoring)	\$700 - \$1,500
Backup (used to do the actual backup process)**	
(cost varies on whether backup is snapshot or real-time)	\$2100 - \$6,000 (total for all servers)
Intrusion protection	\$80 - \$200

OTHER

Internet service (based on T1 line)	\$600/month
Web site registration	\$20/year
Temperature and dust controlled space	could be costly if space is not already available

**Costs for staffing and maintenance of the site are not shown here, but must be anticipated by each entity considering operation of a web site.

If a new registration jurisdiction chooses to use a pre-existing state web site, there may be no equipment cost. There may be personnel costs associated with compiling and supplying the registration data to the state and having it posted. There may be some programming costs to create the data entry fields for retrieval. Costs will vary based on the size of the database and the number of offenders.

The equipment requirements to maintain a local electronic data-base (no web site access) include:

- 1 - Server (+ storage/memory)
- 1 - License for OS software
- 1 - Database software
- 1 - Tape back up + software
- 1 - UPS back up power supply

FIRST DEPUTY DIRECTOR FOR TRIBAL AFFAIRS HIRED BY OVW:

Meet Lorraine Edmo

Welcome to Lorraine Edmo! Ms. Edmo is the first person to serve as the statutorily created Deputy Director for Tribal Affairs of the Office on Violence Against Women. As Deputy Director, Edmo will guide the overall development and management of the tribal grant program as well as provide expert advice and guidance on grants administration, oversee policy and program development, supervise a staff of program specialists dedicated to tribal issues, and direct technical assistance and training initiatives to target the issue of violence against Native women.

Lorraine descends from a long line of relatives who have served as Tribal Leaders and in leadership positions within the Shoshone-Bannok Tribe of the Fort Hall Reservation in Idaho. Her parents and siblings have been involved in tribal government, her grandfather serving as a tribal judge. Her grandfather and father were ranchers on the Fort Hall Reservation. She worked with on the family ranch. After graduating from the University of Montana, Ms. Edmo founded *The Sho-Ban News* in 1970 where she worked as the first newspaper Editor. The tribal newspaper is still in publication today.

Lorraine has directed several national organizations that advocate for tribal and national education issues.

These include the National Indian Education Association (NIEA), the American Indian Graduate Center (AIGC), and the federally chartered National Fund for Excellence in American Indian Education. Lorraine has also served on advisory boards for the Committee for Education Funding as well as the AIGC and the NIEA. She currently serves as an advisory board member for the Washington Internship for Native Students program.

Prior to joining the Department of Justice,

Lorraine worked with the U.S. Department of the Interior as the Executive Director for the National Fund for Excellence in American Indian Education, created to raise private support for schools that are a part of the Bureau of Indian Affairs school system. She has also contributed to research and policy issues as a specialist with the Office of Indian Education (OIE) at the U.S. Department of Education. She has worked on behalf of American Indians and Alaska Natives her entire career.

“At this important juncture of federal program development, it is a benefit to tribes and tribal communities to have someone with Lorraine’s rootedness in the traditions of her Tribe’s, her reservation, and experience in federal programs,” notes Sacred Circle’s Executive Director, Karen Artichoker, “That kind of perspective is a refreshing recognition of the importance in selecting federal officials who have a reservation perspective in directing policy and program implementation for tribes.” On a recent visit to the Eastern Band of Cherokee Indians in Cherokee, North Carolina, she was taken into the backcountry of the Qualla Boundary located in the southern Appalachian Mountains. Traveling the back roads of Qualla Boundary Lorraine said, “These bumpy roads remind me of back home.”

As Tribal Deputy Director, Lorraine will assist in the efforts to explore different innovations regarding violence against Native women and share knowledge that can be replicated nationwide. The position of Tribal Deputy Director is statutorily required and created under Title IX of the Violence Against Women Act of 2005.



VAWA 2005 UPDATE:

Implementation of Title IX

Grassroots advocates for the safety of women and the elected leadership of American Indian tribes joined together four years ago to create a national movement to educate members of Congress of the need to reauthorize VAWA 2005. These efforts led to the inclusion of Title IX. Safety for Indian Women and numerous other tribal enhancements within VAWA 2005. These amendments represent landmark legislation supporting safety for American Indian and Alaska Native women. Here is a quick update on implementation of the tribal provisions.

Safety for Indian Women

Title IX.	Content	Status or Action
§903 Annual Consultation	Requires annual USDOJ consultation with Indian Tribes.	2006 Conducted 2007 Scheduled
§904(a)(3) Task Force to Guide Research	Mandates Task Force of tribal leaders and organizations to guide research.	Nominations accepted December December 2006. No further action taken.
§905(a) Tribal Access to Federal Databases	Indian law enforcement can enter, and, obtain information from, federal databases in cases of domestic violence, dating violence, sexual assault, and stalking.	No Action, Training or Guidelines Issued
§906 Grants to Indian Tribal Governments	New grant program for Indian Tribal governments.	Solicitation Released Awards Pending
§907 Tribal Deputy Director	Statutorily created new Deputy Director for Tribal Affairs on OVW.	Lorraine Edmo Hired
§908 Firearms Possession Prohibition	Tribal offenses now included under misdemeanor crime of domestic violence.	No Action, Training or Guidelines Issued
§909 Habitual Offender	Criminal penalties for person that commits a domestic assault & has 2 federal, state, or tribal separate prior convictions.	No Action, Training or Guidelines Issued

TALKING POINTS: *FY 2008 VAWA Appropriations*

The following outline provides an overview of the need for full funding for all VAWA programs in the FY '08 Congressional Budget. Certain Sections of VAWA '05, including tribal provisions, were authorized but not funded because the '07 budget process was decided before passage of VAWA '05. What is most important is for you to tell your story by sharing the needs of your tribal community and the difficulties you face responding to domestic and sexual violence. Your stories and examples will paint a picture of the need for full funding of VAWA.

- It is estimated by the USDOJ that 1 of 3 Indian women will be raped and 6 of 10 will be physically assaulted in their time.
- Without full funding for VAWA programs, American Indian and Alaska Native women cannot access the services they need to live free of violence.
- Tribal governments need resources to provide basic law enforcement, prosecutorial and judicial services to hold offenders accountable.
- Indian tribes and communities that currently have no services cannot begin the process of creating such services and a response to end the violence.
- Many tribal communities remain without any services for survivors of domestic violence and sexual assault.
- Many Native women do not report the violence because they believe nothing will be done. If nothing is done they fear being at greater risk of future violence or rape by their abuser.
- While VAWA established 10% set-asides for Indian tribes and tribal organizations less than 50 shelters for Native women and far fewer sexual assault services exist within tribal communities.
- To address this devastating violence, funding for VAWA must be a high priority in the FY 2008 Congressional Budget.
- The unfunded tribal provisions are desperately needed. The Tribal Registry will allow all Indian tribes to enter their tribal orders of protection and information on convicted sex offenders.

Talk about how domestic violence affects your community.

What progress have you seen due to VAWA funding

What gaps still exist?

Do you have a story you'd like to share?

Funding Resources for Gaps in Services:

Gaps in Services	10% of Funds Appropriated in these Grant Programs Fill the Gaps for Tribal Services
Core shelter services	FVPSA/Battered Women's Shelters
Affordable housing	Transitional Housing and Long-Term Stability for Victims
Coordination with police, judges, prosecutors, advocates	STOP Grants contain Tribal set-asides to fund Indian Governments Program
Legal services, such as protection orders, custody and divorce, and other civil legal representation	Legal Assistance for Victims; Indian Tribal Governments Grant Program Services for Children Exposed to Violence and
Children's services, such as counseling and children's advocacy	FVPSA/Battered Women's Shelters
Outreach and services in rural areas	Rural Grants Program: Indian Governments Program



Unfunded Tribal Sections in Title XI-Safety for Indian Women Act:

Title IX.	Title	FY 08 Appropriation Needed
§904(a)	National Baseline	Authorized \$1,000,000 per year for 2 years
§904(b)	Cost of Injury Study on Violence Against Native Women	Authorized \$500,000 per year for 2 years
§905(b)	Tribal Sex Offender and Order of Protection Registry	Authorized \$1,000,000 per year for 5 years

FY 2008 VAWA Funding Checklist:

Budget	Funding Amount	Statutory Funding Streams
Labor, Health and Human Services	\$320 million	Family Violence and Prevention Services Act (FVPSA)/Battered Women's Shelter and Long-Term Stability for Victims programs. This Program provides funds shelters and contains a 10% set-aside for Indian tribes.
Commerce, Justice, Science	\$683 million	VAWA programs such as Grants to Combat Violence Against Women-STOP (Services, Training, Officers, Prosecutors) , Civil Legal Assistance/Legal Assistance for Victims , Rural Domestic Violence and Child Victimization Grants , and Services for Children who Witness Violence . The Indian Tribal Government Grant Program is partially funded from the 10% tribal set aside contained in the above programs. The newly created Sexual Assault Services Program will provided new funds to Indian tribes to address sexual assault.
Victims of Crime Act Fund		Key non-taxpayer funded source of support for services that help victims cope with the trauma and aftermath of violent crime. Congress must protect the VOCA fund and provide a one-time increase in the cap of \$375 million.

Call Congress to support full funding for VAWA programs at \$320 million in the LHHS budget; \$683 million in the CJS budget; and protect the balance of the VOCA Fund.

Congressional staff should contact Virginia Davis, Associate Counsel, National Congress of American Indians, (202) 466-7767, vdavis@ncai.org.

USDOJ Statistics:

Native women experience violent victimization at a higher rate than any other U.S. population.

34.1%, more than 1 in 3, Indian women will be raped in their lifetime

64%, more than 6 in 10, Indian women will be physically assaulted

Indian women are stalked at more than twice the rate of other women

USDOJ TRIBAL CONSULTATION SEPTEMBER 2007

Prepare Your Comments Now

In September 2006, the Office on Violence Against Women held the first government-to-government Consultation on the Safety of American Indian and Alaska Native women at Shakopee, Mdewakanton Sioux Community, at Mystic Lake Hotel, Minnesota. Tribal leaders presented their comments on the implementation of the Violence Against Women Act of 2005 to the former OVW Director, Diane Stewart. Over one hundred tribal leaders and advocates attended the event.

This year, the Consultation on the Safety for Indian Women (VAWA 2005, Title IX, § 903) will be held September 19, 2007, at the Sandia Pueblo, New Mexico. Tribal Leaders are encouraged to prepare and submit their written testimony in advance. USDOJ is in the process of conducting scoping calls with tribal leaders to develop the agenda.

Title IX § 903 Safety for Indian Women Act directs the Attorney General to conduct annual consultations with Indian tribal governments concerning the federal administration of tribal funds and programs established under the Violence Against Women Act.

Prepare your comments now.

SEC. 903. CONSULTATION (42 USC 14045d)

(a) In General.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322;

108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

(b) Recommendations.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

- (1) administering tribal funds and programs;
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and
- (3) strengthening the Federal response to such violent crimes.



SAVE THE DATE!
SEPTEMBER 19, 2007
PREPARE YOUR COMMENTS!

**TRIBAL GOVERNMENT
CONSULTATION ON VIOLENCE
AGAINST NATIVE WOMEN**

WITH
U. S. DEPARTMENT OF JUSTICE
SANDIA PUEBLO, NEW MEXICO

VIOLENCE AGAINST ALASKA NATIVE WOMEN



Alaska has one of the highest per capita rates of physical and sexual abuse in the nation. Keeping women and children safe in remote bush communities has unique challenges. Violence against women and children is being perpetuated in communities where there exists no form of law enforcement and no local infrastructure to address these incidents. A compilation of data from 1998-2004 gives us a grim picture of the rate of violence against Alaska Native Women.

According to the FBI's Uniform Crime Report in 1999 Alaska reported 83.5 rapes per 100,000 females compared to a U.S. average of 31.7 per 100,000 females.

According to the 1999 Crime Report by the Anchorage Police Department, there were approximately 1,400 sexual assaults between 1995 and 1999. Six hundred, almost 42%, involved Alaska Native women.

From 1989 to 1998 reported cases of domestic violence in Anchorage alone increased by 120%. The percentage of Alaska Native victims in the Anchorage area was 24%, which is extremely high; Alaska Natives comprise only 10% of the Anchorage population.

Anchorage is expecting to be ranked No. 1 in the nation per capita on sexual assault. Statistics show that there were 374 cases of reported sexual assaults in the first six months of 2003.

Statistics such as these are unavailable for the rural communities in Alaska, however, in an informal poll taken in some of these off road communities, 100% of the women reported, at some point in time, being a victim of domestic or sexual abuse.

The following are some of the barriers that face Alaska Native women in their efforts to live free of violence:

Alaska is home to 229 tribes. Of these 229 tribes, 165 are off road communities meaning that it is accessible by air only for the most part of the year. Ninety of these 165 off road communities also do not have any form of law enforcement.

Alaska tribes fall within four state judicial districts and 229 tribal jurisdictions. Tribal and state jurisdiction overlap (PL 280) creating confusion as to who is ultimately responsible for responding to incidents of violence.

Since the enactment of PL 280 in the early 1950's, jurisdictional confusion has created roadblocks for the safety of Native women. To many involved with the state judicial system, this meant that they were in charge of responding to these incidents. When conveyed to the tribal communities this message was specifically interpreted as limiting their role in the local responses to the violence. Consequently, the tribal communities began relying solely on the state law enforcement officials to respond.

When and if a community reports an act of violence against a women or child, it can take the Alaska State Troopers anywhere from a day to ten days to respond. In some cases, it may take longer depending upon weather conditions, the urgency of the other matters they are dealing with in other villages, the apparent severity of the situation and so forth. If they do respond, it is commonly after the 12 hour period for mandatory arrest, in which case an arrest is up to the discretion of the officer.

These facts create the dangerous reality that frequently the only people standing between a woman in need of protection from a batterer or rapist is the local community. Consequently, the life of a woman depends largely on the local community's ability to provide immediate assistance.

Given the extreme danger created by such abusers and the remote isolation of women, communities must develop their own village specific programs utilizing their existing local resources. The development of this local response is the only assurance that women and often times their children in rural Alaska are provided with the very basic human right to safety.



“Here in Alaska, we’re so distant from each other. We’re off the road system and our highway is the river. It is really important to have programs like this in the villages because a lot of our Native people don’t like to leave their homes.” -Lenora Hootch, Director

EMMONAK WOMEN’S SHELTER AND THE YUP’IK WOMEN’S COALITION

Native Village of Emmonak

EMMONAK WOMEN’S SHELTER

Founded: 1979; Shelter opened in 1984
 Service Area: Five villages in the Lower Yukon Delta, Alaska
 Population: Over 800 people reside in Village of Emmonak
 Language: 90-95% Yup’ik speaking
 Services Provided: Safe shelter, crisis intervention, children’s services, education and support survivors of domestic violence and sexual assault, and court accompaniment, comprehensive education and support for local communities.

Dear Friends,

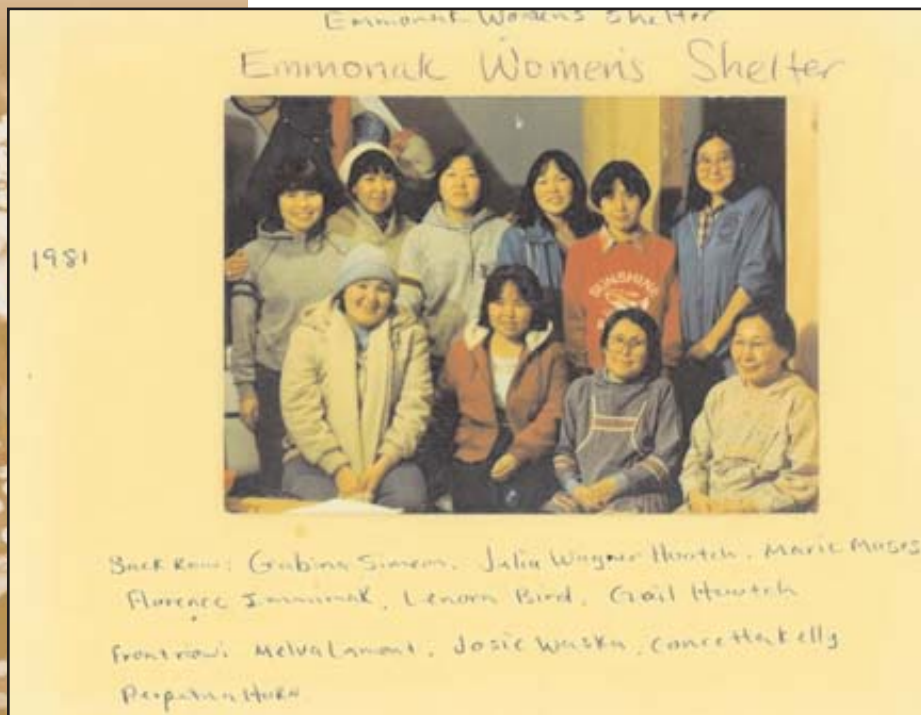
The Native Village of Emmonak, faces many challenges in providing services to women seeking help from abusers. The Village is located approximately 200 miles northwest of Bethel, Alaska, at the mouth of the Yukon River. Travel to and from the Village is only by air or water. During the winter months the high winds and cold weather can make any form of travel dangerous. A woman and her children fleeing a dangerous situation may face temperatures as low as 25 degrees below zero in the winter.

Women are often flown in from other remote villages to receive services here.

The tribal government strongly supports the Emmonak Women’s Shelter. The Shelter was opened in 1984 without any support from outside the Village. The Village government provided the building to house the Shelter and community members donated everything needed to open the shelter. The Village government and the EWS coordinate and sponsor community education and awareness events such as the Peace Walk and broadcasting of Public Service Announcements on both the regional radio station and the Village station.

Our Shelter is designed and decorated to look and feel like a Yup’ik home. The Shelter includes three bedrooms, a children’s playroom filled with toys and

books, and a common kitchen and living room area. The Shelter operates primarily on volunteers from the Village. Yup’ik women from as far away as Anchorage call the Shelter because they want to talk to someone who understands their language, culture and community. Not everyone who calls the hotline needs immediate shelter; some women call to learn about their options and to hear a friendly voice.



Our Shelter is one of a kind. It is the only shelter in Alaska that is completely Native-operated, managed and located in an off-road remote Village. Our services are in high demand because the staff is all Yup'ik-speaking women who are active in our community. Women receive assistance in their own language and the shelter provides all services from a Yup'ik context. We understand the issues our Sisters face in the Yup'ik region. If you are ever in the neighborhood stop in for a hot cup of coffee.

Quayana! Lynn Hootch, Director, Yup'ik Women's Coalition

KEYS TO SUCCESS

Built on the strength of our Yup'ik Village.

Services are guided by Yup'ik beliefs, teachings and practices.

Cooperation between the Shelter and Village Council.

Wisdom of informed Elders.

Listen to voices of Yup'ik Sisters seeking safety.

"I think it's very important that we have our own Native-based shelter that is run by Native staff because we are the only ones who truly understand our culture. The Native people are very connected. I believe individuals from the same community understand one another better than outsiders." - Lenora Hootch, Director

"In 2005 the Shelter launched the Yup'ik Women's Coalition. Our goal is to reach out to the women of the Yup'ik Region to increase the safety of women in all Yup'ik Villages." - Pricilla Kameroff, President, Board Emmonak Women's Shelter



LULYAHAN OTI, A NEW SHELTER FOR NATIVE WOMEN



KYLE, S.D. - The recent opening of the new women's shelter May 4 drew a large crowd to celebrate a state of the art facility for shielding women and children against domestic violence and sexual assault on the Pine Ridge Reservation.

The new shelter, built by Cangleska, Inc., is a Native based program that serves as a strong example for shelters and Indian tribes across the United States, much like the domestic violence organization on the Pine Ridge Reservation that inspired it. Lulyahan Oti, (Dyeing the Plume Red shelter), will house up to 36 women and their children and provide them with a safe and comfortable facility.

The features of the new shelter include geothermal heating and cooling, a computerized climate control system, restaurant-style kitchen with a walk-in cooler and freezer, separate play areas for younger and older children, natural sky lights, spacious common areas, beautiful reception foyer, private interview rooms, state of the art conference room, a park-like playground and perimeter fencing. The building is totally handicapped accessible meeting all international, federal and state building codes.

Women and children will find a bright and cheerful environment, a fully equipped kitchen, a well-lit dining room, a play room for kids stocked with toys, laundry facilities and a living area with a large with a flat screen TV.

"This is absolutely lovely. No shelter can replace a home. This will be good for women's self-esteem," said Karen Artichoker, Director of Cangleska Inc.

"This is amazing. It made me cry. This will build self-esteem. Whoever did this is amazing. They have a heart," said Julie Shot To Pieces of Wounded Knee who attended the recent grand opening of the new shelter on May 4.

Ten years ago, Cangleska opened its first shelter in a building leased to the nonprofit by the tribe. The facility was full the day it opened.

Cangleska, Inc. also operates the Ohitika Najin Win Oti ("Standing Strong Woman House shelter") in Rapid City, South Dakota. Advocacy services are provided through the satellite office in Martin, as is the Domestic Violence Probation Men's Re-Education program, Ki Wicasa ("Return to Manhood"), promoting responsible fatherhood; Winyan Ki Igluonihanpi ("Women Reclaiming Sacredness"), a culturally based mental health project; Tokahe Wicayapi ("Putting Them First") provides supervised visitation; Stronghold, provides civil legal services



to women; and Sacred Circle is the National Resource Center to End Violence Against Native Women.

Bernice Swallow Stone organized volunteers who could shelter female victims of domestic violence. Swallow Stone was honored as a special guest during the open house ceremony for Lulyahan Oti. She was credited with starting the Sacred Shawl Women's Society more than 20 years ago.

The new shelter and the programs to educate men and women would not be possible without the help of the tribal government. Pine Ridge's domestic violence code, the first and the strongest of its kind in Indian country, mandates the arrest of perpetrators and gives the tribal court the authority to order perpetrators to attend Cangleska's men's rehabilitation program for one year.

"The dream has come true today," said Oglala Sioux Tribal President John Steele, who in a previous term as president, supported Cangleska vowed to continue his support of the organization's efforts.

Nearly 1,900 women and children received services from Cangleska in the past year and advocates responded to more than 800 crisis calls. The majority of the women receiving services were between the ages of 25 and 59. Most all children were between the ages of infancy and six years old.



Cangleska Winter Count by "Situpiska," Webster Two Hawk, Jr.

Lulyahan Oti At-A-Glance

- The Lulyahan Oti, a newly constructed shelter built and operated by Cangleska, Inc., in Kyle, South Dakota, on the Pine Ridge Reservation, opened its doors May 4, 2007.
- The new 7,800-square-foot shelter will house up to 36 women and children. Cost of the new shelter and an adjoining maintenance facility was more than \$1.35 million, funded with grants from USDA Rural Development, Medicine Root District, All Tribes Foundation, the Shakopee Mdewakanton Sioux Community, Jane Fonda, the Oglala Sioux Tribe, Rosanne Barr Foundation, Native American Bank, V-Day and Eve Ensler.
- The labor force that built Lulyahan Oti was 98 percent American Indian; the general contractor was Hahn's Construction. In the past year, Cangleska has sheltered 421 women and 483 children.



SUMMIT TO END VIOLENCE AGAINST ABORIGINAL WOMEN

Hosted by the Ontario Native Women's Association and the Ontario Federation of Indian Friendship Centres.

**Thunder Bay, Ontario, Canada,
March 20 -22, 2007**

The goal of the Summit was to develop a provincial strategy to end violence against Aboriginal women. It was designed to be both a learning opportunity and a working meeting. Speakers and elders addressed participants on best practices and approaches that can be translated into action at the community, regional and provincial level. The participants came from different sectors, and were strategically invited from the north, south, urban, and rural communities. Participants were identified through ONWA locals, Indian Friendship Centres, Metis Communities and First Nations.

"I have seen the face of violence that frontline workers have confronted. I have seen the horror on the face of the children. Going from call to call I took away at least 35 guns being used against women. As a police officer and frontline worker I have seen the need for services for women. I know first hand that police officers also need healing from the experience of responding to domestic violence. Over the years progress has been made. One example is the Supreme Court case recognizing the need to look at aboriginal offenders in a unique way. This decision gives us the justification for much needed services for our aboriginal communities." Alex Zygniuk, Retired Police Officer and Aboriginal Court Worker, Perry Sound Friendship Centre, Ontario.

The first two events were instrumental in generating ideas and discussion with regard to needs, gaps, and best practices. The Summit addressed the need for a coherent plan to make the ideas real. The goal was to translate the consultations from March and May '06 into a strategy that addressed policy change, community capacity, change of public attitude and included best practices. The overall goal being to mobilize communities in Ontario to end violence against Aboriginal women.

SUMMIT OUTCOMES

Provincial network of partners who identify addressing violence against Aboriginal women as a priority

Strengthened circle of Aboriginal women at the community level by offering tools and strategies to address violence

Developed a framework for a strategy to end violence against Aboriginal women

Increased awareness of government leaders in Aboriginal communities, as well as municipal, provincial and federal levels, of the harmful social, economic and health cost of violence in Aboriginal communities.



“At first I was afraid ... because it was men’s programming. I know there is nothing of a man that is also not synonymous with a woman’s journey. In that way the person who murdered a woman will come back into a community. The seven generations that will follow him, and he, have a right to understand what took him down that path. We are given teachings of the role of men and women. And when I talk about the teachings all I am doing is sharing our teachings. If a man returns to accept our teachings that is a bonus. If a man says I don’t believe this way and I am going to church that is fine as well. That is his way, but I am still going to educate him. We are all connected. None of this information is mine. I just put it together.” Dianne Beaver, Ganohkwa Sra Shelter.



“We come together with the specific dream to end violence against aboriginal women. In some communities 70% are woman headed households and in some the primary response to violence is to flee their community. Remember the original treaty was not written. One treaty bead was peace ... that bead today represents safety. Another original bead was power and today we are 120 gathered. Today we have power to make peace and safety. I want to recommend to you that this Summit by unanimous consent adopt that it be our aboriginal women that go to meet with the ministers responsible for addressing violence. That we ask those ministers to stand with us and commit to the vision of ending violence.” Sylvia Maracle, Ontario Federation of Indian Friendship Centres.

“We will work hand-in-hand with the Friendship Centres to move forward. We must come together and stick together.” Sally Ledger, Director, Ontario Native Women’s Association.

HISTORY

March '06

Ottawa, National Policy Forum on Aboriginal Women and Violence.

May '06

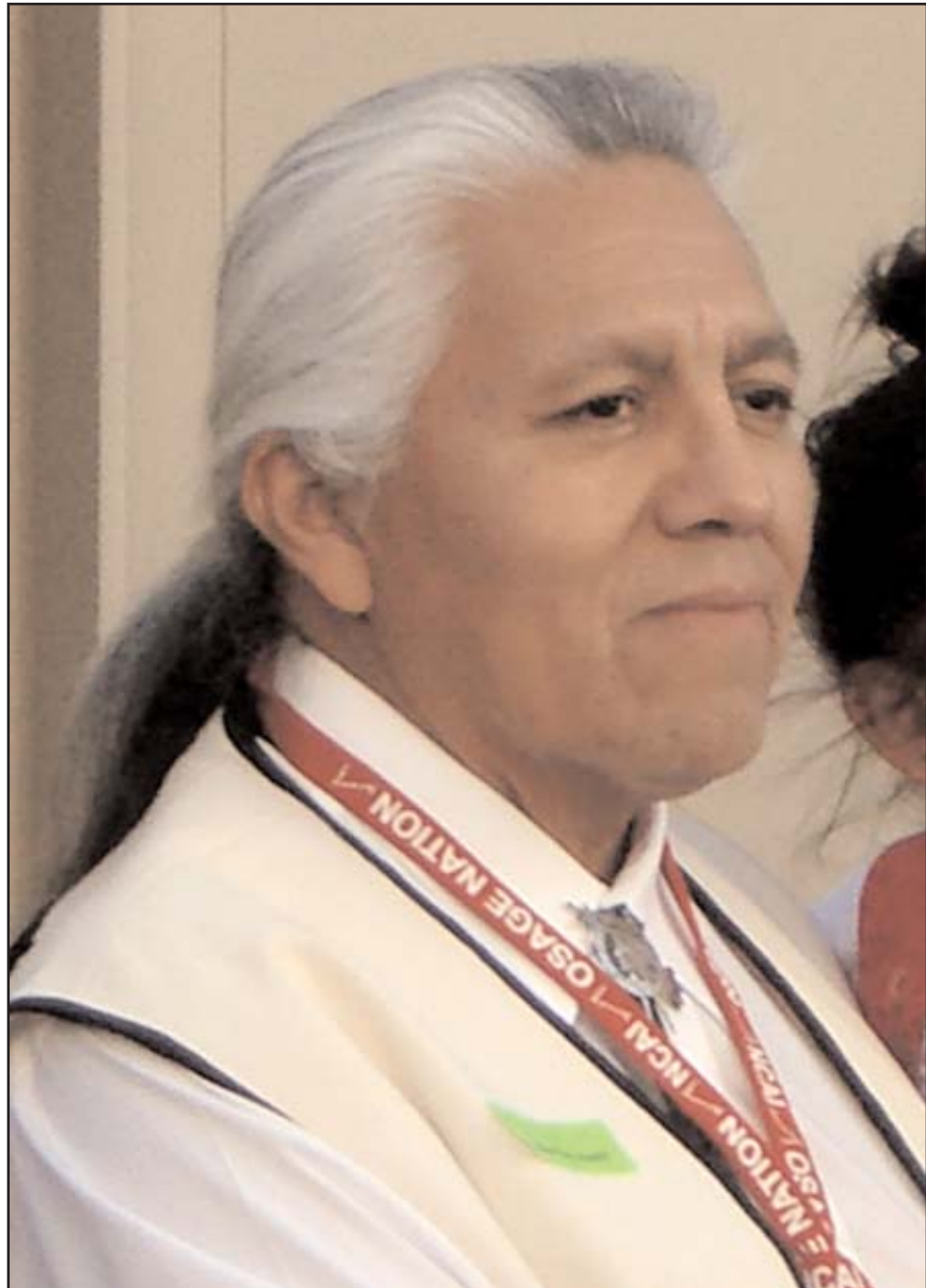
Toronto, Follow-up meeting of Ontario delegation to the National Policy Forum.

March '07

Thunder Bay, Summit to End Violence Against Aboriginal Women



A PROMISE KEPT!



**“We have and will continue to fulfill our responsibility for the safety of women.
Join us and strengthen safety of women and sovereignty of Indian Nations.”**

**- Joe Garcia, President
National Congress of American Indians**

RESOURCES

For Resource Information on Women Against Violence, Contact:

- Sacred Circle, National Resource Center to End Violence Against Native Women, www.sacred-circle.com
722 Saint Joseph Street, Rapid City, SD, 57701, 1 877 Red Road, 605 341 2050

For Information on the Adam Walsh Act Contact:

- National Congress of American Indians, www.ncai.org
Associate Counsel, Virginia Davis, 202 466 7767, vdavis@ncai.org

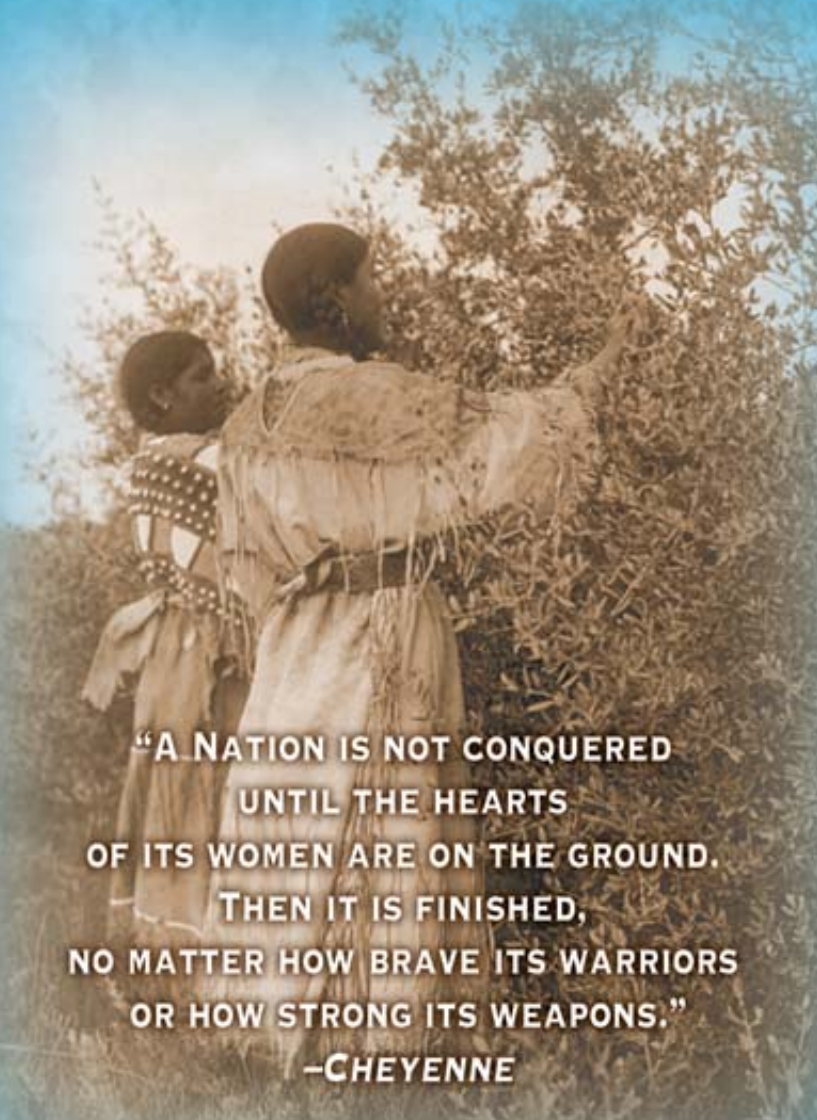
For Information on VAWA 2005 Funding Opportunities

- www.usdoj.gov/ovw

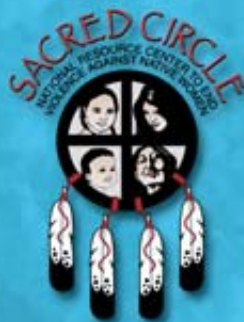
For Information on Tribal Courts and the Violence Against Native Women Contact:

- Tribal Law and Policy Institute, www.tlpi.org
8235 Santa Monica Blvd. Suite 211
West Hollywood, CA 90046, 323 650 5467





**"A NATION IS NOT CONQUERED
UNTIL THE HEARTS
OF ITS WOMEN ARE ON THE GROUND.
THEN IT IS FINISHED,
NO MATTER HOW BRAVE ITS WARRIORS
OR HOW STRONG ITS WEAPONS."
-CHEYENNE**



Rooted in the Plains, the mission of Sacred Circle, National Resource Center To End Violence Against Native Women, a project of Cangleska, Inc., is to change individual and institutional beliefs that justify the oppression of Native women. The work to transform tribal families and communities into a circle of balance and harmony requires individual growth and systematic responsibility.

WE ARE DEDICATED TO ACTIONS THAT PROMOTE THE SOVEREIGNTY AND SAFETY OF WOMEN.

722 St. Joseph Street • Rapid City, SD 57701
1-877-RED-ROAD (733-7623) • 605-341-2050
scircle@sacred-circle.com • www.sacred-circle.com



A project of
Cangleska, Inc.