



U.S. Department of Justice

Office on Violence Against Women

Washington, DC 20530

November 21, 2014

Dear STOP Administrator:

As you know, the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) included several new requirements for States and Territories that apply for STOP Violence Against Women Formula Grants. One of these changes relates to the inclusion of Tribal governments in the STOP planning process. Since the award of the first STOP Grants in 1995, the Office on Violence Against Women (OVW) has encouraged STOP administrators to include Tribal governments and other Tribal representatives in the STOP planning processes and incorporate their input into STOP implementation plans. This is true not only because of the critical need to engage with all communities in the State – particularly those that have traditionally been marginalized and underserved – but also because of the extremely high rates of violence against American Indian and Alaska Native women.ⁱ VAWA 2013 now requires that States “consult and coordinate with” a number of entities during STOP implementation planning including “Tribal governments in those States with State or federally recognized Indian tribes[.]”ⁱⁱ States must complete this process in order to certify that they qualify for STOP fundsⁱⁱⁱ and provide “documentation from each member of the planning committee as to their participation in the planning process”^{iv} when submitting STOP implementation plans to OVW.

As outlined in the STOP FAQs^v, there are several elements that must be fulfilled in order to meet the requirement to consult and coordinate with Tribal governments:

- ❖ Invite all federally-recognized Tribes and State-recognized^{vi} Tribes located within State borders to participate in the planning process.
- ❖ Provide sufficient notice to Tribal invitees prior to any deadlines or meeting dates.
- ❖ Retain records of invitations to comment on a written document or participate in a meeting along with details about who was invited, the method of invitation, and whether and how an invitee participated.
- ❖ Include details about the participation of Tribal representatives within the documentation of participation in the planning process that is required from each member of the STOP planning committee.^{vii}

For some States, consultation and coordination with Tribes is an ongoing process that may require simple adjustments to current procedures in order to meet the new requirements. For others, this step may require additional planning and effort in order to effectively engage with Tribes and achieve compliance.

We encourage States to give both time and thought to making the consultation process meaningful for both Tribes and the States, in order to carry out the requirements of VAWA 2013. STOP administrators should carefully choose the methods that are used to reach out to Tribal governments for the purpose of requesting involvement and input. Consideration should be given to a number of factors including Tribal governmental structures, Tribal resources, geographic location of the Tribe, and the unique histories and relationships of individual Tribal nations to State and federal governments. In many cases, a STOP administrator's offer to travel to Tribal jurisdictions and villages may be optimal for demonstrating a sincere intention to hear and incorporate Tribal input. This may be particularly true where Tribes have been minimally or not previously involved in STOP planning. We encourage this approach to directly connecting with Tribes in STOP planning and note that the use of STOP administrative funds to support it is permissible. Whatever methods are used, it is important to keep in mind the status of Tribes as self-governing sovereign nations and to tailor outreach and communications accordingly.

We are aware of the travel restrictions that are in place in many State government agencies. However, given the critical nature of this step in the STOP planning process – and in the spirit of connecting with and better understanding the needs of culturally specific, marginalized, and underserved communities – we urge the waiver of these restrictions for the purpose of allowing travel to Tribal jurisdictions and villages. It is our hope that visits to Tribal areas will be made not only to fulfill STOP planning requirements, but also for other STOP purposes including:

- ❖ Convening bidders' conferences in locations that facilitate the attendance of prospective Tribal subgrant applicants;
- ❖ Conducting post-award site visits as part of a larger STOP subgrantee monitoring plan; and
- ❖ Participating in meetings that can help to build and sustain relationships with Tribes.

Please contact your OVW program manager if you have questions about STOP Grant policies and requirements. The STAAR Project of ALSO (the OVW comprehensive technical assistance provider for the STOP Formula Grants Program), is available to provide individualized technical assistance to STOP administrators (ALSOSTAARProjectTA@also-chicago.org or www.also-chicago.org).

A series of conference calls focusing on working with Tribes in the context of the STOP Grant Program is currently being planned by OVW, the STAAR Project, the National Indigenous Women's Resource Center, and the Southwest Center for Law and Policy. To prepare for the

calls, we recommend reading *An Introduction to Indian Nations in the United States*, a concise primer produced by the National Congress of American Indians (available at <http://bit.ly/1uupYfd>). We also encourage you to look at the Department of Justice Policy on Tribal Consultation (available at <http://1.usa.gov/1uaYzNT>). Although this policy does not apply to States, it lays out some important principles for government-to-government relationships with Tribes. Finally, a contact list for federally-recognized Tribal governments located within your State can be found in the *Tribal Leaders Directory* (available at <http://on.doi.gov/1tRKUI9>). We look forward to hearing about the positive progress that you make in your work with Tribes to address domestic and dating violence, sexual assault, and stalking, and to learning about the promising approaches that you employ in partnership with Tribes.

Sincerely,



Bea Hanson,
Principal Deputy Director

ⁱ American Indian and Alaska Native women are 2.5 times more likely to be sexually assaulted than all other races, and 1 in 3 report being raped in their lifetimes (Patricia Tjaden & Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women* (U.S. Department of Justice, 2000), available at <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>); 1 in 4 American Indian or Alaska Native women report being stalked in their lifetimes (Michele C. Black et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2011), available at <http://1.usa.gov/1xXUxc1>).

ⁱⁱ 42 U.S.C. § 3796gg-1(c).

ⁱⁱⁱ Id. at (d)(1).

^{iv} Id. at (i)(2).

^v Office on Violence Against Women, U.S. Department of Justice, *Frequently Asked Questions About STOP Formula Grants* (Feb. 2014), available at <http://1.usa.gov/1sNGse1>. See FAQ #16, p. 26.

^{vi} The National Conference of State Legislatures has compiled information on the federally- and State-recognized Tribes within each State, available at <http://bit.ly/1ulzxNG>.

^{vii} See *Frequently Asked Questions About STOP Formula Grants*, FAQ #15, p. 25.