



# Expanding Access to Victim Compensation Funds in Tribal Communities: Lessons from the Field

**Tribal Victim Services Training and Technical Assistance Program (T-VSTTA)**  
August 2023

*This product was supported by contract number GS-00F-008DA, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this product are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*



*Helping Crime Survivors Find Their Justice*

# Meet the Presenters

## Kerry Luper

Grants Management Specialist

Office for Victims of Crime (OVC)  
Office of Justice Programs (OJP)  
U.S. Department of Justice (DOJ)



## Nick Lay

State Tribal Crime Victim Liaison

Oklahoma District Attorneys  
Council



## Sheree Hukill

Senior Technical Assistance  
Lead

Tribal Victim Services Training  
and Technical Assistance (T-  
VSTTA) program



# Session Overview

---

- Barriers to accessing VOCA funds
- Promising practices for reducing barriers and increasing access to VOCA funds
- Available OVC resources to states in their work with Tribal communities



# Tribal Listening Session

---

A VOCA Victim Compensation Tribal Listening Session was hosted on June 1, 2023. 54 American Indians and Alaska Natives (AI/AN) attended a session on revisions to the Victim Compensation Guidelines (via the federal rulemaking process) and the impact the current guidelines and victim compensation program have on Tribal communities and provided input on the following three areas—

- Victim Eligibility
- Allowable Expenses
- Equitable Access



# Systemic Barriers

---

- Missed deadlines due to lack of access to needed police reports
- A historical lack of trust between law enforcement and AI/AN communities
- Cultural practices of Native people require special consideration
- Jurisdiction can be difficult for victims to ascertain
- The complex nature of government-to-government relationships
- Governmental requirements do not accommodate AI/AN community structures (low-tech and remote)

# Overcoming Barriers

---

- Test and illustrate promising practices through demonstration grants
- Provide Tribal-specific training and technical assistance



*Helping Crime Survivors Find Their Justice*

# Promising Practices: Demonstrated

---

## Oklahoma's State-Tribal Crime Victim Liaison Initiative: 2011-2015

- A four-year initiative funded by the Department of Justice, Office for Victims of Crimes federal grant
- A one-of-a-kind demonstration project to—
  - Improve communication among federal, Tribal, state, and local officials; and
  - Enhance victims' compensation, assistance, and outreach services to members of Oklahoma's 38 federally recognized Tribes

# Promising Practices: Key Elements for Success

---

- Quarterly, regional roundtable discussions for federal, Tribal, and state victim services providers
- Outreach materials including —
  - Contact information for the victim witness coordinator at each District Attorneys' office, FBI victim specialists, and the Federal District Court contacts
  - Program brochures
- Interaction between the state-Tribal crime victim liaison and Tribal leaders
- Relationship building through involvement in Tribal communities



# Promising Practices: Sustaining Success

Following the initial four-year project—

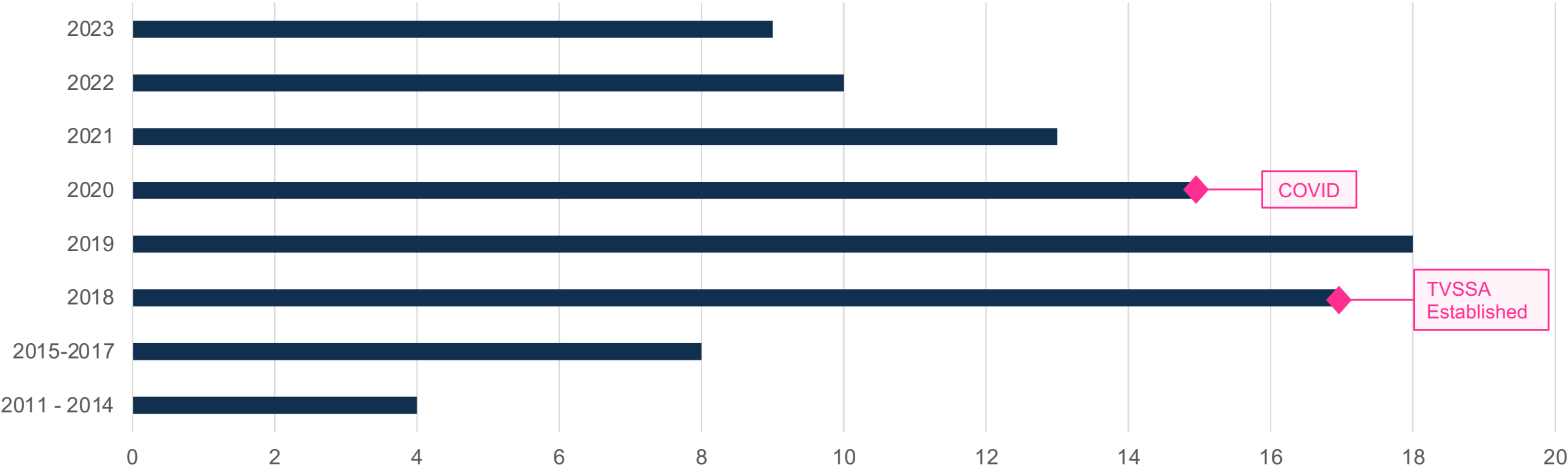
- Federal funding for the project concluded
- In 2019, the Oklahoma District Attorneys Council Victim Services reinstated funding for a state-Tribal crime victim liaison
- The state-Tribal crime victim liaison is responsible for—
  - Building and maintaining relationships with Tribal victim services programs across Oklahoma; and
  - Overseeing special outreach projects under the Oklahoma Crime Victims Compensation program



Muscogee Creek Nation Principal Chief David Hill with Nick Lay

# Promising Practices: Outside Factors

Oklahoma Tribal VOCA Sub-grantees



# Promising Practices: *McGirt v. Oklahoma*

---

## Compensation Delivery Challenges Created by Oklahoma Court Case

### **Case Summary:**

The court held that State of Oklahoma lacked jurisdiction to prosecute an enrolled member of the Seminole Nation whose crimes took place on the Creek Reservation because for purposes of the Major Crimes Act, land reserved for the Creek Nation since the 19th century remained Indian country under 18 U.S.C.S. § 1153(a), and only the federal government could prosecute Indians for major crimes committed in Indian country. Once a reservation was established, it retained that status until Congress explicitly indicated otherwise, and Congress' actions during the allotment era did not end the Creek reservation. Nor were historical practices and demographics enough by themselves to prove disestablishment.

# Promising Practices: *McGirt* Challenges

---

Challenges for victim compensation delivery created by *McGirt v. Oklahoma* include—

- Re-traumatization of victims with the retrial of post-conviction relief cases
- Difficulty tracking cases as they transition across multiple jurisdictions
- Lack of access to federal law enforcement reports
- Inconsistent availability of Tribal reports
- Decisions that coincided with pandemic restrictions



# Promising Practices: Addressing McGirt

---

Addressing the challenges created by the court case—

- Adding staff to assist with the high influx of cases
- Developing partnerships for victims' crime assistance
- Implementing systems to track cases across jurisdiction
- Writing training for Tribal law enforcement
- Removing the need for a resolution for victim compensation in federal cases
- Building and maintaining relationships
- Keeping Victims at the center of the discussions
- Collaborating between District Attorneys and Council Tribes

# Actionable Steps

---

Following are suggested actionable steps to take to increase Tribal VOCA funding access—

- Engage Tribal representatives in policy creation
- Train VOCA State Administering Agency staff on government-to-government relationship requirements
- Build relationships between state officials and Tribal communities
- Fund a permanent state Tribal VOCA position
- Keep victims at the center of all discussions and decisions

# About T-VSTTA

---

Tribal Victim Services Training and Technical Assistance (T-VSTTA) is a resource for American Indian and Alaska Native (AI/AN) communities serving victims and survivors of crime. T-VSTTA's no-cost support helps grantees and potential grantees increase their capacity to walk alongside victims and survivors of crime in their healing journey.

# T-VSTTA Support

---

T-VSTTA support includes—

- Increasing organizational capacity
- Broadening networks
- Enhancing a comprehensive victim services model
- Providing culturally relevant training and tools
- Helping with the federal funding process
- Providing space for Tribal grantee voices to be heard and validated
- Creating resources and providing guidance for needs assessments strategic planning, outreach events, etc.
- Serving as a bridge between the grantees and grant managers



# Contact T-VSTTA

---

T-VSTTA provides a single-entry point for Tribes and organizations working with Tribes to access healing and support services from OVC.

**Contact T-VSTTA to discuss  
victim services support for your Tribe:  
support@t-vstta.org or 833-887-8820**



*There is no cost for T-VSTTA's services. The United States Department of Justice, Office of Justice Programs, Office for Victims of Crime funds T-VSTTA.*

