

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0268-19

**DATE:** September 6, 2019

AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION & HUMAN SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; STATING THE OFFICAL POSITION OF THE NAVAJO NATION CONCERNING VIOLENCE AGAINST WOMEN AS PRESENTED IN WRITTEN TESTIMONY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN CONJUNCTION WITH THE 14<sup>TH</sup> ANNUAL GOVERNMENT -TO- GOVERNMENT TRIBAL CONSULTATION.

**PURPOSE:** Approving the official position of the Navajo Nation concerning violence against women as presented in written testimony to be submitted to the United States Department of Justice, Office of Violence Against Women as part of the government-to-government tribal consultation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 5:37 PM 9-6-19  
Website Posting Time/Date: 9-11-19  
Posting End Date: 9-12-19  
Eligible for Action:

Law & Order Committee  
Thence  
Health Education & Human Services Committee  
Thence  
Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0268-19

AN ACTION

RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION & HUMAN SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; STATING THE OFFICAL POSITION OF THE NAVAJO NATION CONCERNING VIOLENCE AGAINST WOMEN AS PRESENTED IN WRITTEN TESTIMONY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN CONJUNCTION WITH THE 14<sup>TH</sup> ANNUAL GOVERNMENT -TO-GOVERNMENT TRIBAL CONSULTATION.

WHEREAS:

**Section One. Authority**

- A. The Navajo Nation established the Law and Order Committee to, in part, protect the rights and interests of the Navajo People. 2 N.N.C. §600(C )(2)
- B. The Navajo Nation established the Health, Education, and Human Services Committee ("HEHSC") as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions relating to health within the Navajo Nation. 2 N.N.C. § 400(C)(1).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700 (A) (2012) *see also* CJA-03-13.

- 1 D. The Naabik'iyáti Committee has the power to coordinate all requests for information,  
2 appearances and testimony related to proposed federal legislation. 2 N.N.C. § 701  
3 (A)(6).
- 4 E. The Navajo Nation has a government-to-government relationship with the United  
5 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- 6

7 **Section Two. Findings**

- 8 A. The United States Department of Justice's Office of Violence Against Women  
9 Government-to-Government Tribal Consultation (U.S. DOJ-OVW) occurred August  
10 21-22 in New Buffalo, Michigan and was held pursuant to Public Law 109-162, Title  
11 IX, Section 903 of the Violence Against Women Reauthorization Act of 2005. See  
12 Exhibit B.
- 13 B. The deadline for submitting official written testimony to the U.S. DOJ-OVW is  
14 September 30, 2019.
- 15 C. The official written testimony, as found at Exhibit A, attached, is a collaborative  
16 effort between the Executive, Legislative and Judicial branches of the Navajo Nation  
17 as well as contributed information and data from various Navajo programs and  
18 organizations supporting the efforts of combatting violence against Navajo women,  
19 children and law enforcement.
- 20 D. The written testimony, as found at Exhibit A, supports the Navajo Nation's position  
21 for the reauthorization of the Violence Against Women Act because grant funding  
22 (i.e. shelter services and victim advocates) and technical support is provided to the  
23 Navajo Nation through health and social services programs.
- 24 E. Additionally, the reauthorization of the Act would expand protections for children  
25 and law enforcement caught in the crossfire of domestic violence disputes, sex  
26 trafficking and transitional housing for victims of violence.
- 27 F. The Navajo Nation finds it to be in the best interest of the Diné to approve as the  
28 official position of the Navajo Nation the written testimony and support for the  
29  
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1 Violence Against Women Act as found at Exhibit A.  
2

3 **NOW THEREFORE, BE IT RESOLVED:**

4 The Navajo Nation hereby supports as the official position of the Navajo Nation the  
5 written testimony as found at Exhibit A and authorizes it's submission to the United  
6 States Department of Justice Office of Violence Against Women.  
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## Written Testimony: Navajo Nation

U.S. Department of Justice – Office of Violence Against Women  
14<sup>th</sup> Annual Government-to-Government Tribal Consultation  
August 21-22, 2019 – New Buffalo, Michigan

### Introduction

Thank you for the opportunity to provide a written testimony on behalf of the Navajo Nation to address the issue of missing and murdered Navajo relatives, as well as relatives who go missing in rural and urban areas near and outside the Navajo borders. Navajo Nation President Jonathan Nez, Vice President Myron Lizer, and the 24<sup>th</sup> Navajo Nation Council would like to thank the U.S. Department of Justice and the Office of Violence Against Women for conducting the annual government-to-government consultation on this important issue impacting Navajo communities and Indian Country. We also extend our gratitude to Navajo Nation Council member Council Delegate Amber Kanazbah Crotty for her gracious support with the research and testimony that she provided to the U.S. Senate Committee on Indian Affairs in December 2018.

Delegate Crotty has been a fierce advocate for issues that span several areas that are affecting our Navajo people: domestic violence, sexual violence, human trafficking, and more recently, the Missing & Murdered Diné Relatives (MMDR) initiative. Through Delegate Crotty's leadership, she organized a working group of dedicated MMDR Team members who provide research, support, and subject matter expertise to Navajo leadership as they begin to delve into developing action plans, coordination, advocacy, and awareness to Navajo communities.

We also appreciate the leadership of Council Delegate Charlaine Tso for providing the verbal testimony at the consultation in New Buffalo on behalf of the Navajo Nation. Our Nation is working diligently to create solution-based pathways to address violence against women, children, and all vulnerable populations on the Navajo Nation. Again, we extend our sincere thanks to the U.S. DOJ-OVW for engaging in a government-to-government tribal consultation with our Navajo leadership.

### Background

The Navajo Nation is the largest land-based federally recognized Native American tribe within the United States with more than 356,890 tribal members with 173,667 living within the Navajo Nation, according to the 2016 American Census Survey. The basis of our federal-tribal government-to-government relationship was established by the Treaty of 1868 between the United States and the Navajo Nation, which was ratified by the United States Senate on June 24<sup>th</sup>, 1868 and signed by President Andrew Johnson on August 12<sup>th</sup>, 1868. Our government-to-government relationship is further supported by federal executive orders, court decisions, and case law.

The Navajo Nation spans over 27,427 square miles within the states of Arizona, New Mexico, and Utah. Unemployment hovers at around 57.6%, while the median annual household income being roughly around \$27,389. While infrastructure development has improved, there remains much work to be done to address basic infrastructure needs for Navajo communities. Together, these issues contribute to the safety and well-being of our Navajo families.

### Public Safety



According to the U.S. Federal Bureau of Investigations, violent crime on the Navajo Nation is increasing. From 2010-2016, the Navajo Nation Department of Public Safety (NDPS) received an average of over 200,000 emergency calls annually. Half of these calls involved violence. Currently, NDPS has about 200 police officers and 30 criminal investigators that cover approximately 18 million acres of Navajo land. This means there is only 0.85 officers for every 1,000 Navajo citizens. The national average for law enforcement officers is 3 police officers for every 3,000 citizens.

Navajo law enforcement responds to an average of 40 homicides per year within the Navajo Nation, which makes murder within the Navajo Nation 4 times the national average on a population per capita basis. The FBI reported that there were 2,534 violent crimes, 2,311 aggravated assaults, and 160 rapes reported to law enforcement in 2017. This data is comparable to crimes in major U.S. cities.

### **Violence Against Navajo Women**

According to a congressional testimony provided by Council Delegate Amber Kanazbah Crotty to the U.S. Committee on Indian Affairs on December 12, 2018, violence on the Navajo Nation is a multi-generational and culturally pervasive phenomenon. Furthermore, like our national counterparts, the accurate rates of violence against Navajo women are not truly reflected in the data since many victims of domestic violence (DV) or dating violence do not report their abuser to law enforcement for fear of retaliation, shaming, or the involvement of drugs or alcohol during the assault.

The lack of resources to ensure the safety of Navajo women—combined with the socio-economic challenges within the Navajo Nation, gang violence, poverty, and low educational attainment—perpetuate a systemic culture of violence within Navajo families and communities.

### **Missing & Murdered Diné Relatives (MMDR)**

Currently, the Navajo Nation does not provide a comprehensive victim services program for all victims of violent crimes. Available funding right now is for intimate-partner violence, which includes domestic violence, dating violence, sexual assault, and some shelter services. To address the void in services, the Navajo Nation relies on a "patchwork" of limited services from under-resourced service providers from different tribal programs and offices with the support of non-governmental non-profit organizations.

Below are examples of tragic cases of Missing & Murdered Diné Relatives. The ages of each person, their geographical location, and date they were reported missing vastly differs in each case, indicating that violent crime targets all age groups, genders, and regions within the Navajo Nation:

- 26-year-old Amber Webster, a married mother-of-three, was murdered in Florence, Kentucky on December 2018. Amber was employed as a construction worker that had traveled out of state to provide income to her family on the Navajo Nation. 32-year-old Jesse James brutally stabbed her to death while staying at the same hotel as her. The two had no prior interactions with one another preceding to the incident.
- 26-year-old Katczinzki Ariel Begay went missing in July 2017 on the southeastern edge of the Navajo Nation in Arizona. Ariel was picked up from her residence by her boyfriend and never came back home. Efforts were made by law enforcement and a search ensued on the Navajo Nation in New Mexico and Arizona. Sadly, her remains were found in October 2017 in Querino Canyon, Arizona. Her case remains unsolved today.





- 23-year-old Ryan Shey Hoskie, 42-year-old Teri Benally, and 32-year old Fredrick Watson were three transgender Navajo Nation members who were found beaten to death in Albuquerque, New Mexico in January 2005, July 2009, and June 2009 respectively. All three victims' bodies were found in the southeast side of town within a block of one another laying in a street or alley. The details of each of their deaths remain unknown and no suspects have been detained.
- 63-year-old Marena Holiday, mother of three and grandmother, was murdered in Comb Ridge, Utah on December 2015. Marena was killed within the boundaries of the Navajo Nation after she was beaten then shot in the head by a neighbor. In disposing of the body, the perpetrator tied a rope around Holiday's ankles to the back of his truck and dragged her body to hide under a tree. She was found the next day and the perpetrator was later indicted by a federal grand jury for first-degree murder and sentenced to just 22 years in prison.

The shortfalls for each case tragically highlight critical realities of public safety within the Navajo Nation—the delayed response time of law enforcement, jurisdictional complexities between tribal, state and federal law enforcement, and the lack of services provided to victims' families. It should also be noted that in 2019 additional people have been reported missing within the Navajo Nation.

Delegate Crotty and the MMDR Team have been actively collaborating with the Navajo Nation Missing Persons Updates group and Sovereign Bodies Institute to obtain further data information that has been collected at the community level. According to their reports, 164 missing Navajo persons cases have been documented starting from 1951-2019, and it was found that 38% of the cases are missing persons and 62% are murder cases. To further illustrate where these cases are occurring, 41% occurred on the Navajo Nation, 10% occurred in rural off-reservation areas, and 49% occurred in urban communities.

The reports from both community-based organizations also indicated that the average age of a Navajo missing person is 31, and 22% of the cases reported involved young girls under the age of 18. 32% of the cases involved domestic violence and 4% involved sexual assault. Although there is little data reported regarding LGBTQ and unsheltered relatives, both organizations continue to monitor and collect information on the Navajo Nation and in surrounding border town areas.

Recently, the Navajo Nation Public Safety Division met with the MMDR Team to begin developing a community action kit to empower Navajo communities to coordinate and mobilize search parties, understand the missing persons reporting process, data collection, and to support law enforcement when a person goes missing.

### **Navajo Nation Developments**

The Navajo Nation, with limited resources, is working to address public safety with the following developments:

- Coordinating existing Navajo Nation working groups and available resources to address missing and murdered Navajo people
  - Navajo Nation Police Department is developing a Missing Persons Unit
  - Creation of a Missing & Murdered Diné Relatives Data Institute by the MMDR Team working group and partnering coalitions
- Expanding the Navajo Nation 911 emergency call services across the Navajo Nation, in coordination with Arizona, New Mexico, and Utah state law enforcement





- Bulking up the Navajo Nation Police Department's Information Management Section (NNPD-IMS) for data collection and hiring a crime data analyst
- Expanding tribal correctional detention facilities in major Navajo Nation communities
- Active recruitment for additional police officers and currently operating a Navajo law enforcement academy

### **Recommendations**

Notwithstanding these efforts, the Navajo Nation needs increased federal resources and support to keep our families and communities safe. Additionally, the Navajo Nation is collaborating with the MMDR Team and three non-profit organizations that support the following recommendations:

- Congress needs to reauthorize the Violence Against Women Act of 2019
- Increased funding for victims' services programs and victim advocates within tribal law enforcement and the tribal judiciary
- Increased federal funding for an inter-coordinated tribal Information Management System with judicial data tracking systems and training
- Funding for transitional housing for victims of violent crimes and their families
- Obtain federal funding and support for the Navajo Nation's proposed Missing & Murdered Diné Relatives Data Institute
- Encourage information/data-sharing agreements with our state and federal partners
- Increased resources for Navajo law enforcement

### **Conclusion**

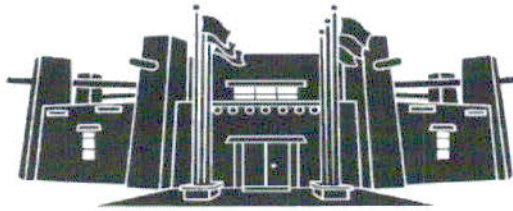
Thank you for the opportunity to provide this written testimony to the U.S. Department of Justice. Protecting Navajo women and children is critical to the future of the Navajo Nation and to the health and well-being of Navajo families and communities.

Navajo Nation President Jonathan Nez, Vice President Myron Lizer, and the 24<sup>th</sup> Navajo Nation Council formally invite you to conduct a true government-to-government consultation on the Navajo Nation. With your visit, you would be able to comprehend the magnitude of the issues this testimony briefly speaks to. As the largest land-based tribe in the United States comparable to the size of some states, we encourage our federal partners to engage in meaningful dialogue with our Navajo leadership and community advocates. Respectfully, we extend an invitation to your office.

Áhéhee' (thank you)!


Attachment: December 12, 2018 Testimony of the Honorable Navajo Nation Council Delegate Amber Kanazbah Crotty, before the U.S. Senate Committee on Indian Affairs, "Missing and Murdered: Confronting the Silent Crisis in Indian Country."





**MEMORANDUM**

**TO:** Honorable Amber Kanazbah Crotty  
24<sup>th</sup> Navajo Nation Council

**FROM:**   
Edward A. McCool, Acting-Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** September 6, 2019

AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION & HUMAN SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; STATING THE OFFICAL POSITION OF THE NAVAJO NATION CONCERNING VIOLENCE AGAINST WOMEN AS PRESENTED IN WRITTEN TESTIMONY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN CONJUNCTION WITH THE 14<sup>TH</sup> ANNUAL GOVERNMENT –TO- GOVERNMENT TRIBAL CONSULTATION.

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, “the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration.” 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0268-19

SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating To The Law And Order, Health, Education & Human Services Committees, And The NAABIK'IYATI' Committee; Stating The Official Position Of The Navajo Nation Concerning Violence Against Women As Presented In Written Testimony To The United States Department Of Justice, Office Of Violence Against Women In Conjunction With The 14TH Annual Government-To-Government Tribal Consultation

*Date posted:* September 6, 2019 at 5:37 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0268-19

SPONSOR: Honorable Amber Kanazbah Crotty

TITLE: An Action Relating To The Law And Order, Health, Education & Human Services Committees, And The Naabik'iyáti' Committee; Stating The Official Position Of The Navajo Nation Concerning Violence Against Women As Presented In Written Testimony To The United States Department Of Justice, Office Of Violence Against Women In Conjunction With The 14<sup>TH</sup> Annual Government-To-Government Tribal Consultation

Posted: September 06, 2019 at 5:37 PM

5 DAY Comment Period Ended: September 11, 2019

Digital Comments received:

Comments Supporting	1) Kris Benally
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Legislative Tracking Secretary  
Office of Legislative Services

9/12/19 8:26 AM  
\_\_\_\_\_  
Date/Time

Legislation No. is 0268-19, the official statement on violence against Navajo women needs to be include children, women, disabled, LBGTQ, and other victims of this hideous crime,

kris benally <cyb8@hotmail.com>

Wed 9/11/2019 8:24 PM

To: comments <comments@navajo-nsn.gov>; Seth Damon <sdamon@navajo-nsn.gov>; Amber K. Crotty <acrotty@navajo-nsn.gov>; Charlaine Tso <charlainetso@navajo-nsn.gov>; Pernell Halona <pernellhalona@navajo-nsn.gov>; Paul Begay <paulbegay@navajo-nsn.gov>; Daniel Tso <danieltso@navajo-nsn.gov>;

Cc: Etta Arviso <bitahnii06@yahoo.com>; Anna Rondon <Annarondon@msn.com>; eltrevida@yahoo.com <eltrevida@yahoo.com>; elena giacci <wiska\_@msn.com>; renee ornelas <renee.ornelas@fdihb.org>; Gina Lopez <gina@ccasa.org>; Gloria Champion <glow1950@aol.com>;

3 attachments

Sexual violence end war draft revised 2tril.docx; Sexual Violence, Intimate Partner Violence, and Family Violence Prevention Act 2019 sep 6.docx; Amend the constitution so it is more favorable for the victim and adhere.docx;

If indeed, Legislation No. is 0268-19, will be the official statement on violence against Navajo women, then it needs to include children, women, disabled, LBGTQ, and other victims of this hideous crime, and perpetrators committing such horrendous acts need to be held accountable with punitive measures.

Attached is the documents for legislation regarding child sexual abuse and sexual assault of children, women, disabled, LBGTQ, and other victims of crime that need to be implemented. These victims' lives have been compromised and are systematically revictimized thus retraumatizes. The Navajo Nation and US government's need to act NOW to fix this NOW. They should not shame victims. They should not continue complacency and shift blame too others. Legislatures need to be amending and strengthening laws to be enforce, not photo ops.

There is support from all five Navajo agencies, the Dine Medicine Men Association, Haataali Association, and the Utah Navajo Health Systems.

The document start with findings, next is the draft legislation with Law and order, health, and education sections.

Thank you for your immediate action,  
Christine

Send comments regarding:

The Navajo Nation Council is proposing a bill and you have an opportunity to comment. The Legislation No. is 0268-19 and is proposed to be the official statement on violence against Navajo women.

Please take a look and comment via email. The DEADLINE is September 11, 2019 at midnight. Any questions, you may call 928-871-7586.



## AN ACT OF WAR AGAINST CHILDREN: CHILD SEXUAL ABUSE AND SEXUAL/FAMILY VIOLENCE

The US Department of Justice (DOJ), Bureau of Indian Affairs (BIA), and Indigenous tribal governments must be accountable and responsible to uphold universal human rights in regard to safety, justice, and security. When contracted Public Safety and Judiciary services remain negligent by willingly not providing services it compromises the quality of life for victims and the overall community. Tribal governments are sovereignty, but jurisdiction cannot leave citizens as victims to coercion and intimidation. Federal, state, and county resources may be needed for victims to receive lawful restitution and justice in the form of criminal and civil prosecutions. When perpetrators are not prosecuted, or held accountable it creates a haven for criminal activity. The lack of action and prevention has led to a war on citizens seeking justice and protection against unlawful violence. The following legislation respectfully urges US Congressional Representatives, Municipal, County, Tribal, and State officials with respect to all staff to please consider funding and implementing the following which was submitted by victims, service providers, and concerned community members seeking the protection of rights given to all under founding documents which governs this nation.

This act is drafted to protect the children and adults against violence, particularly sexual violence, and to ensure quality of life and healing by holding perpetrators and offenders accountable as they are not convicted even after confession of guilt and criminal acts. According to the Rape, Abuse, & Incest National Network, every 98 seconds an American is sexually assaulted and every eight (8) minutes that American is a child.<sup>1</sup> Perhaps more alarming is knowing that only six (6) out of every 1,000 perpetrators will receive prison sentences.<sup>2</sup> This violent epidemic continues to escalate impacting and devastating families. Due to the lack of reporting and quality research, data and statistics are minimal if not nonexistent for minorities. The Navajo Nation is not an exception and the courts harm victims who are forced to live with or next to the perpetrators devastating the victim's health, education, achievement, and productivity; this affects all of us. Adverse childhood experience, specifically *investigated* child maltreatment, has an estimated annual economic burden of \$2 trillion.

For hundreds of years, indigenous citizens have been subject to inhumane abuse, and violence. Sexual violence continues to devastate this population. We are seeking help in a country promises citizens are "endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."<sup>3</sup> We seek the support of honored members of Congress, officials from the state, county, municipal, and tribal offices to enact legislation and funds to address all forms of sexual violence towards indigenous people.<sup>4</sup> The United States cannot continue to allow perpetrators to bypass a system that should be upheld with honor and integrity, this country and system must do better.

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<sup>1</sup> RAINN

<sup>2</sup> RAINN

<sup>3</sup> US Declaration of Independence

<sup>4</sup>



## AN ACT OF WAR AGAINST CHILDREN: CHILD SEXUAL ABUSE AND SEXUAL/FAMILY VIOLENCE

Please make the US DOJ, BIA, and tribes (Navajo, AZ, NM, UT, and other states) accountable. Justice, public safety, and social service systems are contracted yet negligent by not providing the services and compromising the lives of the people while holding the victims as hostages. While the tribal governments play their sovereignty and jurisdiction cards, the people are held hostage, and prohibited from and are unable to use federal, county, and state resources and system to get and restitution, justice, or the perpetrator to be criminal or civil prosecuted. Punitive measures are part of prevention. The perpetrators are not prosecuted or held accountable in any form thus created a haven for criminals and is an **Act of War**. To end this war, the rape culture, the following legislation recommendations are submitted by victims, providers, and family with a plea for funding and implementation by the US Congressional representatives, local and chapter elected representatives, and respective staff.

The Act is recommended to protect the children and people against violence, especially victims of sexual violence, and to ensure judicial relief by holding perpetrators and offenders accountable as they are not convicted even after confession of guilt and criminal act, <http://www.rainn.org/statistics>, thus contributing to the violence epidemic that continues to escalate impacting and devastating families. Because of the lack of reporting and accurate, detailed data, statistics are nonexistent for minorities, Native Americans, and military, Navajo is not an exception and the courts rule against the victims who are forced to live with or next to the perpetrators devastating the victim's health, education, achievement, and productivity; when combined a society's economy.

Further, the unknowns are many: here are a few. What happens to the victims? What are the number of perpetrators committing these acts? How many times they committed? How many victims were harmed by a single person? How long they are doing these acts of war? When did they start? Why the perpetrators are not penalized? Why are the courts not held accountable if they incarcerate the victims, rule against the victims, or when it does not prosecute the perpetrator? Has anyone followed up on the impact of court's decisions on the victims?

Every 98 seconds an American is sexually assaulted. Young adults are at greatest risk, 54%, but children aged 12-17 consists of 15% of the cases, when that group should be zero, and everyone is at risk. It is estimated that Native Americans are at greatest risk, twice as likely. For the tribes, rural, and underrepresented, most likely by family, older sibling or relative. Injuries from violence are more severe.

The vast majority of perpetrators will not go to jail or prison.

- 31% are reported to police

- 5.7% reports lead to arrest

- 1.1% cases get referred to prosecutors

- 0.7% cases will lead to a felony conviction

- 0.6% rapist will be incarcerated

A comment received was that it was a shotgun approach, but it responds to the vast loops hole in the system that contribute to the continuous re-traumatization and re-victimization of the victims every second of each minute. Victims are showcased by USDOJ as survivors; that may work if the victim and perpetrator are living in difference city or state, not when the system allows the perpetrator to live across the road or in the same house as the victim. But, many, thousands of, victims cannot even get a glimpse of hope to move toward survivorship when they are re-traumatized and re-victimized by the system and those within.

The New Mexico Sentencing Commission reports, <http://nmsc.unm.edu/reports/>, indicate that recidivism rates ranged are below for the respective areas, unfortunately data is not available for the Navajo Nation, Arizona, Utah, and Colorado.

In 4-6 years, rapist 46.2%  
child molesters 36.9 %  
sexual 11.1-14%  
general 33.2 to 36.3%, variation to 60%

In over 25 years follow up period, Sexual 60%  
General 80%

Violent recidivism among sexual offenders has a recidivism rate of 5.1-14.3% in 4-6 years. For rapist, violent recidivism is reported higher at 22.1% and for child molesters, 9.9%



## LEGISLATIVE ACTION

RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES; LAW AND ORDER; UNITED STATES OF AMERICA ENACTING THE SEXUAL VIOLENCE, INTIMATE PARTNER VIOLENCE, AND FAMILY VIOLENCE ACT ELIMINATE VIOLENCE AND SUICIDE ACT BY ENACTING \_\_\_\_ (BILL NUMBER)

BE IT ENACTED:

### Section 1. Findings.

1. Sexual violence is an epidemic and a severe public health crisis. The constitution and laws have failed the women, children, LBGTQ, and other victims of crime by placing undue burden on them, and by not holding the perpetrators, often serial, accountable with any type of consequences or restitution to the victims.
2. The victims and families need to be protected and kept safe. The sexual violence law and codes are listed with the family codes when it really should be considered an act of war that affect everyone.
3. It is imperative for people not to believe that what happens in a family is their business. These practices are used to coerce, shame, and intimidate the victims that they are silenced, do not file charges, or retract charges. They victims withdraw, and lose hope and trust. Thus, the Navajo family court and peace making process, Ke', and Fundamental Law do not work for an **Act of War** and should be taken out of the Navajo code; and any similar process be made unlawful.
4. The United States is plagued with a suicide and self-directed violence epidemic resulting from a sexual violence and family violence public health crisis. The Taskforce of the Navajo, Apache, Ute, Hopi, and Zuni Coalition Against Sexual Assault and Family Violence (NAUHZCASAFV or Coalition) comprised of sexual violence physicians, nurse examiners, epidemiologists, counselors, advocates, and traditional practitioners who work with victims, law enforcement officers, criminal investigators, prosecutors, U.S. Department of Justice (DOJ), victim shelter managers, and other victim support program representatives has actively and consciously worked on the proposed actions to be implemented.
5. Sexual Assault examiners who participate in the NAUHZCASAFV have identified many gaps in the investigation, apprehension and prosecution of perpetrators of sexual violence.
6. The recommendations represent diverse members of the community impacted by clients of sexual violence (primary) victims or members of supportive members (secondary) victims as child sexual abuse, intimate partner violence, and family violence including abuse, rape, molestation, sodomy, filagio, trafficking, kidnap, digit penetration, reproductive coercion, other forced, unconsented acts of sexual aggression and violations, pornography, reverse pornography, or pornography of any type by either physical, psychological, financial, cyber, stalking, system, property damage, abduction, or other forms of endangerment or unnecessary burden as shame, blame, gas lighting, revenge,



- coercion of any type, forced marriage, arranged marriage, over charging for puberty rituals, revictimization, retraumatization, unwanted sexual attention, gender harassment, quid pro quo harassment, sexual cooperation, sexual assault (groping, fondling, and rape), unwelcomed sexual contact (behaviors from touching to repeated requests and pressure for dates), gender harassment (sexist jokes, stereotypes, or enforcement of stereotypes). When a victim exercises protection, the perpetrator will retaliate against the victim causing further distress.
7. The advocates have many years of experience counseling, caring for and working with victims. They contributed valuable insight to address sexual violence, intimate partner, and family violence. They experienced the loop holes in the systems and witness the need to improve communications and coordination among the programs and governments.
  8. Many children and adults living have been victims of sexual violence. They have tried to put it out of their minds and go on with their lives. But, the pain from the trauma burns pathways in the brain. Sights, touch, sounds, smells, and taste may bring the pain back minimizing the healing. A relative might find it so hard to hear about the assault of a family member that they will say 'You are lying.', 'That's the way it is here.' 'You are not the only one.' 'This is the way it is.' 'This is how it's done.' etc. resulting in continuous re-traumatization and re-victimization. To stop this pain we must begin by listening and taking seriously what the victim is saying. Start by Believing. Start with "believing the victim."
  9. Victims are triggered by the trauma by sight, touch, hear, smell, taste, and memory. These six senses are involuntary triggers the body reacts to as part of defending itself, and lasting a lifetime.
  10. Tribal, state, *and* federal governments do not prioritize sexual assault prevention and response appropriately. This **low prioritization is denial and evasive.**
  11. **The priority is the safety and protection of the children, victims, and their rights.** Often when a program is questioned, they get defensive. This is not about protecting sovereignty, programs, jobs, family values, tradition, language, nor culture.
  12. Shame and blame doesn't work and it is a crime. It is re-victimization. Society has become dysfunctional and accepts SV and DV crime as tradition; that victims are blamed and shamed, or are not taken seriously. Elders and service providers, those who were supposed to protect, now say 'Why didn't you report it when it happened? (that may be any number of years ago), 'You are a liar.', 'That's the way it is here.', 'Are you reporting now to get back at him, or her?', and 'Get used to it.' That needs to stop immediately.
  13. Systems, law enforcement, criminal investigators, family, and society need education on the power and control to prevent blaming victims of sexual violence for the crimes committed against them. It is critical that the victims' needs are immediately addressed.
  14. The current systems are ineffective, are failing the victims, and are inadequately managed with no accountability, thus created serialization and a haven for criminals.
  15. Victims should be respectfully encouraged to report the crime, with proper follow up and thorough investigation of their cases, and provided support in achieving justice. Yet, they are illegally blamed, discouraged, mocked, and led to be ashamed. Staff tell victims "What did you do?", "You are not the only one.", "Are you reporting to get back at the perpetrator?", "Why did you wait to report it?" "Report it when it happens again?" or a FBI agent recently said "When a girl 'rats' on her uncle", or when a DOJ attorney tells a



family that asked why there was not a prosecution, the attorney said there was insufficient evidence and cannot longer talk to them, when the perpetrator confessed to the crime. Or, the US attorney says there was insufficient evidence when there was a confession.

16. Although there is no data, the provider claim most of the offenders are family members as father, step father, uncles, cousins, brothers, and other close family members. Therefore, families need ownership of how children are raised. Eliminate 'kissing cousins', kissing uncles', 'boys will be boys', 'they are just teasing', cat calling, etc.
17. Do your job, put complacency aside.
18. When there is a threat of an infectious disease as Zika, Ebola, or Hanta viruses, there is always a large of amount of clinical and public health resources allocated to control and prevent them. It is recommended that the tribe to respond similarly to prevent SV and DV. More families and people are impacted by SV and DV and are daily re-victimization, which is a violation of victims' rights laws. SV and DV are preventable just as infectious diseases, yet, there is no EPI Aid response. NM and AZ US DOJ invites victims to tell them most of the cases are Navajo, yet are told they are not a priority, as another example of systematic revictimization and lack of trauma informed environment.
19. The recent child abduction, sexual violence, and murder shocked the nation. Professional advocacy, counseling and prevention education should be offered to the people and children. There are behavioral signs of predators that community should be aware of and should report to protect the people in the communities. There is a lack of follow up once reported to law enforcement with thorough investigation and justice for the victims. The people need to take ownership and act on prevention, and hold predators and complacent family members and bystanders accountable.
20. SV and FV crimes are under reported, under prosecuted, under convicted, under sentencing served. Victims are not protected, are re-victimized, and are blamed, shamed, threatened, and ill informed. Un-convicted criminals know nothing will happen to them, learned to navigate the system, are very calculating, and becoming more dangerous.
21. Even with there is confession, a statement by someone in which they admit that they have committed a particular crime, there is no prosecution.
22. When there is a call to police, the case must have a report, an arrest, and complete follow through throughout the investigation, judicial process, and prosecution. Every declination from tribal, FBI, BIA, and federal offices must be reviewed by an experienced and competent committee and if found that there is no reason for the declination a report will immediately go to their supervisor written by committee and signed by the president and vice president, while keeping the victims informed.
23. **Issues of Accountability:** Once jurisdiction has been determined, is law enforcement following up with the victim in a timely manner? Are they reporting accurately and filing all paperwork in an expedient manner?
24. **Jurisdiction is blurring and confusing** and causes more delays and complications among tribe, county, state, and federal. When someone is assaulted in Indian Country, who is responsible for investigating it? This is a legally complicated question to answer, as one must take into account factors such as where *exactly* the crime occurred, who the perpetrator was and what their relationship was to and among the tribes, states, counties, federal, etc. These are a few of the problems due to sovereignty. Put jurisdiction and sovereignty aside and help the victims.



25. Victims, families, and service providers need awareness and access to resources.
26. There is a lack of advocates, law enforcement, sexual assault nurse examiners (SANE), investigators, Sexual Assault Response Teams (SART), prosecutors in the remote areas of the country as tribes and counties with large geographic areas in the west.
27. **Lack of Victim Resources:** Too few forensic nurse examiners (or Sexual Assault Nurse Examiners); sexual assault resource centers located far away from Tribal lands; deficit of Victim Advocates; need for Trauma-Informed resources both immediately after crisis and on-going basis, including intergenerational trauma services.
28. **Lack of Law Enforcement Resources:** Law enforcement -- whether Tribal or Federal -- is severely underfunded and understaffed in Indian Country, and lacks funding to hire/assign more officers to these areas, provide better training, etc. This leads to many situations where evidence cannot properly be collected, since it takes hours for the officer to arrive at the scene, and officers who are not well trained in how to interview victims of an assault. Ultimately this leads to low rates of reporting, investigating, and arresting/prosecuting assailants. In addition, there is a lack of a coordinated effort amongst different law enforcement agencies to deal with the situation.
29. **Tens of thousands of cases were reported to social services, law enforcement, and courts, yet the children and victims were and are not protected, their rights violated, and they never see justice.** Put jurisdiction and sovereignty aside and help the victims.
30. **Discrepancies in classification of crimes:** The classification of crime is unclear for severity, response, and priority. The same crime might have a different classification and therefore a different severity/priority of response between Tribal, Federal, and State law. All laws are written with focus on assailant over the victim. This includes differences in laws regarding victims' rights -- for example, being notified of an offender's impending release from jail.
31. There is low rates of reporting, arrests, police reporting, investigation, and punitive measures as prosecution and incarceration.
32. **Lack of information, education, and desensitization (normalization):** Prevention & education efforts are minimal *if* they exist at all -- including education on the qualities of healthy relationships, warning signs of abuse, what sexual assault is and what to do if it happens, etc. Included in this is the cultural normalization of sexual assault -- women are often told "WHEN, not IF, this happens to you...". The education that may exist focuses more on "how to avoid being a victim" than how to prevent abuse and assault from happening in the first place (i.e., what are men's roles in preventing this from happening?).
33. **Mistrust and despondency:** The lack of action resulted in despondency, mistrust of the system, and become desensitized (normalized) to the violence of the crime. There remains significant mistrust between Native people and governmental agencies like the FBI. This mistrust is often solidified when other members of the community have been sexually assaulted and the outcome is not positive (i.e., poor or slow reporting, poor or slow investigations, no prosecution or unsuccessful prosecution) -- and leads to a feeling of despondency among the community (i.e., "What's the point in reporting this if nothing ever happens?").
34. There is a lack of education including trauma informed care among the service providers, responders, and general public.



35. Funding is insufficient for existing programs and to implement evidence based programs, health care, public safety, investigation, forensic, and judicial services.
36. There are recruitment and retention of service providers, especially in the really remote areas with high attrition due to burn out and career expansion.
37. Often the systems respond in a reactive mode and may get stuck there, while not focusing on prevention and corrective measures as treatment of trauma, education, punitive, counseling, etc.
38. Sexual assault centers and services are not available in remote areas and on reservations and victims have to travel over 2 hours to the centers.
39. The constitution and laws are not victim based and are conflicting and limiting that some place caps on the tribal governments. This is an act of war and places the burden of proof on the victims; the children do not have the resources, transportation, and money for legal counsel (\$200+ per hour), medical care, counseling, advocacy, etc.
40. Existing laws and the limited are only skirting the problem of insufficient judicial, public safety, health, and education system.
41. Victims lack resources and support, while the offenders have funds for job training, job placement, housing, legal aid, etc.
42. A juvenile and adult perpetrators are serial offenders by the time he or she is committing violent abuse because they were not reported, disciplined, nor held to any corrective action.
43. Victims are not protected and denied services while perpetrators are provided counseling, attorneys, job training, job placement, and housing.
44. The judges and courts do not consider the impacts of sexual violence and crime as a serious threat to society.
45. The judges and courts do not sentence the perpetrators to incarceration nor hold them to any accountability.
46. The judges and courts violate the rights of victims to a fair trial and be protected.
47. The judges and courts fail to protect victims of sexual and other violent crime.
48. The judges and courts fail to protect family and other support members who advocate for the victims, even placed restraining orders against them.
49. The judges and courts are inconsistent in their operations and sentencings.
50. Some of the judges and courts do not have the proper qualifying degrees, experience, and knowledge, abilities, and skills to be judges and work in the court or judicial system.
51. The USDOJ, BIA, states, and tribes have neglected the safety of the victims, children, women, LBGTQ, and others, and further blamed those who reported, and evaded the cases with a dismissals, or worse placed restraints against the victims or incarcerated them.
52. The perpetrators and offenders use and twist fundamental law and Ke' to their advantage to manipulate the system and the courts allow this.
53. The tribes (Navajo) play their sovereignty card by building a wall around it, created an environment where the victims are not protected and the perpetrators run freely, causing more harm, e.g., letting loose the wolves on unprotected sheep in the fence with a locked gate: and, the federal and state governments are withholding resources and funds, standing back, watching, and allowing it to happen.
54. Companies operating on or near Navajo communities are exercising reckless behavior causing fatal crashes, sex trafficking, prostitution, violence, and other personal harm and



property damage while the states, tribes, counties, cities, and federal play their jurisdictional cards.

55. For the protection, members of the public and communities are not informed of individuals with behavior that may include but not limited to antisocial, unly aggressive, violent, and criminal nature.
56. Individuals who have a child with a non-Navajo get caught up in non-Navajo courts for custody, protection, support, etc. resulting in more devastation and being revictimized adding more trauma to the family.
57. The conviction rates for rape have long been shockingly low that leads to suggest doing away with juries in rape trials. The myths about rape are so widely believed by the public that their ability to deliver justice is compromised and cannot be trusted.
58. The conviction rates do not exist for offenders of sexual assault, child sexual abuse, and other violence on Navajo that it should not be hear in peacemaker nor family courts as the facilitators have proven their bias and obscured their ability to be fair and compromised justice delivery for the victims and public safety.
59. These courts force and coerce victims to face the perpetrator and their supporters in court thus revictimize and retraumatize the victim, which is a very wicked, sadistic, barbarous, vicious, inhuman, perverted, ruthless, abusive practice. The victims should never be forced to face these dangerous criminals who threatened their lives.
60. These criminals are narcissists and will deny, lie, blame, deflect, and do the unimaginable to the victims by using every angle and avenue allowed by the system.
61. Courts, all, need to accept the responsibility when they put victims in harms way as children are placed with violent parent(s) further compromising their lives from a murder/suicide or from having to live with the trauma.
62. Make amends between the mothers with the children who were taken from them as many girls were arranged-married off into an abusive relationship, then upon fleeing for their lives, their children were taken from them by the Navajo Nation and the Bureau of Indian Affairs.
63. The nation's courts need to recognize their inherent bias, heed the strong recommendations of experts, drop the widely discredited theory of PAS and stop this pervasive pattern of minimizing abuse. The lives of our children are far too important to do otherwise.
64. The S.756 - First Step Act of 2018, 115<sup>th</sup> Congress (2017-2018) does nothing for the victims of violence. The victims are not represented. The Act is the perpetrators. It put them back in the same communities where the victims are. It perpetuated an enormous move toward injustice and it compromises the victims and public.
65. The Criminal Justice Bill also caters the perpetrators and offenders and this legislation does no go far enough. While it incentivizes prisoners to participate in programs designed to reduce the risk of recidivism, with the reward being an earlier release to either home confinement or a halfway house to complete their sentence, the offender will their way out of jail with no guarantee they will not re-offend. Although language is that this will not be made available to offenders who were also convicted of violent firearms offenses, sexual exploitation of children, or high-level heroin and fentanyl dealing there is no guarantee, and no justice, restitution nor safe measures for the victims.
66. Data is not shared and organizations intentionally withhold information and operate in silos. Such information could save lives.



67. Protective parent, often the mother, face barriers at every turn and abuser, ex-partner, ultimately won custody. The legal system eyes are shut to mothers "trapped" in similar situations.
68. The public needs to be aware of the tragedy taking place in the legislation, courts, public safety, and social services that keeps children and protective mothers/parent in harm's way.
69. The system fails time and time again despite evidence of abuse; hearing the children's cries for help hearing after hearing; enduring year after year of the abuse not being heard; and finally becoming financially depleted, victims realize the main problem was the bias and lack of compassion, education, and training among people handling these cases in the system.
70. There are thousands of cases nationwide in our courts in every state and tribe with the same outcome due failure of the systems. Mothers who report sexual abuse and other violence nearly always lose custody. Research shows children are placed in full or partial custody of their identified sexual abuser 90% of the time. Unfortunately, many judges, attorneys, and mental health professionals do not understand the overlap of domestic violence and child abuse.
71. Research shows that in family courts, false allegations of child sexual abuse remain rare. The allegations occur in approximately two percent of custody and visitation disputes, and most are substantiated.<sup>2</sup> Family court judges may not understand evidence that is essential to correct decision making. Incorrect family court decisions will have damaging effects, either by subjecting the child to continued abuse and/or by depriving the child of a relationship with the nonabusive parent. The attitudes and knowledge of evaluators are critical to making decisions in child custody cases involving domestic abuse.
72. Most of these cases involve domestic violence. No child should be placed in unsupervised contact with a domestic violence abuser against the child's will. Children need safe homes and need to have their constitutional rights protected. Giving an abuser control over the mother and the child is the ultimate act of revictimization. The mother is treated as a criminal with the loss of the children she tried to protect. She is often ordered to receive minimal, supervised visits, sometimes lasting for years (even though she is not the abusive parent), jailed, given gag orders, depleted financially, and ordered to pay child support. Finally she may experience a de facto termination of her parental rights when the court disallows visits.
73. When the child resists going with the abuser and the mother asks for protection from family (divorce) court, the mother is labeled dangerous and considered to be alienating the child from the father. The "Parental Alienation Syndrome" is relied on heavily although it isn't approved by the American Medical Association or the American Psychological Association, and is considered "junk science" that should not be allowed in courts. In my experience, judges ignore or minimize evidence of sexual abuse and do not allow abuse findings in court.
74. Many family courts accept and embrace as "infallible" flawed "evidence" and "experts" who would be rejected outright in other courtrooms based on constitutional law, rules of evidence, and judicial procedure. The judicial system is broken. New measures must be taken. Most important are to: (1) not be so quick to ignore abuse allegations and assume it is a vindictive the victims; (2) listen to the children; and (3) educate and understand



these cases as domestic violence and child abuse cases, not “high conflict” cases. Professionals who lack this understanding must remove themselves.

75. Many mothers lose custody in ex parte hearings when they are not notified of the court hearing; this practice should be banned. Judges must be trained by child sexual abuse and domestic violence experts, not by other judges or attorneys. Judges must be trained on trauma informed systems and how to talk to/interview the child. There must be effective oversight and accountability for all professionals involved. Court appointees should have no place in these criminal matters; if on the rare occasion they are appointed, there must be a cap placed on the fees charged and paid by the court making the appointment.
76. The Navajo Nation is amending the criminal code in a vacuum without input from victims, survivors, protectors, advocates, families, and other members of the communities.

## Section 2.

The U.S. government hereby enacts the Sexual Violence, Intimate Partner Violence, and Family Violence Elimination Act.

Sexual Violence, Intimate Partner Violence, and Family Violence Elimination Act.

### § \_\_\_\_ Purpose

The purpose of the Act is to provide safety and protect survivors and victims of sexual, and intimate partner and family violence with sufficient funds to implement and accountability that services and resources reach the victims, and to make it a priority to implement zero tolerance toward violence and to protect sexual violence (primary) victims or members of supportive members (secondary) victims of child sexual abuse, intimate partner violence, and family violence including abuse, rape, molestation, sodomy, filagio, trafficking, kidnap, digit penetration, reproductive coercion, other forced, unconsented acts of sexual aggression and violations, pornography, reverse pornography, or pornography of any type by either physical, psychological, financial, cyber, stalking, system, property damage, abduction, and other forms of endangerment or unnecessary burden as shame, blame, gas lighting, revenge, coercion of any type, forced marriage, arranged marriage, over charging for puberty rituals, revictimization, retraumatization, unwanted sexual attention, gender harassment, quid pro quo harassment, sexual cooperation, sexual assault (groping, fondling, and rape), unwelcomed sexual contact (behaviors from touching to repeated requests and pressure for dates), gender harassment (sexist jokes, stereotypes, or enforcement of stereotypes).

The Act embodies the intent of the legislation that all Native American entities, federal, state, and local government staff, elected officials, nongovernmental entities, and public shall promptly respond to victims by first believing with compassion, to respecting the victim’s rights as a priority, and to provide immediate protection without revictimization, shame, blame, silencing, retraumatization, harassment, humiliation, financial burden, gas lighting, revenge, coercion of any type, and other acts whether intentional or not, or further distress of any form.

### § \_\_\_\_ Definitions



The following definitions, in addition to violence prevention and other public health and safety federal, state, local, and tribal laws.

## **Victim based**

### **§ \_\_\_\_ Victims' Rights**

A victim of sexual violence (primary) victims or members of supportive members (secondary) victims as child sexual abuse, intimate partner violence, and family violence including abuse, rape, molestation, sodomy, filagio, trafficking, kidnap, digit penetration, reproductive coercion, other forced, unconsented acts of sexual aggression and violations, pornography, reverse pornography, or pornography of any type by either physical, psychological, financial, cyber, stalking, system, property damage, abduction, gas lighting, revenge, coercion of any type, or other forms of endangerment or unnecessary burden, blame, gas lighting, revenge, coercion of any type, forced marriage, arranged marriage, over charging for puberty rituals, revictimization, retraumatization, unwanted sexual attention, gender harassment, quid pro quo harassment, sexual cooperation, sexual assault (groping, fondling, and rape), unwelcomed sexual contact (behaviors from touching to repeated requests and pressure for dates), gender harassment (sexist jokes, stereotypes, or enforcement of stereotypes). When a victim exercises protection, the perpetrator will retaliated against the victim causing further distress. The victim has a right to be treated with fairness, respect and dignity within the by all persons responding, promptly, thoroughly, and efficiently while maintaining accountability and integrity, as a supplement to definitions in all violence legislations and other public health and safety tribal and federal laws.

### **§ \_\_\_\_ Legislative Actions for Victims' Rights, Protection, and Services for all**

1. Enforcement of violence prevention and other public health and safety laws.

Enforcement of violence prevention, fundamental, federal, state, local, Native American, and other public health and safety laws.

Implement zero tolerance for violence by enforcement of current victim and public protection laws, and strengthen the Investigation and prosecution of sexual violence (primary) victims or members of supportive members (secondary) victims as child sexual abuse, intimate partner violence, and family violence including abuse, rape, molestation, sodomy, filagio, trafficking, kidnap, digit penetration, reproductive coercion, other forced, unconsented acts of sexual aggression and violations, pornography, reverse pornography, or pornography of any type by either physical, psychological, financial, cyber, stalking, system, property damage, abduction, gas lighting, revenge, coercion of any type, or other forms of endangerment or unnecessary burden, blame, gas lighting, revenge, coercion of any type, forced marriage, arranged marriage, over charging for puberty rituals, revictimization, retraumatization, unwanted sexual attention, gender harassment, quid pro quo harassment, sexual cooperation, sexual assault (groping, fondling, and rape), unwelcomed sexual contact (behaviors from touching to repeated requests and pressure for dates), gender harassment (sexist jokes, stereotypes, or enforcement of stereotypes).



Eliminate shame and blame and implement zero tolerance toward violence. Extend lifetime protection of victims, protect victims' rights, eliminate revictimization, and enforce all federal, state, and tribal public health and safety laws currently in place. Immediate local court and supreme court protection of victims. Enforce and update laws to protect the people. Provide legal consultation and representation for victims. At this time, DNA cannot represent a victim if they have ever represented the person who harmed the victim. There needs to be another organization that can provide legal victim representation. Provide court preparation and forensic interview counseling, and transportation. Ensure all officials, staff, and contractors maintain transparency and integrity at all times and levels.

1. **Prioritize the Issue.** Fundamental, tribal, federal, county, and state governments must prioritize sexual assault. Justice should back up and support a matriarch when it says for a perpetrator to stay away (be banned) from themselves and family. This was practiced and should be reinstated.
2. **The priority is the safety and protection of the children, victims, and their rights.** Often when a program is questioned, they get defensive. This is not about protecting sovereignty, programs, jobs, family values, tradition, language, nor culture.
3. In lieu of lower/tribal system development and implementation, **remove the Tribal Law and Order Act (TLOA) as its unjust cap of 1 year sentencing and \$5,000.00 fine, and in its entirety.**
4. **Start by believing.** It does not cost anything to believe the victim, to support, to listen, and to have some compassion. The victims need to be believed, not shamed, blamed, or harassed, threatened, re-traumatized, and re-victimized by the perpetrator much less by the systems.
5. **Amend the constitution so it is more favorable for the victim and adhere/enforce safety and protection of victims,** not the burden of proof, and not slanted for the criminal who now is considered innocent until proven guilty. They rob and destroy the lives of the children, women, and victims for a lifetime. Implement victims' rights and to be given lifetime protection. People in the system believe they are exercising a balance; this approach will never be favorable for the victims.
  1. **Amendment IV states right of people to be secure... shall not be violated,.**
  2. **Amendment VI give the victims and public the right to a speedy protection.** Repeated interviews and statements retraumatizes the victims unnecessarily. Such triggers only causes further damages and trauma to the victims. Revictimized the victims (scientific and medical finding support trauma has adverse life time impacts). The perpetrator should not confront or intimidate the victims or witnesses as this practice is not beneficial for the victims and society. Consider trauma and its impact as evidence of detrimental impact to the victims' lives, public, and economy. The victims, especially children, should not be put in such a horrific position and systematically be retraumatized and revictimized.
  3. **Amendment VII. Include payment of restitution to the victims.**
  4. **Amendment X The powers not delegated.... or to the people (the victims)**



5. **Amendment XI Hold courts accountable for ruling against victims of crime as the impact is equal to a life sentence.**
6. **Amendment XIV enforce ... nor shall any State deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws. (The Navajo Nation and other jurisdiction in the U.S. has set the criminals loose on the victims and public without enforcement and protection.)**
7. **Amendment XV. The Congress shall have power to enforce this article .... (Then, do so and do not be complicit, evasive, nor part of the problem, and hold the government, and funded, programs and representatives accountable.)**
6. Enforce the Title VI of the Civil Rights Act of 1964 and the Executive Order 13166 to service those who are limited in English.
7. Hold the perpetrators, often serial and repeat offenders, accountable by imposing punitive measures as consequences for their deviant acts and pay restitution to the victims (28 below).
8. Tens of thousands of cases were reported to social services, law enforcement, and courts, yet the children and victims were and are not protected, their rights violated, and they never see justice. Put jurisdiction and sovereignty aside and help the victims.
9. Make systems, and individuals within, accountable for the funds they receive to administer the programs reach the people, and protect the people.
10. Educate the community and all service providers on and implement trauma informed care, service, systems, and environment.
11. Create a location specific (Navajo on Navajo) or a USDOJ office to handle the abundance of Navajo and Native American cases in Arizona, New Mexico, and in other states.
12. Waive jurisdiction for victims to file with respective state to achieve justice, due to federal's and tribe's failure to prosecute and properly protect the victims, and until more victim based tribal codes are proven established, implemented, and enforced.
13. The tradition of brides exchanged (bought) for currency, livestock, jewelry, and other material items must stop because women and girls are not property and not for sell.
14. Address the payment of lives of love ones to learn and practice evilness, as the lives of the child victims are stolen and destroyed by the criminal act of perpetrators with punitive measures with retribution, incarceration, and criminal record.
15. People performing puberty or entrance into adulthood ceremonies charge hundreds even thousands of dollars, and the girls are told they are women. This prostitution and sex trafficking is illegal and people practicing such crime should be penalized accordingly.
16. While lower systems implement a competent system, the jurisdiction should clearly be defined and educated to the people and service providers, among tribes, states, counties, cities, federal, etc.
17. Clearly provide instructions for reporting and adjudication of law breakers including governments and political parties for fraud, embezzlement, misuse, mismanagement, etc. of public funds.
18. Make the system and people within management and fiduciary accountability with timely assessments, evaluations, and report disseminations on to the public.
19. Coordinate efforts among systems and agencies, especially victim services, education, prevention, specialist, law enforcement, investigation, prosecution.



20. All lower/tribal/county/state courts should initiate prosecution in parallel to federal, not wait for a federal decision allowing the statute of limitations to run while doing nothing.
21. Judges who violate federal, state, and tribal victim protection laws should to be held accountable and be penalized, fined, and sentenced. All judges, non-excluded, who re-victimize by placing illegal protection/restraining orders against the victims, should be fired, fined, and jailed.
22. In lieu of implementing the recommendations, request an EPI Aid like public health assistance for medical examination, lab analysis, forensic interview, behavioral analysis, police response and reporting, criminal investigation, prosecution, and court proceeding from the local, state, and federal government. At times of public health crisis, such judicial EPI-Aid response will be requested and used.
23. Cases filed by victims of sexual violence should be ruled in less than 10 days of appealed to the level of court. Appealed cases are unjustly held by higher or supreme courts for years, thus, unlawfully re-victimizing victims and violating the victims' right to be protected, and wrongly contributing to re-victimization. Or, immediately implement a victims' appeals court to expedite protection.
24. The tribal/government officials and staff and community and family members need to protect victims and minimize all potential exposure to perpetrators, by confession, history of violence, or conviction.
25. All judges need to have law degrees, barred, experienced, and be elected; and held accountable.
26. Unfavorable bias court rulings against victims should be automatically reversed so victims can be protected without having them retain and pay attorneys. Their bias court rulings should be automatically reversed without victims obtaining and paying for attorneys.
27. Judges have scolded, yelled at victims and told them that "the men is superior and has the final say in the house", "Women should be obedient to their husbands", some claiming it is their culture, and further issued restraining orders against the victims and their support as family and advocates even after pleading for their safety, often times along with their children.
28. Judges do not recognize as rule by the fundamental law, the higher law.
29. Judges have told Navajo (applies to other languages) speakers to only talk English in the court room.
30. Judges have scolded and yelled at Navajo-English interpreters that the translation is incorrect while saying they speak Navajo.
31. The conviction rates do not exist for offenders of sexual assault, child sexual abuse, and other violence on Navajo that it should not be hear in peacemaker nor family courts as the facilitators have proven their bias and obscured their ability to be fair and compromised justice delivery for the victims and public safety.
32. Victims shall not have to appear in any court; ordering so is re-victimization and re-traumatization of the victim.
33. Victims shall be protected from the offender, by confession, history of violence, or conviction, for life with a boundary of five miles. To protect victim and eliminate re-victimization, the accused will be removed from the home site is they are within the five (5) mile radius. Any home site lease will be rescinded immediately and retroactively.
34. Eliminate the statute of limitations without time restrictions and be effectively immediately and retroactively; victims can request for perpetrators, by confession, history



- of violence, or conviction, be prosecuted regardless of when the assault and violence occurred, and create an opportunity for survivors of sexual abuse to take action in a way as they never had before without age or time restrictions.
35. Implement for habitual offenders, by confession, history of bullying or violence, or conviction, a three strikes and you are out where victims do not have to be the same person, nor similar incidence as thief, fraud, forgery, trespassing, etc. including those committed while active in the military.
  36. Longer sentencing of offenders to match impact of sexual violence on the victim, mandatory treatment, mandatory counseling, and verification of completion and ongoing treatment.
  37. Restitution payments to victims by perpetrators, by confession, history of violence, or conviction, for expenses toward counseling, legal fees, transportation, medical, school, per diem, and other expense for protection and healing, including per diem and bus tickets expenses; and, by the state/tribe for unjust rulings.
  38. Reduce prosecution of offender as adult from age 18 to 13 due to culture or traditional (Navajo) celebration of puberty as passage into adulthood.
  39. Remove the aged 21 year cap for juvenile offenders to allow victims unlimited time to report and the offender(s) to be prosecuted.
  40. Remove all the statute of limitations for all sexual violence, retroactively for all cases reported.
  41. Amend the number of days to prosecute to unlimited days from within 30 days from the time federal prosecutors notify the victim and family that a case will not be federally prosecuted.
  42. Implement prosecution of juvenile offender if the age difference is 3 or more years.
  43. Prosecute with offender was in care taker status when the sexual violence occurred because perpetrator violated trusted care taker status.
  44. Prosecute offender of an adult who starts committed sexual violence of a minor while juvenile and continued as an adult.
  45. Revoke all home site lease issued to perpetrators, by conviction, confession, or habitual offenses, if the lease is within five miles of the victims' home, residence, school, or place of work.
  46. Impose corrective actions upon all juvenile and adult perpetrators as they are serial offenders by the time he or she is committing violent abuse, bullying, threats, or antisocial or unduly aggressive behavior as they were not reported or disciplined and need to be held accountable.
  47. All records of juvenile serial, or not, offenders should not be sealed as their deviant behaviors escalate into adulthood.
  48. Provide children counseling and hold parents responsible/accountable with counseling (and retribution, penalties, fines, and incarceration penalties depending on habitual behavior and/or the severity of offense as penetration) for offenders aged less than 12 years committing violent abuse, bullying, threats, or antisocial or unduly aggressive behavior.
  49. Provide children counseling and hold parents responsible/accountable with counseling (and retribution, penalties, fines, and incarceration penalties depending on habitual behavior and/or the severity of offense as penetration) for offenders aged 12 through 16



- years committing violent abuse, bullying, threats, or antisocial or unduly aggressive behavior.
50. Provide children counseling and hold parents responsible/accountable with counseling (and retribution, penalties, fines, and incarceration depending on habitual behavior and/or the severity of offense as penetration) for offenders aged 16 through 18 years committing violent abuse, bullying, threats, or antisocial or unduly aggressive behavior.
  51. All individuals 18 or older will be prosecuted as an adult with retribution, penalties, fines, and incarceration.
  52. Provide legal consultation and representation. At this time DNA cannot represent a victim if they have ever represented the person who harmed the victim. There needs to be another organization that can provide the victim legal representation.
  53. Link all victims with appropriate victim advocacy or victim's organization or groups, and follow up.
  54. Provide victims life time protection orders with a distance of five miles or within the grazing area whichever has more distance for protection coverage.
  55. Make parents of perpetrators, by confession, history of violence, or conviction, responsible and accountable as juvenile offender learn and practice the unduly aggressive and anti-social behavior of their parents.
  56. Enforce existing victim and family protection, and violence prevention laws/acts by prosecuting and convicting perpetrators, regardless of their status or position. Some perpetrators use their medicine men or veteran affiliation and good old boys club to continually get away with crime.
  57. Mandate reporting, just as communicable diseases are reportable and respond as such. The chance a perpetrator is a habitual offender is very likely and will offend again, and will cause harm to others.
  58. Conduct a thorough back ground check on all staff, officials, contractors, of any misdemeanor, criminal, traffic, thief, fraud, forgery, trespassing, embezzlement, domestic or intimate partner or sexual violence violations, or restraining or protection order against them.
  59. Sex and domestic violence crime committed by juveniles be tried retroactively as adults, with no statute of limitations and no time restrictions on from time of assault to report to prosecution.
  60. Ensure and enforce life time protection for victim as a priority over re-entry of offenders, by confession, history of violence, or conviction. With minimal economic opportunity and jobs on the reservation, felons should demonstrate financial responsibility in developing locations. As other responsible citizens, they need to work to provide for their housing, transportation, education, and livelihood. While incarcerated, prisoners need to take advantage of the counseling, education and job training opportunities.
  61. The perpetrator/offender, by confession, history of violence, or conviction, shall not use this nor other federal, state, or tribal laws for retaliation or further violation of the victim(s). Conviction is of a felony or a misdemeanor means an adjudication of guilt by a court or jury following a hearing on the merits, or admission by confession of guilt.
  62. The perpetrator/offender, by confession, history of violence, or conviction, shall value and respect others and do them no harm, and, for those with Native American's traditional matrilineal society, respect and honor women's contributions and decisions.



63. Create a domestic violence registry available to the public. The bill will direct the state, local, and tribal public safety and law enforcement departments to establish and maintain the registry that will inform the public of aggressive, antisocial individuals so they may take measures to protect themselves. Names of individuals arrested for violence will be placed on and released information from the registry.
64. Criminalize abusive behavior towards a partner, ex-partner, victim, or another person, including coercive and controlling behavior covering subordination, humiliation, isolating a partner from friends, relatives and sources of support, and controlling or monitoring their day-to-day activities
65. Prosecute the criminal offenders in the state, local, and Native American judicial system along-side, in parallel, with the U.S. DOJ with either system independent of the other.
66. Reinstitute banishment, disenrollment, physical torment, castration, incarceration and throw away the key, and death penalty (by being hung, beaten alive to death, or being burnt alive at a stake) for offenders. Traditional violent behavior resulted in these.
67. Remove offenders from Native American enrollment and ineligible for any assistance.
68. People accused of crimes that are not sexual in nature to be labeled as sex offenders for maximum years to life as such offense is the "unlawful imprisonment" of a minor. States have upheld sentences that require registration in a sex-offender database for people convicted of certain nonviolent crimes, as long as they are specified in the law.
69. Peace Making process, Ke, and fundamental law do not work for an act of war and should be taken out of the code. It is imperative for people not to believe that what happens in a family is their business. These practices are acts of force, coerce, blame, shame, and intimidate the victims that they recant, are silenced, do not file charges, or retract charges. When victims recant, they withdraw, and lose hope and trust, and become high risk for self harm and other health and social risks.
70. Enact legislation on prevent and penalize offenders of cyber, email, and electronic form of bullying, threats, intimidation, minimizing, pornography, and reverse pornography.
71. For the victims, waive the sovereignty and jurisdiction so that the national or state laws that protect victims of crime and their support network will be available for people living on the reservations, and be applicable for victim anywhere to be offered judicial, civil, criminal, and restitution relief.
72. Courts unfairly and unjustly order victims to live with or near, in sight or smell of the perpetrator that retraumatizes and revictimizes the victims, which is a violation of the victim's rights, protection, health, education, and productivity.
73. Mandatory removal of firearm for the offender, perpetrator, and people with a history of violence.
74. Coordinate effort in providing services, investigation, and punitive measures.
75. Increase capacity of victim resource personnel. Hire more victim advocates, and ensure they receive training in providing trauma-informed services. Build and staff sexual assault centers in or closer to tribal lands.
76. Increase and improve legal services for victims.
77. Amend, clarify conflicting, and streamline the constitution, legislation, and regulatory policies so they are favorable for victims, their rights, and lifetime protection without systematic re-victimization.
78. Implement External Audits: Invest in an external auditing body to study how current law enforcement practices and systems are functioning in response to sexual assault, from



trauma to trial. *Include in this external audits of how funds disbursed are used.* Conduct external audits of funds and systems of public safety and justice.

79. Eliminate Silos: Instead of keeping sexual assault separate, understand that violence against any vulnerable population (women, children, elders) is violence, plain and simple. Funding and prioritization should be similar. Make services an issue of violence and bring together or bridge the silos for the victims of violence.
80. **Provide mandatory trauma-informed care and services training to law enforcement/first responders, service providers, and support network.**  
Neuroscientific research has shown that certain kinds of interviewing techniques are better for obtaining information from victims than others; FETI (Forensic Experiential Trauma Interviewing) is one such model, and the Adverse Childhood Experiences (ACE) Inventory could be incorporated into training.
81. More funding for recruitment, retention, better wages and benefits, and with certified FETI, and more trainings for building a more competent and efficient force of service providers, responders, and supportive network.
82. Provide Primary Prevention Education: In schools, in chapter houses, and in community centers, there should be an ecological model of prevention education -- reaching and affecting children, parents, teachers, social norms, and policy in appropriate and culturally specific manner. Need to secure funding for these efforts, which ought to include comprehensive, culturally-appropriate sex education.
83. Draft, implement, and distribute a "Sexual Assault Victim Guide/protocol for victims and the public that will leads them through the often harrowing experience, from where to go immediately after the trauma to on-going self-care after prosecution. So they know exactly what to do, where to go, who to call, etc.
84. Measure the problem. Secure and invest funds in a targeted measurement of the problem (ex: are there specific jurisdictions that are having more success than others? Why?). Assess the resources, gaps, needs, health, and information impact as a targeted measurement of the problem.
85. Enact Violence Elimination Act and expand and improve Violence Against Women Act, and other victim service and violence prevention laws. While the Violence Against Women Act was improved from its original version in 2015, it still does not go far enough in its protections of all victims of sexual assault, as the children, LGBTQ, men, and those living in Indian Country.
86. Interracial and intertribal marriages need to be reflected in adjudicating cases, not play favoritism for tribal members or any groups.
87. Provide victims with protection, advocacy, counseling, job training, job placement, safe housing/shelter, legal aid, etc.
88. Reestablish law enforcement substations and fire departments with personnel, equipment and other resources at most rural communities.
89. Establish agreements with the counties, states, and cities to assist in law enforcement coverage.
90. Establish agreements with the counties, states, federal, and cities to assist in housing inmates while awaiting trial and/or serving sentences.
91. Make all arrest reports, court decisions, contracts, proposals, and documents available for public available and for comments.



92. Re-secure funds for advocates within the criminal and law enforcement departments for the victims of crime.
93. Hold public hearing for the public to express concerns and incorporate these into the contracts, proposals, funds, and grants for resources and implementation; with community involvement and reports back to all constituents.
94. For the protection, members of the public and communities should be not informed of individuals with behavior that may include but not limited to antisocial, only aggressive, violent, and criminal nature by media as newspaper, television, public announcement, radio, or social media.
95. The local (Navajo) courts need to support individuals who have a child with a non-Navajo get caught up in non-Navajo courts with custody, protection, support, etc. and minimizing further trauma to the family.
96. Implement a violent perpetrator or offender public registry.
97. Honor the fundamental law as a mother or protector of a family says to stay away. The government should honor these words and back it up with security and permanent protection.
98. Implement The Domestic Violence Disclosure Scheme, or something similar to Clare's Law that allows police to inform people of their partner's criminal or violent history if they are seen to be at risk.
99. The conviction rates for rape have long been shockingly low that leads to suggest doing away with juries in rape trials. The myths about rape are so widely believed by the public that their ability to deliver justice is compromised.
100. Courts force and coerce victims to face the perpetrator and their supporters in court thus revictimize and retraumatize the victim, which is a very evil, brutal, corrupted, unhealthy, and abusive practice imposed by the system. The victims should never be forced to face these dangerous criminals who threatened their lives.
101. Courts, all, need to accept the responsibility when they put victims in harms way as children are placed with violent parent(s) further compromising their lives from a murder/suicide or from having to live with the trauma.
102. Make amends between the mothers with the children who were taken from them.
103. Coercive control and psychological abuse needs to be an offence under new law. This is deemed as psychological abuse in an intimate relationship that causes fear of violence, or serious alarm or distress that has a substantial adverse impact on a person's day-to-day activities.
104. Restitution be paid to victims who were wrongly and unjustly charged by false allegations and junk science, and these cases be immediately overturned.
105. All court staff be trained on ACE, trauma, alienation, coercion, secondary and vicarious trauma
106. Implement Jonathon Law that would ensure all victims and family members are notified of services beyond the first initial contact to truly get the help they need to heal!
107. Offender cannot share sexually explicit images of you – either online or not. New laws surrounding 'revenge porn' make it illegal for someone to share intimate photographs of you with anyone, whether that is on or offline. It is illegal for someone to share intimate photographs of you with anyone else.
108. Offender cannot restrict victims access to money. Even if they are the breadwinner, the law says one partner cannot stop the other from accessing money and should not give them "punitive allowances".



109. Offender cannot repeatedly put victim you down. Constant insults from a partner might not be typically thought of as domestic abuse, but under the new law, persistent name-calling, mocking and other forms of insulting behaviour are now illegal.
110. Offender cannot stop victim from seeing friends or family. If partner continually isolates victim from the people you love – whether this is in the form of monitoring or blocking calls or emails, telling victim where they can or cannot go, or preventing victim from seeing friends or relatives – it is against the law. Partner is isolating victim from the people victim love is against the law (Photo: Shutterstock)
111. Offender cannot scare victim, partner might not physically assault victim, but if they are doing enough to frighten victim, they are committing an offence. Women's Aid says this can include, but is not limited to: Making angry gestures; Using physical size to intimidate; Shouting victim down; Destroying their possessions; Breaking things; Punching walls; Wielding a knife or a gun; Threatening to kill or harm victim, their children or family pets; and Threats of suicide
112. Offender cannot threaten to reveal private things about victim. Whether partner is saying they will tell people details about victim health or sexual orientation, repeated threats to reveal personal and private information is a form of abuse.
113. Offender cannot putting tracking devices on victim's phone. It is illegal under the new legislation to "monitor a person using online communication tools or spyware". Monitoring a person using online communication tools or spyware is illegal under the new legislation (Photo: Shutterstock) If offender is reading victim's Facebook or other electronic or written messages without permission, or insisting they track your devices, it is against the law.
114. Offender cannot be extremely jealous. If victim's partner persistently accuses victim of cheating, simply for looking at another person, then this could constitute grounds for prosecution. Humberside Police say "extreme jealousy, including possessiveness and ridiculous accusations of cheating" all come under the new legislation.
115. Offender cannot force victim to obey their rules. A relationship should be a partnership, with neither partner having control over the other. If you are forced to abide by rules set by your partner, it could mean they are committing a crime. These include rules which "humiliate, degrade or dehumanize the victim", while Women's Aid says examples include offender telling victim that victim have no choice in decisions.
116. Offender cannot control what victim wear. Offender partner taking control over any part of victim's life is highlighted in the new legislation, including restricting who victim see and where victim go. Controlling what victim wear or how victim look could also now be grounds for prosecution under the changes.
117. Offender cannot make victim do things victim don't want to. Offender forcing a victim to commit crimes, neglecting or abusing their children, or forcing victim not to reveal anything about victim relationship to the authorities all count as abuse. Forcing victim to have sex when victim don't want to, look at pornographic material, or have sex with others also falls under this bracket.
118. Adopt the Oregon Senate Bill 1562 that make any strangulation that occurs during domestic or any violence be treated as a felony, carrying a maximum penalty of five years in prison, a \$125,000 fine, or both, restitution, and banishment, and give the victim permanent protection.
119. Create new powers to force perpetrators into behavior-changing rehabilitation programs.
120. Make victims automatically eligible for permanent and special protections when they are giving evidence in criminal trials.
121. Set up a national and regional "domestic abuse commissioner" tasked with improving the response and support for victims across public health, safety, and legal services
122. Data needs to be shared among organizations, with the victims, communities, and media so the public is aware of offenders so they can take protective measures.



123. Ensure “safety first” for children who report sexual or physical abuse, or who witness domestic violence.
124. Use multidisciplinary teams and a forensic interviewer to interview on videotape all children who report physical or sexual abuse, or witness domestic violence.
125. Recognize parents who are acting in good faith to protect their children and do not punish, blame, shame, revictimize, nor retraumatize them.
126. Discontinue use of alienation theories. Parental Alienation Syndrome is discredited by the scientific and legal communities.
127. Require the court to consider past or present any violence and to protect the child from the primary aggressor above jurisdiction, sovereignty, tradition, or culture.
128. Reduce unnecessary litigation by implementing custody jury trials in family violence courts.
129. Build effective oversight, accountability, and transparency for all professionals in these cases, including judges. Consider developing a federal, state, tribal, and local oversight committee.
130. Require trauma informed care, service, and systems be implemented, practiced, and monitored through all governments’ systemically.
131. Require continuing education for court professionals and judicial officers using a standard online curriculum taught by experts in child sexual abuse and violence. Include an exam and performance certification, evaluation, improvement, employment, contractual, retention, and promotions.
132. Require disclosure of conflicts of interest by statute.
133. Develop a system to more easily remove incompetent, poorly trained, unjust, rude, bias professionals, elected officials, employees, providers, and contractors of the governments, entities, businesses, or companies.
134. Allowing Victims of Sexual Offenses, Stalking, and Human Trafficking to Participate in Address Confidentiality Program the Address Confidentiality Program would Allow Victims to Keep their Address Hidden from Perpetrators.
135. All laws created and amended should not be in vacuum and should allow input from victims, survivors, protectors, advocates, families, and other members of the communities.

## § \_\_\_\_ Health, Education, and Human Services

### **Provide advocacy and counseling, trauma informed care, and treatment for posttraumatic stress syndrome for primary and secondary victims of violence.**

Provide and increase facilities and 24/7/365 comprehensive health care services for sexual violence victims, mental health services, and recruitment of sexual examining nurses, psychiatrist, child and adult sexual abuse physicians, and advocates. Establish the infrastructure and tribal policies that support and protect the victim and do not revictimize the victim. Strong policies on what has to occur when rape, incest, domestic violence is reported. Trained advocates that support the victim and family. Trained counselors that want to work in the SVFV field.



1. Tens of thousands of cases were reported to social services, law enforcement, and courts, yet the children and victims were and are not protected, their rights violated, and they never see justice. Put jurisdiction and sovereignty aside and help the victims. The victims are used as census for governments to get money but the resources for legal service, advocacy, housing, job placement, food, child care, etc. never reach them.
2. Hire Sexual Assault examiners with 10 examine facilities (at least 1 examiner for children, 2 examiners for adults, 3 advocates, and support staff per facility) within the boundaries of the Navajo Nation, equipment, and electronic tracking rape kits for children and adults.
3. Immediately launch the 'Start by Believing the Victim' campaign, such as daily radio announcements and weekly release of public notices and releases for news presentations focusing on believing, supporting, and having compassion for the victim.
4. Declare sexual violence (primary) victims or members of supportive members (secondary) victims as child sexual abuse, sexual assault, intimate partner violence, and family violence including abuse, rape, molestation, sodomy, filagio, trafficking, kidnap, digit penetration, reproductive coercion, other forced, unconsented acts of sexual aggression and violations, pornography, reverse pornography, or pornography of any type by either physical, psychological, financial, cyber, stalking, system, property damage, abduction, or other forms of endangerment or unnecessary burden, and suicide as reportable diseases/injury and thoroughly investigate each report.
5. All tribal and tribal entity employees, appointees, contractors, and officials need mandatory training in victims' rights, victim protection, sexual violence (primary) victims or members of supportive members (secondary) victims as child sexual abuse, sexual assault, intimate partner violence, and family violence including abuse, rape, molestation, sodomy, filagio, trafficking, kidnap, digit penetration, reproductive coercion, other forced, unconsented acts of sexual aggression and violations, pornography, reverse pornography, or pornography of any type by either physical, psychological, financial, cyber, stalking, system, property damage, abduction, gas lighting, revenge, coercion of any type, or other forms of endangerment or unnecessary burden as shame, blame, gas lighting, revenge, coercion of any type, forced marriage, arranged marriage, over charging for puberty rituals, revictimization, and retraumatization, confidentiality, historical trauma, and public safety and health as a priority so the victims are not revictimized by system due to personal bias and inaccurate guidance; otherwise the victims should be reimbursed for the inaccurate advice. Expedite hiring and hire the best person for the job, disregarding race or ethnicity.
6. Employees of any government, entities, contractors, and organization will adhere to all public health and safety federal, state, and tribal laws to maintain a safe living environment for victims of crime.
7. The data bases for public health surveillance need to be establish with connectivity among each government, entity, and organization (Federal, state, local, Native American, health, education, social services, law enforcement, justice, legal offices, etc.) for effective case monitoring and program evaluation. They need to be linked to determine real time case investigation, intervention, and tracking. System to be established are suicide, intimate partner violence, violent death reporting system, domestic violent, bullying, repeat offenders, family violence, childhood fatality review, and other public health and safety surveillance systems.



8. Teach every child about healthy relationships, body parts, boundaries, and appropriate behavior.
9. Education system should establish a training on sexual violence and domestic violence prevention, intimate partner violence, confidentiality, child sexual abuse, and historical trauma curriculum to be used on a continuing basis in all schools on or near the reservation to help children learn about healthy relationships.
10. Provide primary prevention education on an ecological model (children, teachers, parents, policy) Education systems should establish a curriculum on respect of the human body and healthy relationships, culturally appropriate as needed, or use existing curriculums as Erin's Law. With devices and screens even young children may be exposed to sexual images. Starting with Face program, pre-kindergarten and going through high school topics including sex education, sexual violence and domestic violence prevention, intimate partner violence, confidentiality, child sexual abuse, and historical trauma need to be covered at appropriate levels. Education systems needs to mandate its continuing use in all schools to help children learn about healthy relationships, and how to avoid and get help in unsafe situations. It is recommended to use Erin's Law, <https://ccsd21.org/curriculum-learning/erins-law/>, a guide for understanding and reporting child sexual abuse, or something similar for children aged 0-18, and for the general public.
  - a. Provide prevention and appropriate respectful communication and behavior (manners) education using the media as radio, television, newspaper, live presentation, social media (Facebook, Twitter, Snapchat, Instagram, etc.)
  - b. Prenatal: inform parents-to-be to teach their children of inappropriate touch, pictures, language, bullying, and other behavior. Children should be instructed to report such behavior, to set boundaries, know their body, name their body parts, and to be respectful. These should be reinforced by the parents and communicated early and not withheld until children reach puberty or teenage years or at any point in their life.
  - c. K-5: inappropriate touch, pictures, language, behavior, reporting, self-care
  - d. Junior high/high school: What is rape? Puberty, couples counseling, sexual education, and healthy relationships.
  - e. Parents: know what your children are doing, watching, hanging with, Talk to your children about sex and healthy relationships. The word no and the real word yes
  - f. Friends: refer, support and report, honoring confidentiality at all costs
  - g. All in the community/local organizations/chapters/county/tribes: report the violence and police need to make the report. There are no police reports for most reports or they are misreported as intoxication or misdemeanor. We also must empower the victims to decide what they want to do and not be forced to report. Depending on what state you are in the age of not being forced to report is different but you as a nation can decide.
  - h. Training on sexual violence, intimate partner violence, confidentiality, child sexual abuse, historical trauma for school boards, staff, educators, parents, guardians, grandparents, family, relatives, etc.



11. Establish a Sexual Assault (Violence) Response Teams (SVRT) to meet and review reported cases of sexual violence. They will need cooperation from the health care service units in providing case numbers of sexual and domestic violence reported or examined at their facilities.
12. Provide and increase facilities and 24/7/365 services for Sexual Assault Nurse Examiners (SANE), mental health services, and recruitment of nurses, psychiatrist, child and adult sexual abuse physicians. Establish the infrastructure and tribal policies that support the victim and do not re-victimize the victim. Strong policies on what has to occur when rape, incest, domestic violence is reported. Trained advocates that support the victim and family. Trained counselors that want to work in the SVFV field. A way to have a forensic evidence trail and a lab to actually to the DNA and blood work in six months or less.
13. Fund, implement, and coordinate among health care systems surveillance to track statistics, referrals, long term ambulatory and residential care, follow up services, cases of early pregnancies, childhood sexual transmitted diseases with confidentiality.
14. Coordination among hospital systems to develop a trained crisis response teams, long term care system, and follow-up.
15. Build and provide shelters and/or temporary housing for victims and their families. Provided victims transportation, advocacy, counseling, exams and non-traumatizing interviews.
16. Refer victims to social services, behavioral health, mental health, and monitor follow up.
17. Recruit and retain competent individuals with 10-15 years in the field of SVFV experience to work with victims. Preferential hiring contributed to lack of competent and under staffing of public safety officers, investigators, health care professionals, etc.
18. Establish Child Fatality Review teams at least at every police district and health facility.
19. Provide more education in adverse childhood experiences and effects and traumatic brain injury.
20. Provide trauma informed care, services, systems, and environment.
21. Create a victim assistance network and response teams.
22. Health information and reports from data needs to be shared among organizations, with the victims, communities, media, and governments so the public is aware of offenders for public to take protective measures.

## § \_\_\_\_ Law and Order

1. Tens of thousands of cases were reported to social services, law enforcement, and courts, yet the children and victims were and are not protected, their rights violated, and they never see justice. Put jurisdiction and sovereignty aside and help the victims. The victims are used as census for governments to get money but the resources for legal service, advocacy, housing, job placement, food, child care, etc. never reach them.
2. Bi-annual training for staff in public safety and justice including 'Start by Believing' Campaign, Trauma Informed Care and Services, and customer/victim friendly trainings; some are available online.
3. Outreach to and training on SVFV for Public Safety Sexual Crime Division, victims, staff, regional agencies, chapters, NGOs, local faith-based organization, FBI, and all advocates



4. Establish mandatory participation in a general order of police districts to lead the establishment of Community Sexual Violence Response Teams.
5. Establish sexual violence and domestic violence policies and protocols for all government staff, especially, law enforcement, criminal investigations, and judges.
6. Conduct a case review for all child and suspicious adult deaths.
7. Establish a partnership to benefit the victims and their families by building a relationship allowing victims the option to file civil and criminal lawsuits in the state because of the government (Navajo Nation and other tribes) lack of prosecution, judges, and jurors, depending on which gives the victims more leverage to obtain justice.
8. Establish a court and judicial water community groups to case review of judicial rulings to insure victims are protected, served justice, and not revictimized.
9. Expedite prosecution of perpetrators/offenders of sexual violence, domestic violence, thief, forgery, fraud, threats, trespassing, public intoxication, etc., to utilize the habitual offender statutes.
10. System evaluation for communication and coordination of cash flow and minimize duplication and eliminate assumptions.
11. Connect and share data bases housed by federal, state, local, non-government, and Native American public safety (law enforcement, criminal investigation), justice, health, education programs so the offenders can be tracked real time and monitored, especially for background investigations and use epidemiologically to identify causal, risks, and protective factors to implement prevention and controls, and report on prosecution and recidivism rates with periodic evaluation.
12. Track real time public safety statistics, with clearly defined rape, child sexual abuse, and SVFV, and report quarterly and annually to allocate and monitor funding accordingly for administration, and share among the task force, health care and SANE facility. Investigate every reported case and follow up with the victims.
13. Establish a Sex Crimes Division of Law Enforcement, with an office and trained competent staff at each district.
14. Maintain integrity among law enforcement, criminal investigation, and judicial and officers to eliminate conspiracy, corruption, and cover up. The past cannot be changed, but there needs to be consequences for lack of accountability and failure to uphold professionalism, and support best practices in the every department of public safety and justice.
15. Establish a community based committee to review that proceeding SVFV cases are victim friendly.
16. Protect whistle blowers from retaliation and hold all staff accountable especially in the Department of Public Safety and Department of Justice.
17. Create a Victims and Family Justice Center or groups for victims and families.
18. Allocate/re-allocate personnel to service and ensure victims are connected with private advocate for guidance with federal, state, local, and Native America as their cases move through the systems. FBI advocates would be secondary. Ensure all federal, state, and tribal funds for victims are used for thorough services including but not limited to health and legal counsel, protection, advocacy, shelter and housing, examinations, interviews, and investigation.
19. Employees of any government entity, contractors, and organization will offer aid and proper guidance to the victims and not re-victimize, re-traumatize, and minimize



- referrals, misguidance, misinform as advising them to retain an attorneys or require court order when it is un-necessary. Victims do not need an attorney to get help and tell others to follow the laws. Victims can file a claim, complaint, appeal, or suggestions for service improvement, and be provided status on and copies of their cases.
20. To exercise their rights, any member of the public will be able to file with the judicial conduct commission, and participate in the court or judicial watch process in the courts, judicial, social service, investigation, regulatory, compliance, and law enforcement system.
  21. To provide due justice and relief, Native America systems will waive jurisdiction for the victims to seek justice in the state system because of the lack of prosecution by the Native American systems, and until tribal codes are proven established, implemented, and enforced.
  22. Implement an AMBER Alert system with emergency response capabilities.
  23. The Navajo Apache Hopi Zuni Ute Coalition Against Sexual Assault and Family Violence request the representatives and staff implement a policy: all evidence collected from sexual assault cases whether reported to law enforcement or unreported (anonymous evidence) be sent to the forensic lab to be immediately processed.
  24. The Coalition shares the goal of the prevention of sexual violence. At this time in history the prosecution of perpetrators of sexual violence is a form of secondary prevention by confining perpetrators and registering them when released to decrease the risk of them repeating acts of sexual violence.
  25. A goal for the coalition is to increase data collection to be able to accurately trace each case. Having evidence sent to the lab is a beginning step to ensure that each report is investigated.
  26. Provide advocacy and counseling trauma informed care, post-traumatic stress syndrome for primary and secondary victims of violence.
  27. Provide court preparation and forensic interview counseling, and transportation
  28. Increase Capacity of Law Enforcement: More funds to hire more law enforcement officers, both Tribal and Federal, to cover Indian Country. Offer them higher salaries and improved benefits.
  29. Impose corrective actions upon all juvenile and adult perpetrators as they are serial offenders by the time he or she is committing violent abuse as they were not reported or disciplined and need to be held accountable.
  30. Unseal and make available all records of juvenile or not, offenders as their single act of deviance become serial behaviors and escalate into adulthood, especially without consequence or punitive correction.
  31. Remove judges who scolded, yelled at victims and told them that "the men is superior and has the final say in the house", "Women should be obedient to their husbands", some claiming it is their culture, and further issued restraining orders against the victims and their support as family and advocates even after pleading for their safety, often times along with their children.
  32. Election of all judges, clerks, and hearing officers to serve a 4 year term and a limit of two consecutive terms.
  33. Remove judges who do not recognize and rule by the fundamental law, the higher law.
  34. Remove judges who have told multilingual (Navajo) speakers to only talk English in the court room.



35. Remove judges who have scolded and yelled at Navajo-English interpreters that the translation is incorrect while saying they speak Navajo.
36. The Navajo courts need to represent, guide, and counsel individuals who have a child with a non-Navajo get caught up in non-Navajo courts with custody, protection, support, etc. and minimizing further trauma to the family so the case is government to government instead of burdening the women and children.
37. The perpetrator shall pay restitution to the victim(s).
38. Health information and reports from data needs to be shared among organizations, with the victims, communities, media, and governments so the public is aware of offenders for public to take protective measures, and information neighbors.

**§ \_\_\_\_ Victim Services and Assistance, and Community Responsibilities**

1. Provide 'Start by Believing the Victim' and violence prevention education.
2. Rudeness always is measured in the eyes of the offended party and is serious. Rude behavior is the enemy of good customer service. It hurts both external and internal customers. It is preventable.
3. Provide trauma informed services, care, environment, and system(s).
4. Share current and professional medical knowledge.
5. Be part of the solution.
6. Understand the anatomy and physiology of the body.
7. Recognize and report any type of sexual violence, child abuse, family, intimate partner, domestic violence, unduly aggressive behavior, or any wrongful activities and cooperate with the investigation.
8. Practice confidentiality.
9. Address people with anti-social and unduly aggressive behaviors about integrity and respect.
10. Report misuse and gangs/cult use of sweats for satanic rituals or suspicious activities for harming and war on other community members to authorities for immediate and further intervention.
11. Address the perpetrator or offender in person when they present themselves.
12. Recommend that the family to seek professional care.
13. Waive legal fees placed upon victims and provide legal representation, if not provide rule of reimbursement from the offender.
14. Eliminate rudeness and lack of action to improve customer service and interpersonal relations.
15. Health information and reports from data needs to be shared among organizations, with the victims, communities, media, and governments so the public is aware of offenders for public to take protective measures, and information their neighbors.
- 16.

**Section 3. Effective Date**

The amendments enacted herein shall be effective pursuant to United States laws.

#### Section 4. Ratification

The Provision of the Act which amended adopt, new sections of title, United States Code shall be codified by the US Senate and House of Representatives shall incorporate such amended provisions in the text codification of the United States Code.

#### Section -Closing Clause

Signature



**Amend the constitution so it is more favorable for the victim and adhere/enforce safety and protection of victims**, not the burden of proof, and not slanted for the criminal who now is considered innocent until proven guilty. They rob and destroy the lives of the children, women, and victims for a lifetime. Implement victims' rights and to be given lifetime protection. People in the system believe they are exercising a balance; this approach will never be favorable for the victims.

1. Amendment IV states right of people to be secure... shall not be violated,.
2. Amendment VI give the victims and public the right to a speedy protection. Repeated interviews and statements retraumatizes the victims unnecessarily. Such triggers only causes further damages and trauma to the victims. Revictimized the victims (scientific and medical finding support trauma has adverse life time impacts). The perpetrator should not confront or intimidate the victims or witnesses as this practice is not beneficial for the victims and society. Consider trauma and its impact as evidence of detrimental impact to the victims' lives, public, and economy. The victims, especially children, should not be put in such a horrific position and systematically be retraumatized and revictimized.
3. Amendment VII. Include payment of restitution to the victims.
4. Amendment X The powers not delegated.... or to the people (the victims)
5. Amendment XI Hold courts accountable for ruling against victims of crime as the impact is equal to a life sentence.
6. Amendment XIV enforce ... nor shall any State deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws. (The Navajo Nation and other jurisdiction in the U.S. has set the criminals loose on the victims and public without enforcement and protection.)
7. Amendment XV. The Congress shall have power to enforce this article .... (Then, do so and do not be complicit, evasive, nor part of the problem, and hold the government, and funded, programs and representatives accountable.)

VS.

The **Second Amendment** of the United States Constitution reads:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

**LAW AND ORDER COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**FIRST YEAR 2019**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0268-19:** An Action Relating to the Law and Order, Health, Education & Human Services Committees, and the Naabik'iyati' Committee; Stating the Official Position of the Navajo Nation Concerning Violence Against Women as presented in Written Testimony to the United States Department of Justice, Office of Violence Against Women in Conjunction with the 14<sup>th</sup> Annual Government-to-Government Tribal Consultation— *Sponsor: Honorable Amber Kanazbah Crotty/Honorable Vince James*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendment

And thereafter referred to Health, Education & Human Services Committee

Respectfully submitted,



Eugenia Charles-Newton, Chairwoman  
Law and Order Committee  
24<sup>th</sup> Navajo Nation Council

Date: September 18, 2019

Main Motion: Honorable Otto Tso  
Second : Honorable Vince James  
Vote : 2-0-1 (Chairwoman not voting)



**LAW AND ORDER COMMITTEE**

**Special Meeting  
September 18, 2019**

**VOTE TALLY SHEET:**

**Legislation No. 0268-19:** An Action Relating to the Law and Order, Health, Education & Human Services Committees, and the Naabik'iyati' Committee; Stating the Official Position of the Navajo Nation Concerning Violence Against Women as presented in Written Testimony to the United States Department of Justice, Office of Violence Against Women in Conjunction with the 14<sup>th</sup> Annual Government-to-Government Tribal Consultation– *Sponsor: Honorable Amber Kanazbah Crotty/Honorable Vince James*

**Main Motion:** Otto Tso

**Second:** Vince James

**Vote:** 2-0-1

**VOTE TALLY:**

Yea: VJames/OTso

Nay:

Excused: ETso

Not Voting: EC-Newton

Absent: EYazzie



Eugenia Charles-Newton, Chairwoman



Lauren Spencer, Legislative Advisor  
Law and Order Committee

NAVAJO NATION

RCS# 210

LOC Regular Meeting

9/18/2019  
03:47:47 PM

Amd# to Amd#

Legislation No. 0268-19

PASSED

MOT Tso, O

SEC James, V

**Yea : 2**

**Nay : 0**

**Excused : 1**

**Not Voting : 2**

**Yea : 2**

James, V

Tso, O

**Nay : 0**

**Excused : 1**

Tso, E

**Not Voting : 2**

Yazzie - Absent

Charles-Newton