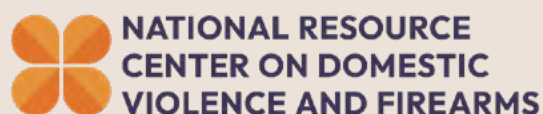


**FIREARMS/AMMUNITION  
RELINQUISHMENT IN INDIAN  
COUNTRY INVOLVING INTIMATE  
PARTNER VIOLENCE**

# **How to Structure Effective Protocols in Indian Country**

The intersection of intimate partner violence and firearms violence is all too often lethal. Research shows that requiring a person found to have committed violence against an intimate partner to quickly relinquish firearms significantly reduces the number of intimate partner homicides. Effective firearms/ammunition relinquishment or removal protocols require a multidisciplinary approach. To help Tribes respond effectively to firearms relinquishment in intimate partner violence cases, this document provides protocol development guidance for Tribes and Tribal law enforcement, prosecutors, probation officers, and victim services advocates.



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# OVERVIEW

Indian Tribal sovereignty predated the United States Constitution, and Tribes were never formally brought within Constitutional reach.<sup>1</sup> The Indian Civil Rights Act<sup>2</sup> (ICRA) was imposed on Tribes with language that almost verbatim tracks the first ten amendments to the Constitution known as the Bill of Rights.<sup>3</sup> Although ICRA language tracks the Bill of Rights, ICRA's omission of any reference to the Second Amendment's<sup>4</sup> right to keep and bear arms results in Tribes having vast authority to experiment with gun laws.<sup>5</sup>

Currently, there are 575 federally recognized Tribes in the United States. Each Tribe is unique with respect to language and customs and traditions. It is important to note that Tribes may utilize firearms for cultural or ceremonial purposes. Tribes may have treaties that confer rights to use firearms for hunting.<sup>6</sup> Firearms may be prolific in some Tribal communities while not in others.

A comprehensive approach to Tribal firearm restrictions must include conversations around balancing cultural values around firearms with cultural values around the safety of women and enhancing Tribal legal protections for victims of domestic violence that include firearm/ammunition restrictions and relinquishment in domestic violence cases. This publication discusses how Tribes can structure effective protocols towards relinquishment of firearms/ammunition in domestic violence cases.

Leading up to the Violence Against Women Act 2022<sup>7</sup> (VAWA 22) Congress made several findings regarding the domestic violence and sexual assaults of Indian women:

- (1) American Indians and Alaska Natives are—
  - (A) 2.5 times as likely to experience violent crimes; and
  - (B) at least 2 times more likely to experience rape or sexual assault crimes;
- (2) more than 4 in 5 American Indian and Alaska Native (AI/AN) women have experienced violence in their lifetime;
- (3) the vast majority of AI/AN victims of violence—96 percent of women victims and 89 percent of male victims—have experienced sexual violence by a non-Indian perpetrator at least once in their lifetime.<sup>8</sup>

Domestic violence and firearms are a dangerous combination. The use of a firearm in domestic violence incidents is

associated with a dramatically increased risk of lethality.<sup>9</sup> Firearms are used to commit more than half of all intimate partner homicides in the United States.<sup>10</sup> More than half of all AI/AN homicides are firearm homicides, and the AI/AN firearm homicide rate is 4 times higher than the gun homicide rate for non-Hispanic white people.<sup>11</sup> Firearms are used in almost half of all AI/AN intimate partner homicides.<sup>12</sup>

Federal law, as well as many state, Tribal, and local laws, provide a legal framework to reduce the risk of domestic violence-related firearm injury and fatality by disarming certain domestic abusers.

For these laws to have their intended effect, those subject to these firearm restrictions must dispossess any firearms once their adjudicated status prohibits them from continuing to possess them. Many jurisdictions have developed collaborative protocols to ensure that any persons found by a Tribal or other local court to have committed certain domestic violence offenses are required to relinquish their firearms and ammunition.

These coordinated responses can be tailored to the specific needs of Tribal jurisdictions, considering existing Tribal laws and the safety of Tribal victims of intimate partner violence and the Tribal communities in which they live. Building knowledge and networking within these systems is essential to increasing the safety of Native women and their children and other relatives experiencing intimate partner violence.

Relinquishment and enforcement of the firearm restrictions are both critical. Research demonstrates that removing firearms from persons who have been found to have committed domestic or dating violence is associated with a reduction in intimate partner homicides.<sup>13</sup> Removal or relinquishment also reduces firearms violence directed at other family members, friends, neighbors, and other members of the community.

Keeping an adjudicated abuser from accessing firearms is also important for ensuring Tribal law enforcement officer safety. Domestic disturbances are among the most dangerous calls for all officers and firearms are among the leading causes of line-of-duty deaths.<sup>14</sup> As threats to judges and prosecutors increase, this increased need for caution expands to all individuals involved in the justice system.

# OVERVIEW

This document, published by the National Resource Center on Domestic Violence and Firearms (NRCDVF), and the Tribal Law and Policy Institute (TLPI) will help guide Tribal courts, Tribal prosecutors Tribal law enforcement, public defenders, civil legal attorneys, victim advocates, probation officers, and local organizations to work together to create an effective community-wide firearm surrender protocol in cases involving domestic and dating violence. The most effective protocols are those that reflect the Tribal community's needs and resources. This guide aims to provide a roadmap for every Tribal community to develop a tailored protocol that will work effectively for their own unique circumstances.

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*We would like to express our appreciation to Tami Jerue of the Alaska Native Women's Resource Center for her contribution to this toolkit.*



# APPLICABLE FEDERAL LAWS

- The Gun Control Act of 1968 established a list of statuses which prohibit a person from purchasing or possessing a firearm or ammunition.
- In 1993 Congress passed the Brady Handgun Violence Prevention Act, which established the National Instant Criminal Background Check System (NICS) and requires federally licensed firearms sellers to request an FBI background check on persons seeking to buy firearms.
- In 1994, Congress added an additional status to those listed in the Gun Control Act which prohibits persons subject to certain domestic violence protection orders from purchasing or possessing firearms or ammunition (18 U.S.C. § 922(g)(8)).
- In 1996, Congress added a status to that list which prohibits persons convicted of certain misdemeanor crimes of domestic violence (MCDV) from purchasing or possessing firearms or ammunition (18 U.S.C. § 922(g)(9)).
- In 2022, the prohibition for those convicted of misdemeanor crimes of domestic violence was expanded to include convictions for certain misdemeanor crimes that involve a dating relationship (DMCDV) (18 U.S.C. § 922(g)(9)).

A person prohibited from possessing or purchasing firearms who continues to do so can face charges and penalties for federal crimes. Therefore, when someone who has firearms or ammunition becomes prohibited, they must relinquish the firearms/ammunition or have them removed by law enforcement or risk federal prosecution.

However, federal law does not expressly mandate or explain the process for relinquishment or removal of firearms/ammunition already in the prohibited person's possession. Instead, it leaves this implementation to states. For more detailed information about current federal firearms laws that address intimate partner violence, see the NRCDFV's report: [A Brief History and Framework of Federal Firearms Laws Addressing Intimate Partner Violence](#)

Many states, Tribes and local jurisdictions have enacted legislation mirroring the federal firearm prohibition laws—in some instances expanding upon the federal framework—prohibiting individual subject to certain domestic violence protection orders and/or convicted of certain domestic violence-related offenses from purchasing or possessing firearms/ammunition in their state, Tribe or local jurisdiction. Regardless of whether a state or Tribe has express state or Tribal firearm prohibition laws, states and Tribes are allowed to order relinquishment when someone becomes prohibited.

This toolkit focuses on Tribal and federal laws and procedures that may require or authorize relinquishment of firearms in qualifying intimate partner violence cases.

# TRIBAL AUTHORITY TO ESTABLISH RELINQUISHMENT PROTOCOLS

Since this toolkit focuses on firearm/ammunition relinquishment in intimate partner violence cases, Tribal protection orders may sometimes be the impetus for the firearm restrictions. Non-Tribal jurisdictions may question Tribal authority to issue Tribal protection orders involving non-members or non-Indians. However, federal law reaffirms that Tribes have civil authority to issue and enforce protection orders reaffirmed at 18 U.S.C § 2266(e) for matters arising in Indian country or otherwise within the authority of the Tribe.

If the Tribal protection order contains the necessary language to activate federal full faith and credit to enforce the protection order as it is written, Tribal protection orders should be enforced in any jurisdiction where the violation of the protection order occurs even if the enforcing jurisdiction's laws would not have provided the relief contained in the Tribal jurisdiction issuing the protection order.<sup>16</sup> This would include firearm/ammunition restrictions written in the Tribal protection order that meets the requirements of 18 U.S.C § 2265. The jurisdiction enforcing the protection order will use the enforcing jurisdiction's laws to address the violation by civil or criminal means.

Tribes have inherent civil authority to issue and enforce protection orders against all person for matters arising in Indian country or otherwise within the authority of the Tribe.<sup>17</sup> Tribes have criminal authority over all Indians committing crimes in their Indian country.<sup>18</sup> Tribes implementing Violence Against Women Act 2022 (VAWA '22) Special Tribal Criminal Jurisdiction have criminal jurisdiction over non-Indians committing certain covered crimes in Indian country.<sup>19</sup> Any Indian Tribe occupying a Village in Alaska has the inherent authority to exercise criminal and civil jurisdiction over all Indians present in the Village.<sup>20</sup>

The covered crimes include:

- Assault of Tribal justice personnel
- Child violence
- Dating violence
- Domestic violence
- Violation of a protection order
- Obstruction of justice
- Sex trafficking
- Sexual violence
- Stalking.

**NOTE:** This resource does not address cases in which a person is subject to firearm prohibitions arising out of a state protection order but resides in Indian Country, as that analysis varies by state and Tribe.

Tribes have the inherent authority to enact Tribal codes that specifically authorize or obligate Tribal courts to order domestic or dating violence offenders to relinquish firearms in certain circumstances. This can result from a particular Tribal court adjudication related to domestic or dating violence—whether by the issuance of a qualifying domestic violence protection order<sup>21</sup> or the entering of a conviction for a qualifying misdemeanor crime of domestic/dating violence.<sup>22</sup>

In some Tribal jurisdictions there may not be a specific statutory mandate for a Tribal court to order the relinquishment of firearms/ammunition. In that instance, Tribal courts may order relinquishment under other authority, including:

- A provision in the Tribal code allowing a domestic or dating violence protection order under the court's authority to take any such action as is necessary to ensure the safety of a victim of domestic violence;
- A provision in the Tribal code allowing the Tribal judge to order domestic violence protections under a similar catch-all provision;
- A pre-trial order in a Tribal criminal proceeding in a case involving intimate partners (for e.g., an order regarding bond conditions);
- A post-conviction condition violation of Tribal probation or parole in a case involving intimate partners.

# RELINQUISHMENT PRINCIPLES

## Fundamentals of a Tribal Firearms/Ammunition Relinquishment Protocol

For these prohibitions to have any practical meaning in the lives of survivors of domestic and dating violence (as well as their family, friends, colleagues, and Tribal community members), it is imperative that Tribal jurisdictions develop a firearms/ammunition relinquishment process that can be consistently carried out. This can include protocols, checklists, forms and other resources to ensure that the firearms relinquishment process is handled in a timely, effective, and safe way.

The National Resource Center on Domestic Violence and Firearms (NRCDFV) has worked with many state, Tribal, and local sites, as well as nationally recognized researchers, to develop the fundamentals each community needs to ensure the safety of all people in the community. These fundamentals are laid out in four core principles below and have been adapted by the Tribal Law and Policy Institute for use by Tribes: **Victim and Community Safety, Coordinated Community Response, Developing Comprehensive Plans, and Institutionalizing the Work.** All four principles are critical to ensuring that firearm/ammunition relinquishment protocols in domestic violence situations are comprehensive, effective, and – most importantly – as safe as possible. It is vital to protect victim information when addressing these protocols. Consulting with a Tribal victim advocate would be instrumental in drafting these protocols.



### First Principle: Victim and Tribal Community Safety



Safety—of the intimate partner and others in the Tribal community—is the first principle of keeping firearms out of the hands of persons who have been found by a Tribal court to have committed violence against an intimate partner.

As mentioned earlier, Tribal communities are unique and may be large or small and each Tribe will have particular kinship rules to determine family members. This becomes important as the victims navigate the Tribal community where the abuser’s family may also reside. Protecting victim information may become particularly challenging in some smaller Tribal communities. Tribal cultural practices may permit the use of firearms. Finally, Tribes may have treaties in place to hunt with firearms<sup>23</sup> and, particularly in Alaska, food sovereignty (the need to hunt for subsistence) is significant. All of these factors relate to victim safety and the abuser’s access to firearms/ammunition.

Abuser access to firearms greatly increases the risk of harm to their intimate partner. Nationally, a woman is five times more likely to be killed when her male domestic abuser has access to a firearm. When a firearm is used in the most severe incident of domestic violence, the odds of the incident ending in homicide is 41 times that of when a firearm was not used. There is a demonstrated association between mandated relinquishment of firearms by prohibited domestic abusers and reductions in intimate partner homicides.

There is also a strong connection between domestic abusers’ threatened and actual use of firearms violence against their intimate partners and violence against others and the community. Almost a third of firearm homicides of children under the age of 13 are related to intimate partner violence.<sup>24</sup>

Proper relinquishment of firearms /ammunition in these situations is also essential to ensure the safety of the greater Tribal community. In more than two-thirds of mass shootings the perpetrator had either killed at least one partner or family member or had a history of domestic violence. Additionally, there is the aforementioned risk to law enforcement officers presented in domestic violence calls.

The impacts of firearms violence cases are first felt by the intimate partner. Alarming, the American Indian/Alaska Native (AI/AN) firearm homicide rate has been on the rise, increasing 33% from 2019 to 2023.<sup>25</sup> Guns are used in nearly half of American Indian Alaska Native homicides.<sup>26</sup> It is important that before, during, and after the legal processes that give rise to a domestic violence firearm prohibitor the survivor has access to Tribal advocacy services that include safety planning around the risk presented by firearms. Tribal victim advocates are likely to have experience navigating Tribal communities, spoken languages, cultural practices and kinship rules.

Although grounded in the applicable Tribal code, relinquishment protocols are most effective when a Tribal court orders firearms relinquishment at the time the prohibiting status is activated—at the time of issuance of a Tribal protection order or upon entering of a conviction for a misdemeanor crime of domestic/dating violence—and advises the prohibited person of how to comply. Processes must be in place with Tribal law enforcement agencies for immediate compliance and enforcement of these orders to protect the safety of their intimate partners and the Tribal community.

# Second Principle: Coordinated Community Response



Many stakeholders, including Tribal criminal and civil legal system agencies, survivors' advocates, and community-based organizations, play a vital role in the firearms relinquishment process. The Coordinated Community Response (CCR) model offers the stakeholders in a community who respond to domestic violence a way to work together to create and implement an effective relinquishment process.

In many communities, firearms/ammunition relinquishment is coordinated by a group of justice system stakeholders: judges, court clerks, prosecutors, civil attorneys, public defenders, law enforcement officers, community supervision officers, and others. While this is a good starting point, the outcome will be much more effective with community-based organizations also at the table: for example, Tribal victim services, social services, and language assistance programs, and even faith communities. These community organizations can provide valuable information and resources to victims to ensure that firearms relinquishment protocols will work well—and will increase victim safety.

Each Tribal community will have unique needs and different Tribal community members and organizations that should be involved. When considering which stakeholders should be at the table, consider the following threshold questions.

## Threshold Questions

### What role should tribal victims play in developing a firearms/ammunition relinquishment protocol?

One of the most important voices to consider when developing an effective firearms/ammunition relinquishment protocol is that of the victims of the conduct giving rise to the firearm/ammunition restriction. All too often, communities fail to check in with victims and fail to find out what their expressed needs and concerns are. Because victims have deep knowledge of the dangers posed by abusers' possession of firearms, their voices provide important information that should be incorporated into any protocols.

Forming victim focus groups at the very start of the process will quickly identify gaps in the system that must be addressed. Focus groups should find out:

- Will victims' information be kept confidential? If not, will the victim be informed that their information may be available to the abuser?
- Are victims concerned about the impact on the family (especially in cases where firearms are used for subsistence hunting) if the abuser does not have access to firearms?
- Do victims know how to tell Tribal law enforcement and Tribal courts that they fear firearm violence by the abuser?
- Do victims feel comfortable and/or safe sharing these concerns with Tribal justice system personnel?
- If victims do not feel comfortable and/or safe sharing their concerns, what would make them feel more comfortable and safer?
- Can the system safely make use of the victims' knowledge, including but not limited to:
  - o How many firearm/ammunitions the abuser has access to.
  - o Where the firearms/ammunition are kept.
  - o If the abuser has previously used firearms in a threatening or violent manner.
  - o How the abuser is likely to behave if ordered to relinquish firearms/ammunition.
  - o What safety protocols would help make everyone safer in the relinquishment process.
  - o What experiences victims/survivors in the Tribal community have had with respect to seeking protection from the risk of intimate partner firearm violence through the Tribal legal system.
  - o If the Tribal protection order is the source of the restricted possession of firearms/ammunition, are Tribal protection orders regularly being enforced outside of the Tribe's jurisdiction?

## RELINQUISHMENT PRINCIPLES

### Who should be invited to participate in a tribal task force or committee that develops firearms/ammunition relinquishment protocols?

Any Tribal task force or committee that is convened to develop Tribal protocols, rules, checklists, and other resources around firearms/ammunition relinquishment in intimate partner violence cases should have a dedicated staffer responsible for organizing meetings, taking notes, leading coordination between all members of the task force/committee, and developing products. This can be a person already on staff in the jurisdiction: from the Tribal courts, Tribal prosecutors' offices, Tribal law enforcement agencies or Tribal victim advocacy programs.

Protecting the victim's information is directly connected to victim safety.

All professional groups in the Tribal jurisdiction must commit to collaboratively supporting this dedicated staff position. More information about the role of this staffer is discussed further below.

The unique makeup of the Tribal community will inform what groups should be included. The Tribal task force should consider whether a Memorandum of Understanding will be needed. The Tribal task force or committee should always include, among others, the following people/ organizations, keeping in mind the varying resources and capacity of each and whether a non-Tribal organization has a wanted presence in the Tribal community:

#### **Tribal Courts**

- Tribal Judges
- Tribal Court clerks
- Tribal Bailiffs
- Tribal Prosecutors
- Tribal Public defenders
- Civil legal attorneys practicing in Tribal Court

#### **Tribal law enforcement (if applicable)**

- Tribal probation/parole officers
- Local Police department
- Local Sheriff's department
- State law enforcement agencies
- State troopers
- Tribal Elders
- Tribal Council representative/delegate
- Village safety officer in Alaska

#### **Federal agencies**

- ATF
- U.S. Attorneys

#### **Tribal Victim advocates/victim assistants**

#### **Tribal hospitals, medical and mental health providers**

#### **Other Tribal Community-based organizations**

- Youth services
- Social services
- Language access programs

# WHAT TO CONSIDER IN THE FIRST TRIBAL TASK FORCE MEETING

All conversations at this meeting should be rooted in the first principle—victim and Tribal community safety. A beginning agenda should include:

### Identifying Goals:

- What are the primary desired goals/outcomes of the Tribal task force?
- What is the timeline for achieving each goal?

### Identifying Players:

- Who is responsible for each different aspect of the protocol? (e.g., notifying the offender of the restrictions, details of where/when/how to relinquish firearms/ammunition, storage of the firearms/ammunition, notifying the victim of the relinquishment)
- Who will be the liaison from each office/agency?
- Who else should be invited?

### Identify existing information:

- What practices, protocols, forms, checklists, etc. already exist that address firearms relinquishment? (e.g., Tribal codes, check boxes on Tribal protection orders, whether the Tribe is exercising VAWA '22 Special Tribal Criminal Jurisdiction over non-Indians, etc.)
- Who can identify all the Tribal laws and rules that would apply in firearms cases?
- Are Tribal protection orders being enforced outside of Indian country? (Tribal victim advocates are a good source of information on this topic)

### Developing a plan to hear from those who are engaged with the systems:

- This list can include: victims; Tribal victim advocates; offenders; Tribal community members, including elders who are impacted by firearms violence in intimate partner cases.
- This plan can include: focus groups, surveys, interviews, etc.

### Reviewing the results:

- What is working? What is not?
- Who is responsible for addressing problems or gaps identified?

# WHAT TO CONSIDER IN THE FIRST TRIBAL TASK FORCE MEETING

(CONTINUED)

## □ **Developing a timeline with task assignments for addressing these issues.**

- If no dedicated staffer exists to monitor the project, which agency or stakeholder will oversee what elements of the protocol development at what points during the development process?
- How will each agency or stakeholder stay on track to complete their parts of the project in a timely manner?

## □ **Consider safety at all times of the process:**

- At time of issuance of Tribal order resulting in firearm/ammunition restrictions
- At time of relinquishment
- At time of violation of a Tribal protection order/enforcement
- When protecting victim information
- At time of a Tribal misdemeanor conviction involving intimate partner violence

## □ **Decide how to keep the victim updated about the progress of their case**

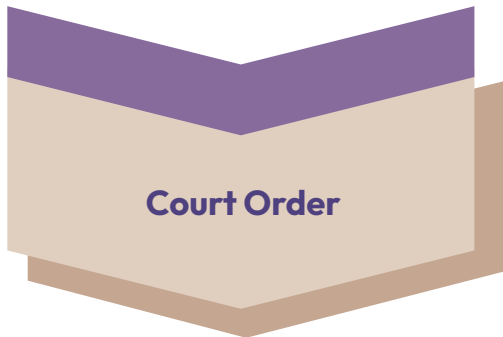
- Ensure that courts and law enforcement keep victims, victim advocates, and victim assistants aware of each step in the relinquishment process.
- Help victims to develop a safety plan to ensure that they are not exposed to further violence.
- Decide how to incorporate victim safety concerns into case management.
- Determine who has responsibility to notify victim at each stage.
- A Tribal victim advocate is critical to direct the group on safety suggestions.

## Third Principle: Developing Comprehensive Plans

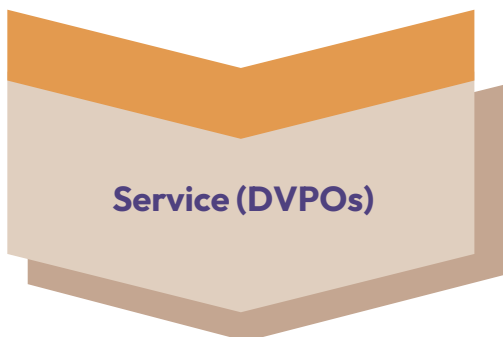
After identifying and engaging with the community stakeholders identified above, their feedback should be used to develop comprehensive plans to ensure a uniform and reliable relinquishment process. The elements of an effective relinquishment policy include:



- 
- Tribal protection order information about firearm access within petition and/or during hearing
  - Criminal Cases: Information in police reports, lethality assessments, testimony
- 



- 
- Clear and enforceable Tribal court order to relinquish firearms
  - Tribal court findings if Tribe is exercising VAWA Special Tribal Criminal Jurisdiction over non-Indians
  - Information to prohibited person (oral and written) re: acceptable manner of relinquishment
  - Instructions to prohibited person (oral and written) re: inventory of firearms in possession, surrendering, timeframe, and proof required
- 



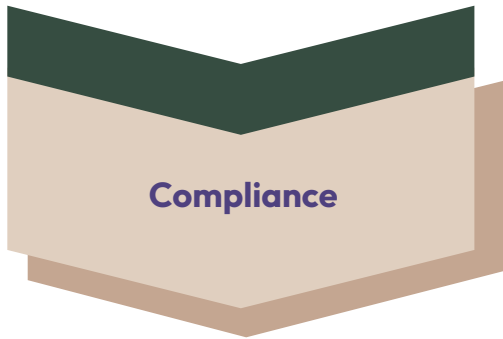
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- Consistent process for timely service of Tribal protection orders with firearms prohibition/relinquishment order
  - Protocol for seizing/taking possession of firearms/ammunition during service
  - Process for victim notification and court notification of executed service
- 



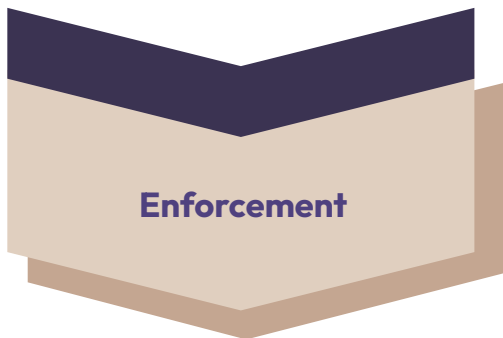
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- Keep the victim notified when surrender of firearms/ammunition is complete
  - Provide the respondent with receipt/documentation of surrender or sale of firearms (include date, time and place of relinquishment; with signature from law enforcement attesting to the relinquishment)
  - Make sure the agency/entity receiving the firearms/ammunition can appropriately store the relinquished firearms
  - Develop a protocol for return of firearms upon termination of court order
-

## Third Principle: Developing Comprehensive Plans

(CONTINUED)



- 
- Develop an affidavit for the respondent to sign, swearing no possession or custody/control of firearms/ ammunition
  - If third party transfer is permitted, develop a process to determine appropriateness of third party receiving relinquished firearms/ammunition and appropriate affidavits and consequences for non-compliance
  - Develop a process to monitor whether order has been complied with in appropriate timeframe (Tribal court compliance hearing, probation condition, etc.)
  - Develop a process for victim notification of compliance/non-compliance
- 



- 
- Develop a protocol for entry of Tribal protection orders and convictions into the Interstate Identification Index (III), National Crime Information Center (NCIC), and the National Instant Criminal Background Check System (NICS) indices. (Ensure that the entries note that an intimate relationship exists between parties)
  - Note that some Tribes may be utilizing the Tribal Access Program (TAP) to enter this information and some Tribes lack the ability to enter protection orders and convictions into the national systems.
  - Tribes that do not have the ability to enter the information into national systems may want to explore requesting access from the state or coordinating with a nearby Tribe that does have access ([See information on TAP at Tribal Access Program](#)).
- 



- 
- Develop a protocol for return of relinquished firearms/ ammunition upon termination of prohibition (proof needed, NICS background check prior to return)
  - Develop a process for victim notification upon return of firearms/ammunition
- 

There is flexibility in how a firearms relinquishment process should be structured to meet the needs and resources of the Tribal community. For example, the protocol may be Tribal court-centered, Tribal law enforcement-centered, or Tribal probation-centered. Regardless of which entity may be at the center of the protocol, all stakeholders play a role in carrying out a consistent and effective process.

# GUIDING QUESTIONS FOR TRIBAL PROTOCOL DEVELOPMENT

The Tribal task force/multidisciplinary team must develop a realistic protocol for every step and component of the relinquishment process above. These questions should be the starting considerations for each step in the protocol:

### **What actions must be carried out at this step in the protocol?**

- What steps need to be taken to carry out the firearms relinquishment process fully and safely?

### **Which agency/agencies will lead this step in the protocol?**

- What are the particularized responsibilities of the agency/agencies leading responsibilities does each agency/entity have at each step in the relinquishment protocol?
- How often should these agencies meet to develop and refine the protocol?

### **What resources will each step in the protocol require?**

- Are any of these resources already available to the agency/agencies tasked with responsibilities?
- What resources must be developed or acquired?

### **What practices, protocols, forms, checklists, etc. can be developed to aid in consistent implementation of this step in the protocol?**

- What resources are other stakeholders able to contribute to the agency leading this step in the protocol?
- Should the task force create a checklist for the Tribal bench?
- Should the task force create a checklist for Tribal law enforcement, probation and parole?
- Should the task force create a checklist for Tribal prosecutors and civil attorneys?

### **Is the proposed protocol informed by the initial stakeholder conversations?**

- How are the concerns and needs of survivors and community members integrated into the protocol?

### **How will implementation of this step in the protocol be evaluated?**

- Who will be asked to evaluate the protocol?
- At what stage will that feedback be incorporated?

## GOOD PRACTICES FOR STAKEHOLDERS TO CONSIDER

Individual stakeholders (like courts, prosecution, attorneys, victim services, etc.) can consider some of the following practices when developing their roles and responsibilities in the relinquishment protocol:

### TRIBAL COURTS

Develop standard and clear language for Tribal judges to use consistently on Tribal protection orders. The language should explicitly order the respondent to relinquish firearms and ammunition by a time certain. The Tribal protection order or Tribal court conviction should also have a place for the Tribal court to describe the nature of the relationship between the victim and the respondent. Finally, the Tribal court order should have clear language that the Tribal judge can use on the record or in writing to notify prohibited persons of their obligation to relinquish firearms/ammunition or face consequences.

Tribal court orders and related procedures should include:

- Findings of actual or threatened violence that indicate future danger and the need for relinquishment of firearms/ammunition.
- Citations to relevant Tribal codes. It is important to cite the specific subsection of the criminal code. Also cite to parts of the code authorizing relinquishment of firearm/ammunition. (Where a specific Tribal law does not exist, cite to the Tribal court's catch-all authority ("and any other relief necessary to ensure the safety of the victim and others").
- Citations to relevant Tribal codes regarding protection of victim information. Note how victim information will be protected.
- If a Tribal court issues a Tribal protection order or condition of bond, be sure the order includes language that prohibits the enjoined person from accessing firearms/ammunition for the duration of the order (no possession, no purchases, no transfers or "borrowing", no ammunition).
- If the types of firearms or ammunition in the custody and control of the prohibited person are known to the Tribal court, list them by name in the order, followed by a catch-all phrase such as "and any other firearms or ammunition."
- Provide a timeframe for relinquishment (ideally within 24 hours), specifying the acceptable places to hand over firearms/ammunition, and any applicable directives for handing over firearms/ammunition (e.g., firearms should be unloaded and placed in trunk of car, separately from ammunition and driven over to a specified law enforcement agency).

## GOOD PRACTICES FOR STAKEHOLDERS TO CONSIDER

(CONTINUED)

- If third party transfer of firearms is a permissible means of relinquishment, provide the following:
  - Notice to the respondent about what kind of third party can hold the firearms/ammunition for the duration of the order:
    - A third party who can pass a background check
    - A third party who can appear before the Tribal court to attest they are suitable to receive the respondent's firearms/ammunition
    - A third party who can swear to an affidavit attesting to their suitability to receive to receive the respondent's firearms/ammunition
    - A third party who can secure the firearms/ammunition in a place that the respondent cannot access.
  - Developing written notices and bench cards/scripts for Tribal judges to ensure prohibited persons are immediately notified of their obligations and terms of compliance.
  - Ensuring that the prohibited person is informed of the consequences of failure to relinquish, including collateral consequences under Tribal and federal law.

### THIRD PARTY TRANSFER IN TRIBAL COMMUNITIES

Allowing a prohibited person to transfer their firearms to a third party can be an attractive option for some Tribal communities, especially those with limited resources for firearm storage. Following are steps that Tribal communities can take to increase victim and community safety while allowing third party transfer:

- The Tribal court should verify that the third party receiving the firearms does not reside with the prohibited person.
- The Tribal court should ensure that the prospective third party is not legally prohibited from possessing firearms by mandating background checks for all third parties.
- The Tribal court should make clear to the third party receiving the firearms, both orally and in writing, that they are not to return the firearms to the prohibited person until the prohibition is lifted, and that they could face criminal consequences if they do.
- The Tribal court should require that the third party sign an affidavit indicating that they can lawfully possess firearms and that they understand the responsibility and potential liability of storing firearms for the prohibited party. It should also include a list of all the firearms they receive from the prohibited party.

## GOOD PRACTICES FOR STAKEHOLDERS TO CONSIDER

(CONTINUED)

- If law enforcement will seize the firearms/ammunition instead of personal relinquishment, including language in the Tribal court order authorizing such seizure, covering firearms/ammunition in possession, timeframe, place, and method for removal.
- Ensuring that copies of the Tribal court order are immediately sent to the law enforcement agency responsible for receiving relinquished or seized firearms/ammunition.
- Ensuring that copies of Tribal court orders prohibiting possession and purchase of firearms/ammunition are available through state or Tribal justice system databases (including TAP if available) and federal databases such as NCIC and NICS.
- Providing a means by which the prohibited person can deliver notice to the Tribal court that they have complied with the relinquishment order (e.g., a form attesting to when and in what manner they turned over specified firearms/ammunition or attesting that they are not in possession, custody or control of any firearms/ammunition).
- Developing protocols if the prohibited person fails to relinquish firearms/ammunition or obtains new firearms/ammunition, including what agency is responsible for handling a violation (Tribal law enforcement, probation, prosecution).
- Ensuring that the protected party/victim is referred to Tribal victim services to conduct safety planning as the relinquishment/seizure process takes place.
- Developing processes for oversight of relinquishment protocol implementation.

Ensure training for all Tribal judicial officers, Tribal court clerks, and other relevant staff on the procedures.

# GOOD PRACTICES FOR STAKEHOLDERS TO CONSIDER

(CONTINUED)

## TRIBAL LAW ENFORCEMENT

Develop protocols to (a) receive and store firearms/ammunition relinquished upon Tribal court order, and (b) seize and store firearms/ammunition following Tribal court order. Protocols should address the following:

In cases of relinquishment:	In cases of seizure:
<ul style="list-style-type: none"><li>• Identifying who will receive copies of the Tribal court order requiring the seizure of firearms/ammunition and how the Tribal court can quickly transmit those orders.</li><li>• Determining how firearms/ammunition may be relinquished (by appointment, within a certain timeframe or during certain business hours, to which person in the agency, etc.).</li><li>• Explaining the method of relinquishment of firearms/ammunition (e.g., firearms should be unloaded and placed in trunk of car, separately from ammunition, and driven over to specified law enforcement agency).</li><li>• Providing a receipt for relinquished firearms/ammunition.</li><li>• Having the prohibited person sign an affidavit stating that they have relinquished all firearms/ammunition in their possession and will not obtain any others for the duration of the Tribal order.</li><li>• Having the prohibited person sign an affidavit stating that they have relinquished all firearms/ammunition in their possession and will not obtain any others for the duration of the Tribal order. The affidavit should describe the Tribal and federal consequences for possessing, purchasing or transferring firearms/ammunition for the duration of the Tribal order.</li></ul>	<ul style="list-style-type: none"><li>• Identifying who will receive a copy of the Tribal court order requiring the seizure of firearms and how the Tribal court can quickly transmit that order.</li><li>• Detailing how the protected party/victim will be notified of the imminent seizure of the firearms/ammunition and how victim information will be protected.</li><li>• Ensuring how the protected party/victim will be connected to Tribal victim services for safety planning.</li><li>• Developing a protocol for Tribal officer safety when executing the orders.</li><li>• Taking a copy of the court order to the prohibited person to ensure that proper service is complete before the seizure of firearms/ammunition.</li><li>• Letting the respondent know if the Tribal court has named specific weapons to be seized or surrendered.</li><li>• Developing a script for Tribal law enforcement officers to deliver upon arrival to let the prohibited person know that firearms/ammunition will be seized per Tribal court order.</li></ul>

## RELINQUISHMENT PRINCIPLES

### In cases of relinquishment:

- If third party transfer is a permissible means of relinquishment, a protocol for conducting a background check on the identified third party to ensure they have no prohibiting status.
- Providing the prohibited person with an information sheet describing how the firearms/ammunition will be stored and how they will be returned at the termination of the court order.
- Developing protocols if the prohibited person fails to relinquish firearms/ammunition or obtains new firearms/ammunition (who will handle violation: Tribal law enforcement, probation, prosecution, who will notify protected party/victim).
- Providing the protected party/victim with a referral to a Tribal victim services agency to ensure that the protected party/victim can do safety planning for the time of relinquishment.
- Developing protocols for how firearms/ammunition will be stored and returned upon the lifting of the prohibition (e.g., termination of Tribal protection order), including who in the agency will request a federal background check to ensure the person has no other statuses that prohibit them from taking possession of the firearm/ammunition.
- Providing the protected party/victim with a referral to a Tribal victim services agency to ensure that the protected party/victim can do safety planning for the time of relinquishment.
- Developing protocols for how firearms/ammunition will be stored and returned upon the lifting of the prohibition (e.g., termination of Tribal protection order), including who in the agency will request a federal background check to ensure the person has not other statuses that prohibit them from taking possession of the firearm/ammunition.

### In cases of seizure:

- Having the prohibited person sign an affidavit stating that they have relinquished all firearms/ammunition in their possession and will not obtain any others for the duration of the Tribal order or after the conviction. The affidavit should describe the Tribal and federal consequences for possessing, purchasing, or transferring firearms/ammunition for the duration of the order.
- Providing the prohibited person with an information sheet describing how the firearms/ammunition will be stored and how they will be returned at the termination of the Tribal court order.
- Developing protocols if the prohibited person fails to relinquish firearms/ammunition or obtains new firearms/ammunition (who will handle violation: Tribal court, Tribal law enforcement, probation, prosecution; who will notify protected party/victim).
- Developing protocols for how firearms/ammunition will be stored and returned upon the lifting of the prohibition (e.g., termination of Tribal protection order), including who in the agency will request a federal background check to ensure the person has no other statuses that prohibit them from taking possession of the firearms/ammunition. (See below in “Storage and Return.”)

Ensure training for all Tribal law enforcement personnel on the above procedures.

### TRIBAL PROSECUTORS

Develop a practice of requesting relinquishment orders with clear expectations for compliance, enforcing the orders in instances of non-compliance, and increasing victim safety by ensuring victims are informed of relinquishment orders and compliance. Protocols should include:

- Analyzing any applicable treaties relevant to firearm/ ammunition possession.
- Developing draft relinquishment orders to be provided to the court with the request that the court issue the order in appropriate cases. These orders should include:
  - Recording findings of actual or threatened violence that indicate future danger and the need for relinquishment of firearms/ammunition.
  - Citing relevant statute(s), including the implicated subsection if applicable, authorizing relinquishment of firearm/ammunitions (where a specific law does not exist, cite to the court’s catch-all authority (“and any other relief necessary to ensure the safety of the victim and others”).
  - Stating the nature and length of the prohibition (e.g., permanent because of conviction, for the duration of the bond order, etc.).
  - If the types of firearms/ammunition in the custody and control of the prohibited person are known to the prosecution, listing them by name in the order, followed by a catch-all phrase such as “and any other firearms or ammunition.”
  - Providing a timeframe for relinquishment (ideally within 24 hours), specifying the acceptable places to hand over firearms, and any applicable directives for handing over firearms/ammunition (e.g., firearms should be unloaded and placed in trunk of car, separately from ammunition and driven over to specified law enforcement agency).
  - Developing a protocol for making a record regarding the issuance of the relinquishment order and the timeline for compliance.
  - Ensuring the victim has the opportunity to provide the case prosecutor with information about firearms/ammunition in the defendant’s possession, custody or control.
  - Ensuring that victim information is protected.
  - Developing protocols for notifying the victim of the issuance of a Tribal relinquishment order, including the timeframe for compliance by relinquishment or the anticipated seizure.
  - Ensuring a practice of connecting victims with Tribal advocacy services (both within the prosecutor’s office and Tribal community-based) so they have an opportunity to engage in safety planning.
  - Developing protocols for notifying the victim of the relinquishment or seizure of firearms/ammunition from the prohibited person, or the prohibited person’s attestation they do not have custody or control of any firearms/ammunition, or of the prohibited person’s noncompliance with a relinquishment order. Ensure the victim has the opportunity to provide relevant information as to whether the firearms/ammunition relinquished/seized represents compliance with the order. Protect victim information regarding disclosure of information.

## RELINQUISHMENT PRINCIPLES

- Developing policies for what actions the applicable Tribal agency will take if the prohibited person fails to comply with a relinquishment order.(Tribal court, Tribal law enforcement, Tribal probation or other)
- Developing protocols to ensure all relevant records are entered into Tribal and federal databases.

Ensure that all Tribal prosecutors are trained as to when relinquishment orders should be sought and when and how to enforce them.

Additionally, Tribal prosecutors should consider developing a policy for affording limited immunity to defendants with respect to the relinquishment. This policy will increase retrieval of illegally possessed firearms/ammunition. It will also protect victims who provide information about firearms/ammunition in the custody and control of defendants.

## TRIBAL VICTIM ADVOCATES

Tribal victim advocates can provide crucial information for the firearms removal/relinquishment process such as:

- When desired by the victim/survivor, and with their voluntary consent, victim advocates can help law enforcement, civil attorneys, and prosecutors establish the nature of the relationship between the victim and the offender as required by the Tribal domestic violence-related firearm prohibitors.
- Identifying points along the relinquishment/removal timeline that pose the greatest dangers for victims and the Tribal community.
- Developing safety planning protocols for victims and others in the Tribal community to be used as the firearms removal/relinquishment process is carried out.
- Developing and carrying out Tribal focus groups to assess the needs of victims and the Tribal community.
- Assisting the Tribal justice system to develop good case management strategies for keeping the victim and other Tribal systems informed.

### TRIBAL PROBATION / PAROLE

Tribal probation and parole officers are charged with, among other things, ensuring offender compliance with Tribal court orders. As such, Tribal probation and parole officers can be an important partner in the firearm/ammunition relinquishment protocol. Tribal probation and parole agencies should consider:

- Developing policies for addressing an offender's prohibited status during the pre-sentence investigation (if pre-sentencing investigation is available). This should include notifying the prohibited person of their status and their obligation to relinquish firearms/ammunition and gathering information about firearms/ammunition in their possession, custody and control.
- Developing policies for the offender at their first meeting or intake with a Tribal probation officer that includes a review of:
  - Whether the offender is prohibited from possessing firearms/ammunition
  - Whether the offender understands the nature and length of that prohibition
  - Whether the offender needs assistance complying with a Tribal relinquishment order. This should also include a practice of ensuring that cohabitants of the offender do not possess firearms/ammunition in the shared home and are on notice that transferring a firearm to the offender could result in criminal penalties depending on the Tribal court order or Tribal law.
- Developing clearly stated notices for prohibited offender about the firearm /ammunition surrender process and potential penalties for failure to comply with a relinquishment order.
- Developing forms on which offender can attest to compliance with a Tribal relinquishment order, either by effectuating relinquishment or attesting no possession of firearms/ammunition.
- If third party transfer is a permissible means of relinquishment, developing a protocol for ensuring the third party is suitable to receive the prohibited person's firearms/ammunition. Include in the protocol notice to the third party of potential consequences for returning the firearm to the prohibited person while the prohibition remains in effect.
- Developing protocols for facilitating relinquishment to Tribal law enforcement.
- Ensuring all Tribal supervision officers are trained on domestic violence-related firearms/ammunitions prohibitions, relinquishment/removal protocols, and policies for supervision of prohibited persons.

Throughout all these processes, ensure that victim information is protected!

### STORAGE AND RETURN

To ensure that relinquishments or seizures are effective, explicit protocols should be developed for the storage of firearms/ammunition as well as the return of firearms/ammunition when the prohibition is lifted. Protocols should address the following:

- Where the firearms/ammunition will be stored (with Tribal law enforcement agency or third party if applicable).
- What memorandums of understanding or contracts will need to be developed to manage storage and return.
- What Tribal court orders are required to affect storage and to allow return.
- For Tribal law enforcement: whether relinquished/seized firearms/ammunition should be tagged as evidence for other cases.
- What the conditions are for returning firearms/ammunition to the prohibited person (termination of Tribal court order, modification or change of Tribal court order, completion of diversion, how the storage facility will know when firearms/ammunition can be returned, etc.).
- If and how the prohibited person can be notified that firearms/ammunition may be reclaimed.
- Who will request a federal background check to ensure the prohibited person does not have any other status that would prohibit them from reclaiming the firearms/ammunition.
- How the protected party/victim will be notified of the return of the firearms/ammunition.
- How the protected party/victim will be connected to Tribal victim services for safety planning.

# Fourth Principle: Institutionalizing the Work



Institutionalizing the work done to successfully implement firearms/ammunition relinquishment protocols is as important as developing those protocols in the first place. The new relinquishment system must be completely integrated into the permanent professional work done in the Tribal community.

## LEADERSHIP

Leadership is key to the success of creating safe and effective firearms/ammunition relinquishment protocols in cases of intimate partner violence. What we have learned over many years of providing training and technical assistance to jurisdictions across the country is that there is usually one person who undertakes the development of these protocols as a priority and convenes the other stakeholders. That individual's leadership, vision, and energy is crucial to keeping the momentum going so the jurisdiction can reach the finish line and continue providing safety in intimate partner violence cases. But the successful implementation of these protocols comes from dedicated partnership of all stakeholders. The leaders of every stakeholder group must be committed to developing and implementing an effective and consistent process. These leaders must demonstrate that commitment to their staff. Leaders can help ensure the policies and multidisciplinary efforts are institutionalized by identifying emerging leaders in their agency and involving them in the process. Each stakeholder agency should include consistent involvement from both agency leadership and general staff. Additionally, it is critical to loop in the Tribal governing body and to keep the Tribal community informed.

## INVESTING IN THE WORK

Unfortunately, staff turnover and funding for implementation of the final protocols are ever-present obstacles to continuing the work in the future. If possible, a permanent position could be created to keep momentum going. Funding this position might initially be obtained through federal grant monies; if this is unlikely, a part-time position might be created. The person in this position can be located in any of the following: the Tribal court system, a Tribal prosecutors' office, a Tribal law enforcement agency, a probation/parole agency, or a Tribal victim services program.

This position will be responsible for activities such as:

- Convening regular meetings of the Tribal task force addressing firearms in intimate partner cases to develop resources, track activities, and evaluate effectiveness of the relinquishment protocols.
- Providing training on and distributing protocols and resources needed to keep firearms/ammunition out of the hands of adjudicated offenders for all professionals doing work related to firearms/ammunition relinquishment.
- Maintaining and updating any protocols, as well as tracking changes in research and in Tribal or federal laws impacting firearms violence in intimate partner cases.
- Identifying obstacles to doing the work as they come up.
- Maintaining continuous communication with all related professionals.
- Writing grants and fundraising to support the work.

## RELINQUISHMENT PRINCIPLES

### LEVERAGING TRIBAL COURT AUTHORITY

Within these coordinated community responses, Tribal courts have unique authority to institutionalize the relinquishment/removal process. Tribal courts could, if not otherwise proscribed by Tribal statute, identify laws, court rules, and protocols that can support the successful relinquishment/removal of firearms/ammunition, such as:

- Developing or amending existing Tribal court rules that address relinquishment/removal orders in appropriate cases and requiring compliance with such orders.
- Ensuring, where possible, that Tribal court record information is available through Tribal and federal databases, such as NCIC and NICS.
- Developing forms, checklists, and standard Tribal court documents to ensure that firearms/ammunition relinquishment/removal is appropriately addressed in any relevant case. (See more in the Forms and Checklists section below.)
- Developing protocols for oversight and enforcement of relinquishment/removal orders.

### FORMS AND CHECKLIST EXAMPLES

One of the best ways to embed good practices around firearms relinquishment is to ensure that every professional doing this work has access to appropriate forms and checklists. This will provide consistency across the Tribal jurisdiction and integrate proven responses into regular practice.

Depending on the relinquishment/removal protocol chosen by the Tribal community, the following are examples of forms and checklists that should be developed by the applicable stakeholder agency.

#### Tribal Courts

- A checklist for Tribal judges presiding over domestic violence protection orders and/or criminal dockets that helps courts to identify each case in which they should be considering and/or ordering relinquishment/removal of firearms/ammunition, as well as the court procedure for doing so.
- Protection order, bond order, and other restraining order forms with checkboxes and pre-filled language regarding when relinquishment/removal is necessary. These forms can guide Tribal judges to insert relevant information (date for compliance, specific weapons to be turned in, etc.) when entering a relinquishment/removal provision. Forms such as these can also have a standard notice that the order activates the Tribal and/or federal firearms prohibition.
- A plain language notice to prohibited persons or those who are ordered to relinquish their firearms/ammunition, that clearly details their obligation to turn over the firearms/ammunition, how and to whom they can do so, the time by which the relinquishment/removal must take place, and how such persons can establish that they have complied. These forms should be available in multiple languages reflective of the Tribal community.
- A form to be used as an affidavit or sworn statement for those ordered to relinquish firearms/ammunition to provide to the Tribal court, indicating either that they relinquished all their firearms/ammunition (and have included a list of all firearms/ammunition relinquished and to whom), or an affidavit/sworn statement attesting that they are not in possession, custody or control of any prohibited firearms/ammunition.
- A notice of non-compliance to be provided to a prohibited person who does not comply with a relinquishment order that explains the potential penalties and collateral consequences.

### Tribal Law Enforcement

- An information resource regarding the relinquishment process for those ordered to relinquish firearms/ammunition, including the logistical details such as where to go, what condition the firearms/ammunition must be in, who is the designated person or agency to receive the firearms/ammunition, and any other relevant information. Information on this form should also be included about how the person may retrieve the relinquished items once the qualifying protection order terminates or expires. This information should be available in multiple languages reflective of the Tribal community.
- A form to document a descriptive list of the firearms/ammunition relinquished, when and how the items were received, and the order under which the person is relinquishing the items. The person relinquishing the items should be provided a copy, which may be used to establish their compliance with a relinquishment order, and a copy should be retained by the Tribal law enforcement agency.

### Tribal Law Enforcement

- A plain language form advising prohibited persons of their prohibited status and obligation to relinquish any firearms/ammunition in their possession, custody or control. This notice should clearly detail the process by which they can do so, as well as any assistance their probation/parole officer may be able to provide to facilitate compliance. These forms should be available in multiple languages reflective of the Tribal community.
- Written conditions of probation/parole that clearly state the person's obligation to no longer possess firearms and to refrain from attempting to obtain any other firearms/ammunition.

Each Tribal jurisdiction has unique needs, laws, and customs. Tribal communities will require unique protocols to ensure the proper relinquishment/removal of any prohibited person's firearms/ammunition in cases involving intimate partner violence. The above tools lay out a process that Tribal jurisdictions can use to determine the best way to move forward with their Tribal community. Centering the four principles of victim and Tribal community safety, coordinated community response, the development of comprehensive plans, and the institutionalization of those plans, every Tribal community has the opportunity to improve their protocols and increase the safety of survivors and Tribal community members.

# CLOSING

The National Resource Center on Domestic Violence and Firearms (NRCDFV) at the Battered Women's Justice Project (BWJP) is available to assist individual stakeholders and multidisciplinary teams and task forces in initiating, developing or improving relinquishment protocols that meet the needs of their communities. Visit [nrcdvf.org](http://nrcdvf.org) for more information or to contact us at [info@nrcdvf.org](mailto:info@nrcdvf.org) for training or technical assistance.

Tribal Law and Policy Institute (TLPI) is dedicated to providing free publication resources, comprehensive training, and technical assistance for Native nations and Tribal justice systems. Learn more, including how to contact TLPI, at [home.tlpi.org](http://home.tlpi.org).



# ENDNOTES

<sup>1</sup> Talton v. Mayes, 153 U.S. 376 (1896).

<sup>2</sup> Indian Civil Rights Act of 1968, 25 U.S.C. §1301 et seq.

<sup>3</sup> Santa Clara Pueblo v. Martinez, 436 U.S. 49, 72 (1978). held that tribes may interpret the ICRA and need not interpret the terms the same as the Bill of Rights.

<sup>4</sup> [U.S. Const. Second Amendment](#) (last visited Aug. 18, 2025).

<sup>5</sup> Note that each tribe must assess whether treaty rights applicable to a particular tribe might restrict Tribal authority on firearms to some extent.

<sup>6</sup> While treaty rights are recognized as the supreme law of the land under the U.S. Constitution, these rights are not absolute and may be subject to reasonable, nondiscriminatory Tribal regulations for the purpose of public safety. See U.S. v. Fox, 573 F.3d 1050 (10th Cir. Ct. App 2009). For more information on the types of gun-related laws tribes have enacted see Ann Tweedy, 78 Alb. L. Rev. 885 (2015) at [Indian Tribes and Gun Regulation: Should Tribes Exercise Their Sovereign Rights to Enact Gun Bans or Stand-Your-Ground Laws?](#)

<sup>7</sup> [VAWA 2022 Tribal title omnibus pages 847-862.pdf](#) (last visited Aug. 18, 2025)

<sup>8</sup> H.R. 2471-848, Title VIII, Safety for Indian Women, Section 801. (2022). See [VAWA 2022 | Tribal Law and Policy Institute](#), last visited Aug. 21, 2025.

<sup>9</sup> Linda E. Saltzman, et al. Weapon involvement and injury outcomes in family and intimate assaults. 267 JAMA 3043, 3047 (1992) (finding domestic violence incidents involving firearms are twelve times more likely to result in death than incidents involving other weapons or bodily force); Jacquelyn Campbell et al., Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study, 93 Am. J. Pub. Health 1089, 1092 (2003) (finding that that when a firearm was used in the Talton v. Mayes, 153 U.S. 376 (1896).

<sup>10</sup> Emma E. Fridel and James Alan Fox, Gender Differences in Patterns and Trends in U.S. Homicide, 1976-2017, 6 Violence and Gender 1, 27-36 (2019); Neil Websdale et al., The Domestic Violence Fatality Review Clearinghouse: Introduction To A New National Data System With a Focus On Firearms, 25 INJ EPI-DEMIOL. 6 (2019).

<sup>11</sup> Alex Nguyen and Kelly Drane, Gifford Law Center, [Gun Violence in American Indian Alaska Native Communities](#) (Feb. 24, 2025) Gun Violence in American Indian Alaska Native Communities (last visited Sept. 9, 2025).

<sup>12</sup> Alex Nguyen and Kelly Drane, Gifford Law Center, [Gun Violence in American Indian Alaska Native Communities](#) (Feb. 24, 2025) [Gun Violence in American Indian Alaska Native Communities](#) (last visited Sept. 9, 2025) citing [Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence in the U.S. \(2017\)](#) Last visited Aug. 21, 2025.

<sup>13</sup> See April M. Zeoli, et al., Analysis of the strength of legal firearms restrictions for perpetrators of domestic violence and their association with intimate partner homicide, 187 Amer. J. Epidemiology 11, 2365-2371 (2018) (An analysis of data for 45 U.S. states between 1980- 2013 demonstrated that domestic violence protection orders that require relinquishment of firearms is associated with a 12% reduction in intimate partner homicides and a prohibition on firearm access when subject to a domestic violence protection order that includes dating partners is associated with a 13% reduction in intimate partner homicides.)

<sup>14</sup> [nleomf.org/wp-content/uploads/2024/01/2023-EOY-Fatality-Report-FINAL.pdf](#)

<sup>15</sup> 18 USC 2265 (namely the Tribal protection order states that the Tribal court has subject matter jurisdiction, jurisdiction over the parties and the defendant has been provided due process according to Tribal law (notice and opportunity to be heard).

<sup>16</sup> 18 USC 2265(a).

<sup>17</sup> 18 USC 2266 (e).

<sup>18</sup> U.S. v. Lara, 541 U.S. 193 (2004).

<sup>19</sup> For more information on Special Tribal Criminal Jurisdiction see [Tribal VAWA](#).

<sup>20</sup> Violence Against Women Reauthorization Act, Title VIII, Safety for Indian Women, Sec. 813 (2022); P.L 117-103.

<sup>21</sup> A qualifying protection order in this toolkit refers to a protection order that meets the federal definition of a protection order at 18 USC 2266 and meets the requirements necessary to activate the full faith and credit mandate to enforce the protection order at 18 USC 2265.

<sup>22</sup> 18 U.S.C. 922(g)(9)).

<sup>23</sup> Note that each tribe must assess whether treaty rights applicable to a particular tribe might restrict Tribal authority on firearms to some extent.

<sup>24</sup> To learn more about the CCR model, BWJP's National Center on Reimagining Coordinated Community Response offers many educational and practical tools and to support your local work. See [bwjp.org/our-work/reimagining-coordinated-community-response](#). For a tribally-focused webinar on Tribal Coordinated Community Responses see [NIWRC and TLPI Presentation on Tribal Coordinated Community Response](#).

<sup>25</sup> Alex Nguyen and Kelly Drane, Giffords Law Center, Gun Violence in American Indian Alaska Native Communities, Feb. 24, 2025 at fn 30 noting The age-adjusted non-Hispanic AI/AN firearm homicide rate in 2019 was 6.42 per 100,000. In 2023 the rate was 8.53 per 100,000. Centers for Disease Control and Prevention, Wide-ranging Online Data for Epidemiologic Research (WONDER), "Underlying Cause of Death, 2018-2023, Single Race," last accessed February 4, 2025, [wonder.cdc.gov](#).

<sup>26</sup> Alex Nguyen and Kelly Drane, Giffords Law Center, Gun Violence in American Indian Alaska Native Communities, Feb. 24, 2025 at fn 35.