

Special Tribal Criminal Jurisdiction Sample Code



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CHAPTER 1: SPECIAL TRIBAL CRIMINAL JURISDICTION

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CAUTION: We generally do not recommend that Tribes rely on sample or model codes when drafting their own laws. Each Tribal government has distinct needs, and every Tribal community has its own values, traditions, and legal priorities that should be reflected in its laws.

That said, in response to specific requests, we are providing this sample code to illustrate one example of what a stand-alone VAWA 2022 implementation code could look like. We believe the hypothetical code below meets federal requirements and includes all necessary components for implementation of STCJ. The sample below is NOT the only way, or even the best way, to draft a VAWA 2022 compliant code.

Please note that this code contains policy choices that may not align with your community's values or legal framework—and that are not required by federal law. These decisions should be carefully reviewed and discussed. To support this process, we have included annotations highlighting key areas. We have also cross-referenced the forthcoming STCJ Tribal Code Drafting Resource for deeper analysis and guidance.

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SECTION 1. Purpose.

Domestic violence, sexual violence, child abuse, stalking, sex trafficking, and other violent crimes are serious crimes against society, the [TRIBE], and the family. Victims of crime deserve the maximum protection from further violence that the law, and those who enforce the law, can provide. Furthermore, the strength of the [TRIBE] is founded on healthy families, and the safety of community members, especially women and children, must be ensured by immediate intervention of law enforcement, prosecution, education, treatment, and other appropriate services when physical, sexual, psychological, and emotional violence occurs.

It is the intent of the [TRIBE] that the official response to crime in the community shall stress the enforcement of the laws to protect victims and to hold perpetrators accountable, which will, in turn, communicate the [TRIBE'S] values that criminal behavior will not be excused or tolerated. This in turn will promote healing of community members, families, and the [TRIBE] where possible, and promote cultural teachings and traditional [TRIBE] values so as to nurture nonviolence and respect within families and the community.

It is the [TRIBE]'s intention to assert its jurisdiction fully to protect its citizens and community. This includes prosecuting crimes that obstruct justice or are committed against the [TRIBE'S] justice system professionals. Such crimes threaten not only the health and welfare of the [TRIBE], but also its political integrity and economic security. This chapter shall be interpreted and applied to give it the broadest possible scope to carry out these purposes.

Section 1 Drafter's note:

This section is not required by federal law, but including it can be helpful. If there are cultural values or practices you would like to reference, they could be included here.

SECTION 2. EXERCISE OF SPECIAL TRIBAL CRIMINAL JURISDICTION

The [TRIBE] elects to exercise Special Tribal Criminal Jurisdiction over the Indian country [or Village] of the [TRIBE], under its inherent tribal sovereignty and in conformity as a “participating tribe” under 25 U.S.C. § 1304.

SECTION 3. SPECIAL TRIBAL CRIMINAL JURISDICTION.

“Special Tribal Criminal Jurisdiction” shall mean the criminal jurisdiction that the [TRIBE] may exercise under this Chapter, but, prior to the enactment of these provisions, was otherwise prevented from exercising under federal law.

Section 2 Drafter's note:

Your Tribal code likely defines the tribe's territorial jurisdiction somewhere and you may want to cross-reference that section here. For most Tribes in Alaska, this section would reference the Village or Alaska Native Village Statistical Area instead of Indian country.

The [TRIBE] may exercise Special Tribal Criminal Jurisdiction over all non-Indian persons for Covered Conduct, as defined in Section 6, that occurs within the [TRIBE's] Indian country [or Village].

No Special Tribal Criminal Jurisdiction may be exercised over an alleged offense if neither the defendant nor the victim is an Indian, except in prosecution of Covered Offenses set forth in Section 6(A)(1) [Assault of Tribal Justice Personnel] and (E) [Obstruction of Justice], in which case neither the defendant nor the victim are required to be an Indian.

SECTION 4. DEFINITIONS.

The following words have the meanings given below when used in this Chapter:

- A. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Assault of Tribal Justice Personnel” shall mean any violation of the law of the [INSERT TRIBE] that involves the use, attempted use, or threatened use of physical force against an individual authorized to act for, or on behalf of, the [TRIBE] or serving the [TRIBE] during, or because of, the performance or duties of that individual in—
 - 1) preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a Covered Offense;
 - 2) adjudicating, participating in the adjudication of, or supporting the adjudication of a Covered Offense;
 - 3) detaining, providing supervision for, or providing services for persons charged with a Covered Offense;
 - 4) incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a Covered Offense.
- B. “Child” shall mean a person who has not attained the lesser of—
 - 1) the age of 18; and
 - 2) except in the case of sexual abuse, the age specified by the criminal law of the [TRIBE].
- C. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Child Violence” shall mean any violation of the

Section 4 Drafter note: The definitions included in this section mirror the definitions in VAWA 2022. See Chapter 4 of the Code Drafting Manual for a discussion about different approaches Tribes have taken to incorporating these definitions into the tribal code.

law of the [TRIBE] that involves the use, threatened use, or attempted use of violence against a Child.

D. For purposes of this section, “violence” includes any act, or any failure to act where a duty is owed, by an individual that causes physical, psychological, sexual, or emotional harm to a child;

E. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Dating Violence” shall mean any violation of the law of the [TRIBE] that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

F. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Domestic Violence” shall mean any violation of the law of the [TRIBE] that is committed by

- 1) a current or former spouse or intimate partner of the victim;
- 2) a person with whom the victim shares a child in common;
- 3) a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner; or
- 4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the [TRIBE].

G. “Indian country” shall have the meaning given to the term in 18 U.S.C. §1151 [OR RELEVANT TRIBAL CODE SECTION].

H. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Obstruction of Justice” shall mean any violation of the law of the [TRIBE] that involves interfering or attempting to interfere with the administration or due process of the laws of the [TRIBE], including any Tribal civil

Section 4.D Drafter Note:

This language is not included in the federal definition, but is an attempt to define “violence” as it is used in VAWA 2022. For a discussion of this issue, see Chapter 5.4 of the Code Drafting Manual.

Drafter Not Section 4.H.:

The language “or attempting to interfere” is not included in the federal definition, and it is likely that attempts are covered regardless of whether this is added. Therefore, it is likely not necessary but you may want to consider including it.

or criminal proceeding or investigation of a criminal offense under the laws of the [TRIBE].

I. “Protective Orders” shall mean:

- 1) any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and
- 2) any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a pendent lite order in another proceeding, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

J. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Sex Trafficking” shall mean conduct within the meaning of 18 U.S.C. §1591(a).

K. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Sexual Violence” shall mean any violation of the law of the [TRIBE] that involves a nonconsensual sexual act or contact, or attempted act or contact, including in any case in which the victim lacks the capacity to consent to the act.

L. “Spouse or Intimate Partner” shall mean

- 1) a spouse or former spouse,
- 2) a person who shares a child in common, and
- 3) a person who cohabits or has cohabited as a spouse
- 4) a person who is or has been in a social relationship of a romantic or intimate nature, as determined by the length of the relationship, the type of relationship, and

Section 3.K Drafter note:

This language is not included in the federal definition, and it is likely that attempts are covered regardless of whether this is added. Therefore, it is likely not necessary but you may want to consider including it.

the frequency of interaction between the persons involved in the relationship;

- 5) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the [TRIBE] or the jurisdiction in which the incident occurred or where the victim resides.

M. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Stalking” shall mean a violation of the law of the [TRIBE] that involves engaging in a course of conduct at a specific person in violation of the laws of the [TRIBE] wherein a person engages in a course of conduct that would cause a reasonable person:

- 1) to fear for the person’s safety or the safety of others; or
- 2) to suffer substantial emotional distress.

N. For the purpose of establishing Special Tribal Criminal Jurisdiction, “Violation of a Protection Order” shall mean a violation of the law of the [TRIBE] that involves an act that:

- 1) occurs in the Indian country [or Village] of [TRIBE];
and
- 2) violates a provision of a Protective Order that—
 - i. prohibits or provides protection against violent or threatening acts or harassment against, Sexual Violence against, contact or communication with, or physical proximity to, another person;
 - ii. was issued against the Defendant;
 - iii. is enforceable by the [TRIBE]; and
 - iv. is consistent with 18 U.S.C. § 2265(b).

SECTION 5. NATURE OF SPECIAL TRIBAL CRIMINAL JURISDICTION.

The [TRIBE] may exercise Special Tribal Criminal Jurisdiction over all persons as prescribed for herein.

Nothing in this Chapter shall be construed to create any federal or state jurisdiction over Indian country.

Nothing herein shall be construed to waive the sovereign rights and immunities of the [TRIBE] or otherwise provide for any cause of action against the [TRIBE].

SECTION 6. COVERED OFFENSES.

A “Covered Offense” shall include:

1. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Assault of Tribal Justice Personnel. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];
2. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Child Violence. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];
3. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Dating Violence. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];
4. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Domestic Violence. This includes but is not limited to [LIST

Section 5 Drafter note:

This language is not required by federal law and is likely not necessary, but you may want to include it.

Section 6 Drafter note:

Not all Tribes have chosen to identify specific offenses that fit within each category. For a discussion about this choice, see Chapter 4 of the Code Drafting Manual.

Section 6.A 1 Drafter

note: For more information about each of the covered offense categories included here, see Chapter 5 of the Code Drafting Manual.

If your Tribe has a section or title of its code that outlines Criminal Offenses, you may want to reference it here and throughout this section.

TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];

5. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Obstruction of Justice. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];
6. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Sexual Violence. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];
7. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Sex Trafficking. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];
8. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Stalking. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED]; and
9. Any offense included in the criminal laws of the [TRIBE] that could be charged against an individual for conduct involving Violation of a Protection Order. This includes but is not limited to [LIST TRIBAL CRIMINAL OFFENSES THAT YOU WANT TO BE SURE ARE INCLUDED];

SECTION 7. Defendants Rights Applicable.

It is the policy of [TRIBE] to provide all defendants the full protection of the laws. Therefore, in all proceedings in which the [TRIBE] is exercising Special Tribal Criminal Jurisdiction, all defendant rights required by 25 USC 1304 (d) and afforded herein shall apply. These rights include the following:

- A. Rights of the Defendant. In all criminal proceedings, the defendant shall have the following rights:
 - B. To be free from excessive bail and cruel punishment;
 - C. To be informed of the nature of the charges pending against him or her and to have a copy of those charges;
 - D. To confront and cross-examine all prosecution or hostile witnesses;
 - E. To compel by subpoena the attendance of any witnesses necessary to defend against the charges;
 - F. To have a speedy and public trial by Judge or a jury, unless the right to a speedy trial is waived or the right to a jury trial is waived in writing by the defendant;
 - G. To appeal any final decision of the Tribal Court to the Tribal Court of Appeals;
 - H. To not be twice put in jeopardy for the same offense;
 - I. Not to be required to testify, and no inference may be drawn from a defendant's exercise of the right not to testify; and
 - J. Right to Counsel.
 - 1. All defendants subject to Special Tribal Criminal Jurisdiction, if a term of imprisonment of any length may be imposed, have the right to effective assistance of counsel meeting the requirements of 25 U.S.C. 1302 .
 - 2. An indigent defendant, if a term of imprisonment of any length may be imposed, shall be provided the assistance of a defense attorney meeting the requirements of 25 U.S.C. 1302 at the expense of the tribal government.

Section 7.J.2 Drafter

note: This is drafted so that all indigent defendants will be provided an attorney by the Tribe. You may want to do this another way. See Chapter 7 of the Code Drafting Manual for discussion.

K. Right to Jury Trial. A defendant subject to Special Tribal Criminal Jurisdiction has a right to a trial by jury of six fair and impartial jurors drawn from the community. A defendant may waive the right to a jury trial in a written, voluntary statement to the Court. All jury verdicts must be unanimous.

L. Jury Pool. A list of eligible jurors shall be prepared by the Court. The eligible juror list shall be updated from time to time. It shall reflect a fair cross-section of the community, and not systematically exclude any distinctive group in the community, including non-Indians. The Court shall provide for the selection of names of persons eligible for service as jurors. Jurors shall be 18 years of age or older and, notwithstanding any other law of the [TRIBE] or any of its agencies, shall be chosen from the following classes of persons:

1. Tribal members living on or near the Tribe's [lands/Indian country/Alaska Native Village Statistical Area];
2. Residents of the Tribe's [lands/Indian country/Alaska Native Village Statistical Area];
3. Employees of the [TRIBE] or any of its enterprises, agencies, subdivisions, or instrumentalities who have been employed by the [TRIBE] for at least one continuous year prior to being called as a juror; and
4. Any other spouse of a tribal member who registers for jury service.

[Any other groups you identify as members of your community].

M. To have a judge presiding over the criminal proceeding:

1. Who has sufficient legal training to preside over criminal proceedings; and
2. Who is licensed to practice law in any jurisdiction in the United States;

Section 7.L Drafter

note: Your tribe may want to include different groups in the jury pool. See Chapter 10 for discussion about what is required.

N. Writ of Habeas Corpus.

1. Availability of Writ in Tribal Court

- i. Except as provided in subsection ii below, every person within the jurisdiction of the [TRIBE] imprisoned or otherwise restrained of liberty may prosecute a writ of habeas corpus to inquire into the cause of imprisonment or restraint and, if illegal, to be delivered from imprisonment or restraint.
- ii. The writ of habeas corpus is not available to attack the validity of the conviction or sentence of a person who has been adjudged guilty of an offense by a court of competent jurisdiction and has exhausted the remedy of appeal, nor is it available to attack the legality of an order revoking a suspended or deferred sentence. Moreover, a person may not be released on a writ of habeas corpus due to any technical defect in commitment not affecting the person's substantial rights.
- iii. When a person is imprisoned or detained in custody by the [TRIBE] on any criminal charge for want of bail, such person is entitled to a writ of habeas corpus for the purpose of giving bail upon averring that fact in his petition, without alleging that he is illegally confined.

2. Issuance of Writ.

- i. Application for a writ of habeas corpus is made by petition signed either by the party for whose relief it is intended or by some person on the petitioner's behalf, and must be filed with the Clerk of the Court. It must specify:
 - a) That the petitioner is unlawfully imprisoned or restrained of liberty;
 - b) Why the imprisonment or restraint is unlawful; and

Section 7.N Drafter

note: Providing for a writ of habeas corpus in tribal court is not a requirement of federal law, but may be a good idea. See chapter 11 for discussion.

c) Where or by whom the petitioner is confined or restrained.

ii. The parties to a writ, namely the Prosecutor, Chief Judge of the Tribal Court, and the Chief of Police, must be named. All parties must be named if they are known or otherwise described so that they may be identified.

iii. The petition must be verified by the oath or affirmation or declaration under penalty of perjury that the contents of the declaration are true to the best of the declarant's belief of the party making the application.

3. Granting of the Writ. Any Justice of the Tribal Court of Appeals may grant a writ of habeas corpus upon petition by or on behalf of any person restrained of liberty within the Justice's jurisdiction. If it appears to such Justice that a writ ought to issue, it shall be granted without delay, and may be made returnable to the Court of Appeals.

4. Time of Issuance and Requirements for Service.

i. A writ of habeas corpus or any associated process may be issued and served on any day at any time. The writ should be served on the Tribal Prosecutor and Chief Judge of the Trial Court.

ii. The writ must be served upon the person to whom it is directed. If the writ is directed to a Tribal agency or employee, a copy of the writ must be served upon the Tribal Prosecutor.

iii. The writ must be served by a Tribal Police Officer, or any other person directed to do so by the Justice or the Court, in the same manner as a civil summons, except where otherwise expressly directed by the Justice, the Court, or the employee of any correctional facility in which the petitioner is held.

5. **Return of the Writ.** The Prosecutor or his or her designee shall make a return and state in that return:

- i. Whether the person is in custody or under that person's power of restraint; and
- ii. If the person is in custody or otherwise restrained, the authority for and cause of the custody or restraint; or
- iii. If the person has been transferred to the custody of or otherwise restrained by another to whom the party was transferred, the time and place of the transfer, the reason for the transfer, and the authority under which the transfer took place.

The return must be signed and verified by affirmation.

6. **Hearing.** The prosecutor/police/jailer (Chief Judge) commanded by the writ shall cause the petitioner to be brought before the Court as commanded by the writ unless the petitioner cannot be brought before the Court without danger to the petitioner's health. Sickness or infirmity must be confirmed. If the Court is satisfied with the truth of the writing, the Court may proceed and dispose of the case as if the petitioner were present or the hearing may be postponed until the petitioner is present. Any law enforcement officer may bring the person as directed. Unless the Court postpones the hearing for reasons of the petitioner's health, the Court shall immediately proceed to hear and examine the return. The hearing may be summary in nature. Evidence may be produced and compelled as provided

by the laws governing criminal procedures and evidence.

7. Refusal to Obey Writ Is Contempt. If the person commanded by the writ refuses to obey, that person must be adjudged to be in contempt.
8. Disposition of Petitioner. If the Court finds in favor of the petitioner, an appropriate order must be entered with respect to the judgment or sentence in the former proceeding and any supplementary orders as to reassignment, retrial, custody, bail, or discharge as may be necessary and proper. If the Court finds for the prosecution, the petitioner must be returned to the custody of the person to whom the writ was directed.
9. Right to a Speedy and Public Trial. A defendant not released from jail pending trial shall be brought to trial not later than [X] days after the date of arraignment. A defendant released from jail, whether or not subjected to conditions of release pending trial, shall be brought to trial not later than [X] days after the date of arraignment. The court can extend the trial date applicable under this section for good cause shown.

SECTION 8. DEFENDANT'S RIGHT TO FEDERAL HABEAS CORPUS RELIEF.

- A. At the Initial Appearance, the Court shall provide the Defendant with written notification of his rights under 25 USC 1303 and 1304 including his right:
 1. to file in a court of the United States a petition for a writ of habeas corpus under 25 U.S.C. § 1303; and
 2. to petition the Court to stay further detention pending determination of a habeas corpus petition in a court of the United States.

SECTION 9. Victims Rights

A. If you are the victim of a crime of domestic violence you have the right to go to the Tribal Court and file a petition requesting any of the following orders for relief:

1. An order restraining your attacker from contacting you or your children;
2. An order directing your attacker to leave your household;
3. An order preventing your attacker from entering your residence, school, business or place of employment;
4. An order awarding you or the other parent temporary custody of a minor child or children;
5. An order directing the party not granted custody to pay support of minor children. You can obtain a copy of the officer's report at no cost to you. You also have the right to obtain a protection order in state court. The forms you need to obtain an order for protection can be obtained from the Clerk of the Court; or
6. An order to restrain the defendant from contacting the victim with any and all electronic communication via social media, cell phone voice, voicemail, text, and other related technology.

B. Generally, any victim of a crime that has been filed in Court that directly or indirectly involves domestic abuse, sexual assault, stalking, or dating violence, has the following rights:

1. The right to be reasonably protected from intimidation, harassment, and abuse, throughout the criminal justice process;
2. The right to reasonable, accurate, and timely notice of any Court proceeding, or any probation proceeding, involving the crime or of any release or escape of the accused;
3. The right to not be excluded from any such Court proceeding, unless the Court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding;

Section 9 Drafter Note:

This is not required by federal law, but is important. You may already have these rights established elsewhere in your code. For more information about drafting a tribal crime victims rights code, see [TLPI's Condensed Guide for Drafting Tribal Victim's Rights Codes](#) and Chapter 12 of the Manual.

4. The right to be reasonably heard at any public proceeding in the Court involving release, plea, sentencing, or any probation proceeding;
5. The right, within reason, to confer with the prosecuting attorney in the case;
6. The right to proceedings free from unreasonable delay;
7. The right to be treated with fairness and with respect for the victim's dignity and privacy;
8. The right to prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law;
9. The right to refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents;
10. The right to the prompt return of property when no longer needed for the prosecution of the case;
11. The right to be notified whether or not criminal charges will be filed;
12. The right to have access to a domestic violence advocate, and for that access to be strictly confidential; and
13. The right to appoint a lawful representative should the victim be physically or emotionally unable to exercise any right listed in this section. The representative must not be a witness in the case. The victim may revoke this designation at any time.

SECTION 10. Fees, costs, and expenses.

Upon conviction, a Defendant shall be required to pay all incarceration fees, Court costs, restitution, counseling costs, class fees, treatment program fees or any other fees or costs associated with the case, or as otherwise ordered by the Court.

SECTION 11. Severability.

If any part, or parts, or the application of any part of this chapter is held invalid, such holding shall not affect the validity of the remaining parts of this chapter. The [Tribal Council] hereby declares that it would have passed the remaining parts of this chapter even if it had known that such part or parts or application of any part thereof would be declared invalid. .

SECTION 12. Savings Clause.

This chapter takes effect on the date approved by the [Tribal Council] and does not extinguish or modify any civil or criminal liability or enforcement of such penalty or forfeiture that existed on or prior to the effective date of this chapter and such code shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such civil or criminal action, enforcement of any penalty, forfeiture or liability.

Section 10 Drafter

note: This may already be addressed in your code more generally. This is not required by federal law.

Section 11 Drafter

note: This is not required by federal law, but is helpful to include.

Section 12 Drafter

note: This is not required by federal law, but is helpful to include.