Department of Justice

STATEMENT

OF

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BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

CONCERNING

OVERSIGHT OF PRESIDENT'S FY 2008 BUDGET REQUEST
FOR TRIBAL PROGRAMS

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WRITTEN TESTIMONY FOR REGINA B. SCHOFIELD
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SENATE INDIAN AFFAIRS COMMITTEE
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Chairman Dorgan, Vice-Chairman Thomas, and Members of the Committee: The Department of Justice appreciates the opportunity to testify before the Committee regarding the Department's proposed Fiscal Year 2008 budget priorities for Indian country. As the Committee is aware, and as we at the Justice Department know as well, the needs of Indian tribal governments in combating crime and violence continue to be great. The President and the Attorney General remain committed to addressing the most serious law enforcement problems in Indian country, including substance abuse, domestic violence, and other violent crimes, and to ensuring that federally recognized Indian tribes are full partners in this effort.

My name is Regina B. Schofield, and I am the Assistant Attorney General for the Office of Justice Programs (OJP). One of my highest priorities is strengthening the relationship between tribes and the federal government. It's an opportunity that I am privileged to have, because OJP plays a critical role in combating crime in Indian country.

OJP, the Department of Justice's Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) continue to be the Department's primary resources for funding and other assistance in Indian country. Through these offices, the Department identifies emerging criminal and juvenile justice system issues, develops new ideas and tests promising approaches, evaluates program results, collects statistics, and disseminates these findings and other information to federal, state, and local units of government, tribal communities, and criminal justice professionals. DOJ works to prevent and control crime and

help crime victims by providing funding to and assisting federally recognized Indian tribes, state and local governments, law enforcement, prosecutors, courts, corrections, and other service providers. OJP, OVW, and COPS continue their specific support to federally recognized Indian tribes and Alaskan Native Villages and Corporations by providing grants to support innovative approaches to breaking the cycle of drugs, delinquency, crime and violence, and through technical assistance and training to provide tribal leaders with the knowledge and skills required to address these issues.

One of my primary goals at OJP is strengthening communication with tribes. Too often tribal government officials, law enforcement and others who work on criminal justice issues find it difficult to locate information about grants, training, and other types of assistance that may be available to them.

Last November the Department of Justice launched a new Web site created specifically for Indian country – *www.tribaljusticeandsafety.gov*. The Web site serves as a comprehensive resource, featuring information on law enforcement, corrections, crime victim issues, juvenile justice, and civil rights. It also provides information on grants, training, technical assistance and conferences that can be of help to tribal communities, federal agencies and the general public.

The new Web site is one of many areas in which DOJ is reaching out to tribal governments. In 2005, I established a Justice Programs Council on Native American Affairs. The council coordinates OJP's efforts on behalf of tribes and serves as a liaison with other Department of Justice components on tribal issues. We want to find out how we can better serve tribal communities, how we can get information to them more quickly, how we can provide them with better training, and how we can make sure our funding resources respond to their needs. Last month I expanded the Council membership to include all senior level OJP leadership and

representatives from other Department of Justice offices and agencies. During our most recent meeting held January 29, 2007, we established several workgroups to respond to OJP's Strategic Plan for 2007-2012 and tribal leaders' priorities:

1) Tribal Justice & Safety Web Team/Tribal Education & Outreach Workgroup

2) IT Capacity Building/Information Sharing Workgroup

3) Tribal Grants Policy Workgroup

3) Tribal Youth Initiatives Workgroup

4) Tribal Economic/Codes Development Workgroup

5) OJP Federal Workforce Education Program on American Indian and Alaska Natives Workgroup

These workgroups are increasing our responsiveness to tribal concerns by improving management and efficiency.

I have met with numerous tribal delegations to hear tribal leader concerns and issues, expand existing relationships to OJP, and create new partnerships with tribal leaders on tribal justice and safety issues for Native communities. In October 2006, I convened a tribal leader roundtable meeting in conjunction with the National Congress of American Indians. I will continue to meet with tribal leaders and visit tribal communities. It is essential that they know that my door is always open.

One of the many challenges that federally recognized Indian tribes and Alaskan Native Villages and Corporations face is building their capacity to strengthen their law enforcement and criminal justice systems. As the Committee is aware, methamphetamine abuse is a growing problem in tribal communities. With the proximity of some tribal lands to international borders, tribal communities have been targeted by meth traffickers. OJP has been providing

methamphetamine investigation training for law enforcement, including tribal law enforcement, for many years. The training has been delivered by the Center for Task Force Training (CenTF), an OJP grantee that is supported by the National Narcotics Officers' Association.

Last year OJP developed a new methamphetamine investigation training specifically tailored to tribal law enforcement. This new course will provide tribal law enforcement what they need to know to conduct successful and safe methamphetamine investigations. We expect that, by the end of March 2008, several hundred tribal law enforcement officers will receive training through this initiative.

Also last year, OJP launched a National Drug Endangered Children Resource Center, which will provide critical information to the federal government, tribal governments, states, and local communities on how to best help children hurt by drugs, including methamphetamine. This effort will help drug enforcement officers and child welfare workers aid children found in environments where drugs are manufactured, sold, or used. The Resource Center will also raise awareness of these children's needs and provide a forum for leading experts and researchers to propose solutions. We hope that the Resource Center will also be a useful tool for tribal communities, especially in areas with methamphetamine problems.

Another way to build capacity is to improve tribes' ability to share information. Our Bureau of Justice Statistics (BJS) found that less than ten percent of tribal criminal justice agencies are electronically linked within their jurisdictions. This makes it very difficult for tribal law enforcement to be an effective part of a national intelligence network. Through the Global Justice Information Sharing Initiative, tribal, federal, state, local, and international organizations have worked together to overcome the barriers to justice information sharing. Tribal representatives have been an important part of these efforts.

This spring in Albuquerque, we held a training conference for tribal officials to address information sharing in Indian country. The conference discussed promising tribal information sharing initiatives. We talked about national standards on justice information sharing. We worked toward strengthening tribal capacity to collect, manage, and analyze crime data.

I am constantly striving to improve our training and technical assistance efforts. OJP recently established a Strategic Planning and Action Committee (StratPAC) to identify ways to improve the efficiency and effectiveness of these efforts. One of the first issues that StratPAC will address is enhancing tribal training and technical assistance efforts.

Child abuse and child sexual assault, though not unique to Indian country, is a particularly serious problem in that community. Our Office for Victims of Crime (OVC) helps tribes build their capacity to handle serious child abuse and child sexual assault cases through the Children's Justice Act (CJA) Partnerships for Indian Communities Discretionary Grant Program. The program has helped tribes make numerous systemic improvements in the handling of child abuse cases. The CJA grant program has made a difference by helping tribes improve the investigation and prosecution of child abuse cases; reduce the burden and trauma to child abuse victims; revise tribal codes and procedures to better address child sexual abuse; adopt culturally sensitive services and practices into the handling of child abuse cases; and hire specialized staff to handle these cases. Since 1989, OVC has awarded more than $14,566,421 to approximately 231 tribes and nonprofit tribal agencies through this program. We are requesting $3 million for this program in Fiscal Year 2008, which maintains the current funding level.

OVC also supports efforts to help crime victims in Indian country through its Tribal Victim Assistance (TVA) Discretionary Grant Program. TVA funds programs that help tribal victims of many different types of crimes, including child abuse, DUI, and gang violence. These

programs provide assistance such as counseling, referrals, emergency services, court accompaniment, and help in obtaining victim compensation. TVA is supported through the Crime Victims Fund, which obtains money from federal criminal fines, forfeited bail bonds, penalty fees, and special assessments.

Another DOJ effort in helping reduce and prevent crimes against children is the Dru Sjodin National Sex Offender Public Web Site, which was instituted by Attorney General Gonzales in May 2005. The site provides real-time access to public sex offender data nationwide with a single Internet search. It allows parents and concerned citizens to search existing public state and territory sex offender registries beyond their own localities. Currently all 50 states, the District of Columbia, and two territories are linked to the site. We are continuing to explore ways to help tribal governments that want to participate become part of the effort.

As the Committee is aware, the Adam Walsh Child Protection and Safety Act of 2006, established new sex offender registration requirements. Earlier laws did not include sex offenders convicted in tribal courts or those entering tribal lands following a conviction elsewhere. Some sex offenders considered tribal reservations to be safe havens. Through the tools provided by the Adam Walsh Act, we are working with tribes to change this. Under the Act, tribes can either take on the responsibility for sex offender registration themselves or delegate this responsibility to the state. This process will not be easy, but we will provide tribes with the guidance and training to make it work.

I also want to make you aware of another initiative I am privileged to lead. As the National AMBER Alert Coordinator, I am exploring ways to raise awareness about the AMBER Alert program for residents in Indian country. (The AMBER Alert program is the nation's first

early warning system for missing and abducted children who are presumed to be in imminent danger.)

Key federal, state, and private sector individuals have begun implementing ways to bring AMBER Alert training to Native American law enforcement personnel and their respective tribal communities. In addition, the Bureau of Indian Affairs, Office of Justice Services at the Department of the Interior is now represented on the AMBER Alert Working Group. We held the most recent AMBER Alert National Conference in Albuquerque, New Mexico last July. Albuquerque was selected in order to facilitate a related meeting that brought together various tribal representatives to discuss issues relating to AMBER Alert and missing children within tribal government jurisdiction.

We also recognize the need for improved research on crime in Indian Country, including what sort of programs are most effective in combating violence and substance abuse. Our National Institute of Justice (NIJ) is developing a National Tribal Crime & Justice Research and Evaluation Agenda. NIJ has several tribal research projects underway, including an evaluation of the Tribal Victim Assistance Program and a review of larger issues of criminal justice administration in Indian Country.

The President's proposed Fiscal Year 2008 Budget creates new competitive grant programs that will provide states, localities, and Indian tribes with considerable flexibility to address their most critical needs. Many of our current state and local law enforcement will be consolidated into the Byrne Public Safety and Protection Program. States, local governments and tribal governments would be able to use Byrne funds for purposes such as comprehensive gun and gang violence programs; drug enforcement and treatment; improved law enforcement information sharing; enhanced use of DNA evidence; combating domestic trafficking in persons;

expanding prisoner re-entry initiatives; and improving services for crime victims. We are requesting $350 million for this program in Fiscal Year 2008.

Another new initiative would be the Violent Crime Reduction Partnership Program. This will help communities suffering from high rates of violent crime form law task forces including local state, tribal and federal agencies. We are requesting $200 million for this program in Fiscal Year 2008.

We also propose consolidating many of our juvenile justice and child victimization programs into a new Child Safety and Juvenile Justice Program. This will assist states, local governments and tribal governments in reducing child exploitation and abuse; strengthening juvenile justice systems; and bolstering school safety efforts. We are requesting $280 million for this program in Fiscal Year 2008.

I pledge to this Committee that OJP will work diligently to ensure that tribes have the information and develop the capacity they need to apply for funding under these new programs.

The Department also recognizes the importance of addressing domestic violence in Indian country where victims often lack the basic resources necessary to access services, such as phones and transportation. There are also complex jurisdictional difficulties, which vary from state to state. For example, just determining who the responding law enforcement agency should be in a violent situation can often be problematic and hinder appropriate response.

In Fiscal Year 2006, the Department's Office on Violence Against Women (OVW) provided funding to 85 tribal grantees for a total of $28.3 million. The President's Fiscal Year 2008 Budget requests a grand total of $370 million for OVW grant programs. In the past, tribal governments and tribal organizations had to submit separate applications to obtain money from each OVW program. For FY 2008, the Department has proposed a major grants consolidation

including a single, competitive OVW grant program – eliminating formulas. Under the new proposal only one application will be necessary. As tribal applicants often lack the infrastructure to apply for funding successfully under all of the available grant programs, these changes make funds more accessible to these grantees.

OVW tribal grantees are reporting that VAWA funds are helping to make significant changes in the response to violence against Indian women. Grantees are reporting successes such as increased accountability for offenders; increased safety for victims; collaboration between criminal justice and victim services; enhanced training for criminal justice personnel; and heightened awareness of domestic violence, sexual assault, and stalking.

This fiscal year, I launched a series of four national Tribal Justice and Safety Training & Technical Assistance Sessions designed to enhance tribal capacity and grants management. Our first session held in December 2006 was well attended, and next month our second session is planned to encompass even more, including a tribal consultation forum. I am pleased that the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (HHS, SAMHSA), has joined me in this important partnership for all four sessions. I am also pleased that for our second session in March, we are now joined by the Department of the Interior, Bureau of Indian Affairs (DOI, BIA). We are pleased to be working with two other federal departments to serve Native communities.

In addition to the grant programs administered by the Department of Justice, we also strive to fulfill our statutory responsibilities to Indian country through the provision of direct services. These services are not generally represented in a specific Indian country line item, but are included in the general litigation activities of the Department.

For example, the Office of Tribal Justice (OTJ) provides a single point of contact within the Department for meeting the broad and complex federal responsibilities to federally recognized Indian tribes. Currently, the majority of the staff at OTJ are American Indian, all of whom have lived and worked in Indian country. As the Department's primary liaison with tribal governments, OTJ staff travel to Indian reservations and communities and serve as a point of coordination, repository of both legal and practical knowledge, and source of information about Indian country for the Department.

Finally, one of the most important duties of the Department is the prosecution of federal crimes in Indian country. The Major Crimes Act (18 U.S.C. § 1153) and other statutes create federal criminal jurisdiction over most felonies committed on tribal lands in over 20 federal judicial districts. There are over 560 federally recognized Indian tribes in the United States that, together, control about 56 million acres of land and have a tribal membership population of about two million people. Moreover, as you know, American Indians suffer the highest rates of violent crime victimization in the United States. Federal felony criminal jurisdiction in Indian country is usually exclusive because tribal court jurisdiction is limited to misdemeanors (25 U.S.C. § 1302(7)) and in most districts, state jurisdiction arises only in certain limited circumstances.

Responsibility for prosecuting federal cases in Indian country falls on the United States Attorneys. The U.S. Attorneys work through local task forces to address the needs of Indian country law enforcement on pressing issues such as gang violence, drug, and gun crimes. In Fiscal Year 2006, U.S. Attorneys' offices filed 606 cases pertaining to violent crime in Indian country. These offenses included homicides, rapes, aggravated assaults, and child sexual abuse. Several U.S. Attorneys' offices have formed task forces to investigate and prosecute crimes related to tribal casinos.

The Attorney General's Advisory Committee - Native American Issues Subcommittee (NAIS), consists of 24 U.S. Attorneys who have significant portions of Indian country in their respective districts. The NAIS as a group is also actively working to ensure that the law enforcement needs of Indian country are met. Members of the NAIS frequently consult with tribes on law enforcement and prosecution issues. They have also arranged training for U.S. Attorneys and their staffs to learn more about tribes in their districts.

In May 2002, the NAIS set forth its current priorities, which are: 1) homeland and border security (including international border issues and protection of critical infrastructure); 2) violent crime (including drugs, guns, domestic violence, child abuse, and sexual abuse); 3) crime involving gaming and other tribal enterprises; 4) white collar crime; and 5) resolution of jurisdictional disputes. Since setting these priorities, the NAIS has met to address terrorism and homeland security issues and problems related to gang, drug, and gun crime in Indian country, as well as to discuss the integrity of Indian gaming, the enhancement of law enforcement resources, and the problem of methamphetamine use in Indian country.

The Justice Department coordinates, to the extent possible, with other relevant federal agencies, including the Bureau of Indian Affairs (BIA) Office of Justice Services. For example, the Department assigned an experienced administrator from the Bureau of Prisons to assist BIA in developing strategies to improve detention services in Indian country. The FBI also works with other federal agencies, including BIA, on the Indian Gaming Working Group (IGWG), which addresses the most serious Indian gaming cases. The IGWG has provided financial resources, personnel, and other assistance for several Indian gaming investigations.

The Administration wants to make sure that government programs work well for the American people. Last year, to ensure greater government transparency and accountability, the

Administration launched a new Web site, *ExpectMore.com*. The site includes information on what programs are working, what programs need improvement, and the Program Assessment Rating Tool.

Mr. Chairman, Attorney General Gonzales has pledged to honor our statutory duties and to work with sovereign Indian Nations on a government-to-government basis. The Attorney General and the entire Justice Department will honor this commitment and continue to assist tribal justice systems in their effort to promote safe communities. We also recognize that the most effective solutions to the problems facing tribes come from the tribes themselves, and that our role is to help them develop and implement their own law enforcement and criminal justice strategies. We are confident that our current activities and our Fiscal Year 2008 proposed budget reflect these priorities. This concludes my statement Mr. Chairman. I would welcome the opportunity to answer any questions you or Members of the Committee may have. Thank you.