

**Transcript for the “Virtual Consultation Session to Identify FY 2019 Tribal Priorities”
Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice
Tuesday, March 26, 2019
12:00 – 2:00 p.m. ET**

Coordinator: Welcome to the Bureau of Justice Assistance (BJA) Tribal Virtual Listening Session. Thank you all for joining us today. We will begin today’s session with a traditional opening. I will turn it over to BJA Senior Tribal Advisor, Norena Henry, to get us started.

Norena Henry: Thank you. My name is Norena Henry. I serve as a Senior Tribal Advisor in the Bureau of Justice Assistance in the Office of Justice Programs (OJP) at the U.S. Department of Justice (DOJ). I am Navajo and of the Water Edge people, born from the Many Hogan people. It is my great privilege to welcome you to this Bureau of Justice Assistance Virtual Listening Session.

It is my pleasure to introduce Dr. Juana Majel-Dixon, a member of the Pauma Band of Luiseño Indians.

Juana Majel-Dixon: Hello. This is Juana, can you hear me? Can you hear me? Hello?

Norena Henry: Hi Juana, I’m Norena Henry.

Juana Majel-Dixon: Oh good. It’s good that I can hear you.

I’d like for you to prepare yourself in your own way, as you know we come from many directions. What we will do is I ask (Speaking in Native language).

I ask the Creator, come and be with us. (Speaking in Native language.)

I sit here on the Western Door with my people. (Speaking in Native language.)

That we also know that we come in a good way with a good heart, and that we come to a house of learning. (Speaking in Native language.)

That we know that we learn these things in a good way so that we can share with our people. (Speaking in Native language.)

That we also come from the four directions. The West, the East, the North, the South. That we give these words, and we give breath to them, to remind ourselves

they no longer belong to us. They belong to the people. (Speaking in Native language.)

In our house, we think. In our home, we hold each other in a sacred manner. (Speaking in Native language.)

OK, Julie.

Norena Henry: Thank you, Dr. Juana Majel. So again, my name is Norena Henry, Senior Tribal Advisor in the Bureau of Justice Assistance, known as BJA.

I'd like to take a moment to introduce my BJA colleagues who are participating in today's session. They are: Jon Adler, Director, Bureau of Justice Assistance; Ruby Qazilbash, the Associate Deputy Director for Policy; A. Elizabeth "Betsi" Griffith, Associate Deputy Director for Policy; Michael Dever, Chief, or Current Division Chief for Programs; Julius Dupree, Policy Advisor.

The purpose for today's virtual listening session, is to gather the views of tribal stakeholders in order to inform BJA's federal-tribal partnership and grant-making priorities for fiscal year (FY) 2019. Specifically, we seek priorities and needs from you to build our agenda.

Before we begin the facilitated listening session, there will be a brief presentation starting with welcoming remarks, overview of the BJA tribal program funding, fiscal year 2019 tribal funding, and questions for the listening session. After the listening session, BJA Tribal Justice Team members will respond to a listening session. Then our session will end with closing remarks and a traditional closing.

Good morning, and good afternoon, ladies and gentlemen. I would like to introduce to you Jon Adler, the Director of BJA. For more than 26 years, Jon has served as a professional volunteer in law enforcement; and served as the chief firearms and tactical training instructor for the United States Attorney's Office, Southern District of New York; and a main criminal investigator. A volunteer law enforcement leader who served as the president of the Federal Law Enforcement Officers Association, and subsequently, as the president of this foundation. Jon led two of the largest professional associations, representing federal and task force members nationwide, and served as the vice chairman for the National Law Enforcement Officers Memorial Fund. Jon?

Jon Adler: Thank you Norena. Good afternoon, everyone.

I want to say right up front that I was very moved by the traditional opening. One point that resonated with me immediately were the words regarding good hearts. And when we come to any meeting, any forum, any discussion with a good heart, it brings value to our ears, because if we don't have good brains and good hearts connected to our ears, we hear, but we don't listen. So, I really appreciate the spirit of what was communicated in the traditional opening.

And I want to thank Norena Henry, who just spoke, is my Senior Tribal Leader for Tribal Affairs and you will be continuing, hopefully, to communicate with her.

This, I know, is considered quote-unquote, "a listening session." I personally prefer discussion, as opposed to simply listening, because it gets both parties, or all parties, involved and informed.

I do not believe in New Year's resolutions. And what that means is not so much that I don't believe in setting good goals. I don't believe meeting once a year, discussing goals, making mistakes, and not fixing them until the following year. And I say that insofar as this discussion, this meeting, is a tribal consultation.

Norena and I and the Tribal Justice Team here today are motivated to engage in proactive outreach and discussion not once a year, not every six months, not simply sitting around and listening and contemplating what we can or cannot do.

I believe in honesty and integrity. And I believe in everyone understanding up front what can be done. Anybody can convene a meeting, but we are ultimately defined by what we do in response to the meeting, what we do in response to what we hear and learn.

We do not have unlimited capacity, as you all realize, but we have capacity. And we have a capacity to do a lot of good things. And to the extent that there is opportunity to do that, I assure you as Director that my staff will be fully engaged to bring all the resources and opportunity we can to Indian country to help. I need absolutely no convincing about some of the horrors that take place on tribal grounds. I've seen too much in my life, as we all have, and I am convinced.

The big challenge is, how do we get the most help, the most resources, to all of the tribes in need? And that is always a challenge, but that's what we're committed to doing.

Norena mentioned the Bureau of Justice Assistance. That is, within the Department of Justice, the largest grant funding entity, which includes not just grant programs in terms of providing funding, but also training and technical assistance (TTA), and also providing assistance in policy and strategic planning. All of these things are equally important.

Now in terms of our goals, I'm sure you're all familiar with the President and Attorney General's priorities of driving down violent crime, combating the opioid crisis, supporting victims of violent crime, and of course supporting and augmenting the protections for law enforcement, which I personally appreciate, and hold in high regard. We have committed to all of those, and to the extent that we can bring the support that all of the respective tribes need, to fulfill those goals for your benefit, for your quality of life, we will.

Again, the other added-on goal is, we want to continue and increase the outreach. I understand that we don't have these Star Trek teleporting devices where we can all convene in one place in quick fashion. So, some of these engagements will take place in forums like this. It's less than ideal, but at least it gets us communicating, and not simply operating in our own dark rooms, wondering what we can do and how we can help.

So, we're going to continue to do this. I want you to know that you can call Norena any time. We are going to try and come out and do more traveling as well, I personally, am going to be visiting some of the tribes with my friend and co-director over at the COPS Office, Phil Keith. We're going to be working with the U.S. Attorneys' Offices, and strengthening relations and support for the tribes, to help with violent crime and opioid – and not just opioid, as I completely appreciate and understand that many of our tribes are severely impacted by other forms of drugs, including meth and the non-synthetic of heroin.

So, I look forward to fulfilling that commitment, which is engaging, not simply listening, but engaging, increasing outreach, providing as much programmatic and funding support as we can. And ultimately, through the BJA Tribal Justice Team, making the world and your respective tribes that much better, bringing the quality of life support that you all, and everyone within your respective tribes, deserves.

Excuse me. Thank you for participating. I'm very happy that we have so many leaders dialing into this webinar, this program, and I look forward to hearing your input and answering any questions that you may have.

Norena Henry: Thank you so much, Jon, for your remarks. I would like to introduce Ruby Qazilbash, who serves as Associate Deputy Director for Policy. Sorry about that. I would like to introduce Ruby Qazilbash, who serves as Associate Deputy Director for Policy. Ruby will share an overview of BJA's tribal programs funding and fiscal year 2019 tribal funding. Ruby, the time is yours.

Ruby Qazilbash: Thank you, Norena. Good afternoon to those of you calling in from the East Coast, and good morning to everybody else. It's great to have you listening in and sharing your thoughts and your needs and your priorities with BJA today. We are happy to be here with you.

I'm going to deliver the scope, as Norena said, and authority of BJA's tribal grant funding and give a brief introduction to the history of that funding, and then also go into a summary of BJA's program plans for the FY 2019 appropriation. But, first we thought it was important to note that BJA's authority and funding appropriations are for competitive and formula grants. BJA does not provide direct criminal justice services, like some of our sister agencies such as the U.S. Attorneys' Offices around the country – excuse me – the FBI, and of course, the BIA Office of Justice Services that provides direct staff support in criminal justice such as law enforcement and collections functions.

So, as a grant-making authority, BJA does not have the authority to enter into contracts or contacts with tribes. In terms of the history of BJA's tribal grant funding, we have managed funding for tribes, specific for tribes, since 1995.

So, we also feel like it's important to note that generally, Indian tribes are eligible for most discretionary funding, such as drug courts, and for some formula funding, such as through the Edward Byrne Justice Assistance Grant (JAG) program for local jurisdictions. And the JAG formula amounts that determine eligibility are based on Uniform Crime Reporting data, the UCR, as reported by the FBI for the part one violent crimes. And about 15 to 20 tribes submit that crime data, and are therefore eligible for local JAG awards through the formula allocation.

But since 1995, BJA has managed the tribal-specific programs and up until FY 2012, Congress had appropriated these funds by a line item approach, and those line items included for the specific purposes of tribal construction, tribal courts, Indian alcohol and substance abuse, tribal civil and criminal assistance programming, as well as tribal, federal, state, and local intergovernmental collaboration.

On this slide, you can see the history, it's in terms of amounts, of the tribal assistance appropriations from Congress direct to the Bureau of Justice Assistance, and what that has looked like for the past 10 years or so.

Again, in 2012 was the year that Congress started to appropriate a lump sum tribal assistance appropriation, and no longer delineated line-by-line for each of those focus areas on the previous slide. Also, important to note that for the past seven years or so, the Department of Justice has requested within the President's budget

request, that the tribal justice assistance actually be a seven percent set-aside of the entire BJA appropriation. The only year that we received something akin to that was in FY 2017. But the set-aside was not applied to the entire BJA appropriation, but rather, select line items. So, the amount essentially was the same as the previous year at \$30 million. We did see an increase in FY 18, and even a further increase again in FY 2019 to \$37 million.

On the next slide, I'd like to go over briefly BJA's FY 2019 funding plan. So, the Coordinated Tribal Assistance Solicitation (CTAS) closed just within the last couple of weeks, and BJA supports the following purpose areas:

- Purpose Area 2, which gets that strategic planning assistance for tribal justice systems.
- Purpose Area 3, which is a consolidation of the earlier tribal courts and tribal Indian alcohol, rather, and substance abuse programming, which is now a catch-all for justice systems improvement.
- Purpose Area 4, which provides support for renovation and expansion of tribal justice infrastructure, or buildings.
- And a new Purpose Area 10, which supports the combating of violent crime efforts within Indian country. Just a note that for this fiscal year, the funding for Purpose Area 10 is actually coming out of the Justice Assistance Grant program as a set-aside.

BJA, as you know, also supports training and technical assistance for every grant that is made available through the Bureau of Justice Assistance, through those four purpose areas, and we will continue to support, and to either compete or supplement the training and technical assistance providers that we have that provide the assistance to those grantees to help them, and you, reach your goals and objectives. BJA also plans to make supplemental awards to our Tribal Criminal and Civil Legal Assistance (TCCLA) programs.

And lastly, can you go back one? Go back one slide, Allie? Thank you.

Also plan to, again, provide support for training and technical assistance to support tribal justice capacity, as well as intergovernmental collaboration, which we know is even more complicated with Indian country, working with potentially sheriffs from neighboring local counties as well as state criminal justice officials as well as your federal partners.

I mentioned this in the beginning of my part of the presentation, but I also want to remind folks that tribes are also eligible for funds from most non-tribal-specific programs. Each year, the Department of Justice issues an annual program fund, you can find that plan specific to the Office of Justice Programs components,

including the Bureau of Justice Assistance, all of our planned solicitations are provided if you click on this link. And those are up for every fiscal year in the past, and you can click on this. There are search terms, and you can narrow it depending on the OJP component that you're most interested in. It'll be quick. A – it will populate all of the solicitations that BJA plans to release in FY 2019. And I'll just note that several of them are live and accepting applications right now.

So, with that, I will pass it back over to Norena, and thanks for the time.

Norena Henry: Thank you very much, Ruby, for that overview of BJA tribal funding. We will move next to questions for the listening session that will be read by three of our team members. Excuse me, four of our team members, beginning with Betsi Griffith, our Associate Deputy Director for Policy, followed by Ruby Qazilbash. Then me. Julius Dupree, our Policy Advisor. Please proceed, Betsi.

Betsi Griffith: Thank you, Norena. I did want to mention, just briefly, on the last slide that Ruby went over on the training and technical assistance, that we do actually have a solicitation out on the street at the moment, to compete some of our training and technical assistance in this portfolio. So, I would encourage you to go onto the link to the program plan that Ruby just sent you, to be able, or to BJA's website, to explore that.

One thing I did want to mention that is a little bit new this year is that we are doing specific training and technical assistance around the Purpose Area 10 violent crime work. And in addition, we are seeking a new partner that will work across this portfolio to specifically focus on the needs of Native Alaskan villages, so we're very excited about that, and I wanted you to have that information as you're providing us input on priorities and needs.

The first question, really, is very broad, and a reflection on our being very happy at BJA that we, as Ruby mentioned, since 2012, have had a broad tribal assistance account that allowed us to have a flexible funding stream available through Purpose Area 3, primarily, in the CTAS solicitation, to really allow tribal justice systems and tribal leaders to determine what their needs and priorities were and be able to submit an application that reflected the needs that they have.

But it would be very helpful for us to get a sense within this broad authority and approach that we have, what your needs and priorities are.

So, our first question is, BJA has sought to maximize the flexibility of funding in the CTAS structure, and the scope of allowable activities. I would just mention, a

lot of these do reflect your prior input through things like prior consultation and listening sessions, as well as work we did after the passage of the Tribal Law and Order Act, and so that feedback has been reflected in changes we've made.

And some of the areas where we prioritize these investments include funding alternatives to incarceration; tribal law enforcement; tribal court services, including Healing to Wellness Courts; tribal probation; tribal jails and reentry activities; helping tribal justice systems develop strategies to address crime related to Indian alcohol and substance abuse, including opioids and stimulant addictions; criminal and civil legal assistance services; supporting tribes who are interested in building their ability to implement enhanced sentencing authority under the Tribal Law and Order Act, as well as special jurisdiction relating to domestic violence (DV) that was associated with the passage, or reauthorization, of the Violence Against Women Act; supporting intergovernmental collaboration between tribal justice systems, state, local, and federal partners; addressing violent crime; and also supporting strategic planning, both through individual purpose areas or through our broad Purpose Area 2 in CTAS.

And so, our question for you today, is given this range of activities, which of these budget priorities should be continued, which should be expanded or added, and which should be eliminated? And what activities, if any, are missing?

Now, digging in, next slide please. Digging in a little more detail, specifically on the tribal courts area, in order for you to successfully manage cases and address your tribal safety in your tribal court, what resources and assistance does your tribal court need?

Our third question is, in order to prevent and respond to crime related to drug and alcohol abuse, as well as crime associated with mental health issues, what resources and assistance does your tribe need, including the needs of tribal law enforcement?

Question number four. In order to successfully address your tribe's current crime problems, what justice infrastructure does your tribe need, and by that, we are defining physical infrastructure. What buildings, maybe renovations and enhancements to facilities, that you have. And we will ask a couple more questions relating to that.

And I think I'll turn it over at this point to Ruby and Julius to pick up on question number five.

Julius Dupree: Thank you, Betsi. My name's Julius Dupree with the Policy Office. As Betsi indicated, over the years, we're – our programs have evolved, it's really been based a lot on input. You know, what we've been hearing from tribes, whether it be in response to our application process, or in other venues to include previous listening sessions or consultations.

And the, I guess as far as question number five is concerned, one of the things that we really want to do as part of our infrastructure program, the physical infrastructure, tribal justice system infrastructure program is, give tribes options to manage their population, their criminally involved populations.

So, some of that, so fortunately, we have been able to accommodate certain, different types of programs that could include community-based types of programs, which could be like a transitional living facility, multipurpose justice centers, as well as police departments, courts, and treatment centers. And so, some of the questions that I'm going to ask are really related to that program. We really try to, and over the years, we've had to pull back on full-scale construction projects, so we've really been limited to more expansion, renovation, or replacement of facilities using permanent – permanent modular types of facilities.

But, question five is essentially here. In order to reduce the recidivism rate for your current offender population, what changes to infrastructure are required? What changes to tribal probation or reentry are needed?

And so, that particular question is really getting at methods, strategies that you may be able to use to reduce recidivism rates for your population. We offer a training and technical assistance initiative that focuses on training tribal probation officers, as well as training multidisciplinary teams on implementing effective reentry strategies.

And again, we offer transitional living types of programming, outpatient, inpatient types of strategies, which a lot of the programming funds comes from Purpose Area 3 of the CTAS solicitation, but as far as building physical infrastructure to be able to have the capacity to provide those programs, that really falls under Purpose Area 4 for CTAS.

Question six. In order to adequately rehabilitate your confined population, what infrastructure changes are needed? Again, that's similar to question five. But that's kind of what that's getting at.

Question seven is, to what extent are your tribal justice facilities meeting applicable building codes or BIA detention facility standards, if applicable? So, sometimes we get applications from tribes that their buildings are in such disrepair, that they're unable to continue to operate them. So, they may be

condemned, depending on whatever entity is overseeing the building codes for those particular facilities, and so in some cases, it's BIA, in some cases it may be the tribe, or it could be, you know, others, so basically what we want to know here is, you know, if your facilities are in disrepair or you need repair, kind of to what extent do you have those issues?

Question number eight is, in order to address violent crime affecting your tribe, what resources, assistance, or support for collaboration with key partners such as tribal law enforcement, prosecutors, and corrections need? Are additional resources needed to address the issues related to missing and murdered Native Americans? And so, this is tied into that Purpose Area 10 initiative that really, we're really looking to try to, with tribes, with addressing violent crime in their areas and jurisdictions. And so, this, so hopefully we can get more input from you all on that as well. That's it for me.

Norena Henry: Thank you, Julius. Now we'll move on to the Tribal Civil and Criminal Legal Assistance program, which is the smallest program with the tribal area. The resources are really targeted to nonprofit organizations with 501(c)(3) tax status. And most of the tribes, most of the nonprofit organizations who have been accessing these resources, can really provide that legal assistance in the past, to tribes and tribal members. And how that funding has been used is really for child welfare; to help retain housing for our tribal relatives; and, also, to provide resources for individuals who are indigent individuals who are going through the tribal criminal justice system.

So, the two questions that we have here are, what are the priorities you have for the Tribal Civil and Criminal Legal Assistance program? And then, since funding streams were consolidated into one tribal assistance account, BJA has followed a practice of funding the TCCLA program consistent with the proportion provided by Congress in prior years, or 3.6 percent of total appropriations from the tribal listening – excuse me, from the tribal assistance funding. Should BJA change this rate in future years?

Next, intergovernmental collaboration. Strong coordination and collaboration between Indian tribes, federal, and state governments improve public safety and combat violent crime throughout Indian country and in tribal communities, as well as Native villages. To achieve public safety improvements, and in particular, violent crime reduction, what legal infrastructure, such as agreements, would assist and support your government with intergovernmental justice collaboration?

Twelve: In addition to making direct awards to tribes, how can BJA support the development, implementation, and enhancement of these justice collaborations?
Next slide.

Ruby Qazilbash: Thanks, Norena, this is Ruby Qazilbash again. As we mentioned, training and technical assistance as well as communication are core areas for the Bureau of Justice Assistance. So, we're curious to know whether existing training and technical assistance is addressing your tribe's needs to both build capacity and expertise for your criminal justice staff within your justice system. And are there other priorities that BJA should consider when making training and technical assistance available?

As you heard from BJA Director Adler, BJA does plan to implement – and this is question 14 – more consistent methods for regular communication to include consultation, additional dialogue, and just additional ways that we can seek feedback from tribal leaders, and also tribal justice practitioners.

So, we want to know what are some ways that BJA can ensure the most meaningful process to meet your needs and to get that feedback from you.

And lastly, a couple of weeks ago, we hosted a pre-listening session webinar. And during that webinar, we provided some background information. To the extent that we do that again, we're really interested to know from you what information, additional information, could be provided to assist you while you're preparing to enter into future listening session dialogue, including consultation. Thank you.

Norena Henry: Thank you, Ruby. We will be now moving on to the facilitated listening session.
My pleasure to introduce...

Ruby Qazilbash: Thank you.

Norena Henry: Thank you, Ruby. And it's my pleasure to introduce Justice Korey Wahwassuck who is one – who is of the Cree people. Justice Wahwassuck serves as judge and attorney for the Leech Lake Band of Ojibwe, and now serves as a judge in Minnesota's Ninth Judicial District Court. Justice Wahwassuck helped found, as presiding over, the Leech Lake-Cass County-Itasca County Wellness Courts, the first joint tribal-state jurisdiction courts in the nation. She is a nationally known

speaker and author on judicial collaboration. Justice Wahwassuck, please proceed with the facilitated listening session.

Korey Wahwassuck: Good morning. (Speaking in Native language.)

I'm Korey Wahwassuck, and this – and I'm very thankful that we can all be a part of this process here today. As Director Adler said, this is not the most ideal forum for a consultation such as this, but I ask everyone as we go forward here to keep in mind that this is the beginning of a process, not the end here. And that BJA is very open to input here, and it's important that we do get – that BJA does get this information from tribal folks so that the grant-making process can be the best that it can be.

And so, that input is needed, and especially, as a couple of people have said, it's not only important that we know what your input is, and what your needs are, but also what the priorities are. And I know we all look for that money tree, and resources are limited. As much as we would love to have all the resources that we all need, the reality is that resources are limited.

And so, as part of this process, it's important to find out what your priorities are in each of these areas. And we are, as part of this process, trying to address each of the questions that have been reviewed at the beginning of this, because those are the areas that we would like to get that – that BJA would like to get that input from you.

And so, as we'll go forward here, if there's tribal leaders that we have on the line, we certainly want to make sure that tribal leaders are able to provide that input. And so, there's a button to be able to raise your hand if you would like to provide input and provide a comment. And then following that, when we'll get input from the other stakeholders, folks that are on the line. And then finally, we'll hear from stakeholders who have dialed in by telephone, but don't have to have – don't have web access. And so, that's the way we're going to proceed here today.

And so, at this point, we will go ahead and start it. If there's anyone, if we have tribal leaders, we ask that you would raise your hand with the raise your hand button, to provide that input, and then we can call on you first.

So, and I'm not seeing that we have anyone that's raised their hand at this point, so we will go ahead and get started.

So, first of all, we'd like to hear your input and answer questions if you wanted to address, first of all, the tribal justice improvements that we talked about in question one about priorities for the scope of allowable activities.

So, at this time, we'd like to get some input from folks that are on the webinar. If you'd raise your hand, and we can unmute your line so that we can call on you.

And, do we have anyone that's a participant that is listening to provide comments about the allowable scope of activities or priorities?

Alright, and is there anyone that wishes to provide comments or input regarding the second question, which was how to successfully manage cases and address tribal safety in your tribal courts. What resources and assistance are your tribal courts needing to successfully do that, to manage cases and address tribal safety?

Coordinator: As a reminder, if you'd like to make a comment, you can press the hand icon under participants, on the right-hand side of the page, and we will unmute your line.

Korey Wahwassuck: I will give everybody a moment, I don't want to get too far down the line in the questions in case anyone does wish to raise their hand and provide some input there.

And I'm not seeing anyone raise their hands on that question, so we'll just keep moving down the line here.

And was there any input that anyone wishes to provide on question three, and this is regarding preventing and responding to crime related to drug and alcohol abuse, as well as crime associated with mental health issues? So, what resources and assistance does your tribe need? And that would include anything that would have to do with law enforcement, tribal law enforcement.

Alright, and we're going to unmute, we have Susan Wells, who's raised her hand, and so we'll unmute Judge Wells' line so we can provide – get some input from Judge Wells. Judge Wells?

Susan Wells: Can you hear me? Hello?

Korey Wahwassuck: Yes. You can go ahead, you have your line unmuted.

Susan Wells: How about this way, can you hear me now?

Korey Wahwassuck: Yes, thank you, Judge Wells.

Susan Wells: Okay, I'm going to go ahead. Well, I guess I just wanted to say that one of the things that really helped us as far as well, you know, questions one, two, and three, was that the housing for, for people getting into a court was essential, just to get some help. And that was a real struggle, and I think we finally got some funding, too, for the housing, which is really then miraculous for some of the people that are in our court system.

The other thing that I see that we need more of, and this is very general, if our tribe who is doing fairly well, needs, has this need, and I'm sure it's a need all across Indian country, and that's for more mental health practitioners, not only behavioral health, substance abuse, but the mental health co-occurring issues that we see in our cases. So, that's all I wanted to say, thank you, Judge Wahwassuck.

Korey Wahwassuck: Thank you very much, Judge Wells. And were there, I know, since we have you commenting, and just so everyone knows too, we do have a limited amount of time, but, certainly we want to hear your comments. And so, Judge Wells, were there other comments that you had that you wish to give now regarding any of the other questions that have been posed? Or anything else that you wanted to share?

Susan Wells: I think that it would really help some of our – one of the things in our court, we have that joint jurisdiction court that you helped us set up here. One of things that we didn't plan for was when our participants graduated from our Healing to Wellness Court. And so, having that, I'm going to call it aftercare for lack of a better word, to connect our – to keep our participants kind of in balance with us, and so we tried, we're trying peer support, getting them engaged there. But that was one of the things that's been difficult.

Also, again I say this, the funding for the participants that are released from jail that come into our program, they have zero. So, we're constantly scrambling for coats or sweatshirts or socks, clean underwear, that sort of stuff, so those kinds of supports would be really helpful for our court.

And the other thing, I think question 8, I'm not sure, this might be question 8, 11, or 12, that having a civil diversion program in Alaska, we tried this with the last

administration. We got a new governor last year, and so that kind of fell by the wayside. But the civil diversion agreement with our state partners, whether it's the Alaska State Troopers, or the city police, to get some of the indigents off the street, or get them into our courts before they get too involved with the state court system, would really be helpful. Does that make sense?

Korey Wahwassuck: It certainly does, thank you, Judge Wells. Appreciate those comments.

Susan Wells: I think that...

Korey Wahwassuck: Okay, thank you.

Susan Wells: Thank you.

Korey Wahwassuck: And on the issue of housing, and I know that there's many programs, and I'm sure that the housing can be an issue for a lot of our tribes and folks everywhere. And one of the things that we've done is to be able to partner with local organizations and agencies in our area to help facilitate housing for participants in some of our Healing and Wellness Courts.

And so, I think that really gets to some of the collaborative issues and being able to work together with other stakeholders to provide services. So, I think that's something that's very important.

And the other thing too is, I think in terms of addressing priorities and the activities that are there, it can be very challenging, I think this sort of gets to the comment, or to the question regarding training and technical assistance to be able to meet deadlines and be able to manage grants, and I wondered if there's any input that anyone, if you wish to raise your hand or provide any input on questions or suggestions regarding being able to coordinate those activities, and bring in stakeholders to provide things like housing?

Do we have anyone that would like to provide some input on that?

Alright, I'm not seeing anyone raising their hand here.

So, one thing, on the need for mental health treatment, and I wanted to get a little bit of follow-up from Judge Wells, if you wouldn't mind, to talk a little bit more

about the need for mental health treatment and what you're seeing, and what specific types of support you're looking for. Do you need peer support, clinician support, what do you feel is missing? So, Judge Wells, if you wanted to weigh in on that, and also anyone else if you have comments regarding that.

Susan Wells: Well with the... Just a moment. Gosh. For the mental health, we're finding that certainly at least one of our participants had some mental health issues that we couldn't provide at our tribe. So, we sent that person out to, I think the person went to three different inpatient programs in the course of the time that she was in our joint jurisdiction court. And none of them had the mental health support that she needed to be successful. And so, it's on my heart that we have more clinicians available for these participants so that we don't lose them.

Korey Wahwassuck: Thank you.

Susan Wells: Yeah, that's about it, I think.

Korey Wahwassuck: Okay, thank you, Judge Wells. And we also had a Tami, and I'm sorry if I butcher your name here, is it Jerue, that's raised her hand, if we could unmute Tami Jerue's line, please?

Tami Jerue: Yes, this is Tami Jerue, and you did pretty well on my name, thank you. I'm with the Alaska Native Women's Resource Center, but I'm also, my past has been many, many years as a tribal administrator, and also administering a tribal court, and I have some real concerns.

I appreciate Judge Wells' comments, and we have to understand in Alaska, that our tribes are extremely diverse. And the location really depends on the services that our people are able to receive. And so, in the Kenai area, where the Kenaitze Court is located, there's some options that other, possibly more isolated, tribes wouldn't have access to.

And so, my concern is always, when a lot of the tribes that will often apply for the funding and be successful in getting the funding, but what happens, and again, for lack of a better word, what happens is the wraparound things that we need, whether that's traditional kinds of healing, whether that's standard substance abuse, whether that's just training, whether that's a facility to, you know, try to house law enforcement – so, there's just this myriad of types of infrastructure

issues that then create problems when a court does try to, you know, try to facilitate some change through a Wellness Court or other options, and so, my concern, and this has been a continuing concern, particularly with the CTAS process, is that oftentimes we will write the separate grants and you might be successful in one of those grants, but really without the other pieces, it tends to be almost, I think sometimes the tribes can set themselves up to not necessarily be successful.

So, I have concerns about that particular piece, and so, really being, I'm wondering if really being, really being, you know – the ability to possibly have a process that if a tribe comes up with a more inclusive type of process, whether that's through a traditional Healing to Wellness Court, and through trying to do some kind of a more of a traditional types of substance abuse, or types of, you know, domestic violence, or, you know, some kind of prevention types of activities for people that are perpetrating.

I mean, I'm just kind of talking off the cuff right now. But if there's a way, somehow, of if a tribe were able to come up with something like that, the funding piece could be interlaced so that it could be more successful for infrastructure building. So, hopefully that made sense. But thank you.

Korey Wahwassuck: So, do you think that, that it falls then, you feel then that that falls sort of under the training and technical assistance coordination, do you think that would be helpful for some additional training on how to garner those resources or leverage those, plus, in terms of the collaboration with partners, justice system partners, are there particular areas that you feel you need additional help with that, does that fall under those categories, you believe?

Tami Jerue: Well, I think that that's a start, absolutely, and I think that having TA providers that are Alaska-specific, that we don't have to do a lot of education to, also helps that process, because, sometimes we spend more time educating the TA providers than we do writing the grants. Or starting the programs. And so, and again, that's not negative at all, that's just been some of the experiences. I've written several of the grants myself, and I think some communities have been much more successful in implementing some of the projects, but I think overall with the amount of small tribal communities that are trying to start their programs and get off the ground, it would be helpful to have a TA or training and technical assistant that's really, really going to help those tribes be successful. And so, yeah.

Korey Wahwassuck: Thank you very much for those comments, that is helpful. And then we also had Yolanda Francisco, who has raised her hand, and so if we can unmute that line please.

Yolanda Francisco-Nez: Hello, (speaking in Native language), this is Yolanda Francisco-Nez, and I am the director of a nonprofit tribal coalition serving the Great Basin, mostly in the state of Utah.

And I just, I wish I could see the questions in front of me again, but I wanted to speak to the work that is, that is really desperately needed for the Navajo Nation with regards to intergovernmental collaboration among tribal, state, federal, and local jurisdictions. What I have done, I've only been in this position for about a year, but I am seeing that this first instinct – there is a definite need for each of these parties to work more closely together, when there is a situation involving domestic violence or sexual assault, and even more broadly, going into child abduction and child sexual assault. And I think that that's a very important part of what BJA offers through Purpose Area 3.

As well, the Utah Navajo side does not have a police department. And so, that is also very critical as we have our victims going a very long way to go through a court process that's actually in a different state. It's in the state of New Mexico, so they're going through tribal court.

And the other need that I traditionally see on the Navajo Nation is with regard to transportation when it comes to, I don't know that any of you, if BJA offers funding for this, but often we have the victims who do not have the transportation to attend court. Or even drive to the police department.

Often when the police do respond to a DV incident, it may be the next day before they get out there, or they may only get a phone call back and by then, the perpetrator is already run off.

And so, the other piece that I wanted to talk about is with regarding, with regards to the court system setup on the Utah Navajo side of the Navajo Nation, which to my knowledge, they do not have a tribal court available in the Utah Navajo side of the Navajo Nation.

Typically, the other states get a lot of attention, both in Arizona and New Mexico. What I'm seeing is in particular, because their population of Native Americans are much larger than you will see in Utah. And so, often when a grant process is occurring through the Navajo Nation, they prioritize New Mexico and Arizona, when the state of Utah is often being left out of that process, and so they don't

benefit, but there is a need for sure. That with about a population of 22,000 Navajo people living on that side of, within Utah. So, I wanted to just make those comments.

I'm not sure whether or not they address any specific questions, but I also wanted to know, is there a chance that I can get the questions, and go to the stakeholders, particularly within the Navajo Nation government, as well as other tribes, to get their feedback on some of these questions? Thank you.

Korey Wahwassuck: Thank you, Ms. Francisco. I think that would be extremely helpful. I really want to encourage everyone, because of the restrictions in a forum such as this to be able to get input from everyone. We strongly encourage people to be able to provide that list of questions to other stakeholders. The more information that BJA has to work with, the better, in looking at priorities and needs, so thank you for that comment. And then we next had Gayla Norman, who wanted to provide some input. So, Ms. Norman?

Gayla Norman: Can you hear me?

Korey Wahwassuck: Yes, thank you.

Gayla Norman: Okay, thank you. My name is Gayla Norman, and I'm the director for the ABC Project for Choctaw Nation. And some of the challenges that we run into in the ABC program is, and it's on absenteeism.

And a couple things that we run into is that if the children just don't go to school, we do have an educational neglect law in the state of Oklahoma, but we also have no restrictions or guidelines for homeschooling. So, any parent can say, well, we're homeschooling our child. And if they're saying that they're homeschooling their child, then there's no educational neglect. But if they're not going to school, then we can look at that from our absenteeism. But if the children just don't go, the parents can say, well, we're homeschooling them. And they can miss from now on, which is very unfortunate for many of our tribal children. And what we did is we researched the highest absenteeism through the Choctaw Nation, and we found a cluster of it in the most southern parts of it, which is the most rural part of it. So that's one of the challenges that we have.

And another comment that I had in regards to the mental health aspect of it, is that to get funding or to get the schools to help with any type of IEP or individual planning for their education is very difficult because it's expensive for the schools, and they're just few and far in this area.

And another thing, and I've been a therapist for many – another thing that we're finding is the research that's coming out now, of children that have been born of methamphetamines. And so, the research is just now coming out as they're becoming adults or young adults, and their behaviors, their features, there's a lot of things that's interesting, and this is by no statistical anything, it's just from my own personal observation of these children, they have several behavioral issues that are the same.

I know they're trying to prove now that if the meds – that methamphetamine was present with the mother – then there's a higher rate of oppositional defiant or ADHD, but this also, these kids are just angry. And I'm seeing that, again, with no research to back me, but we work with these guys every day, and you know the history of their families. And you know or, whoever their caretaker is at the time. So, you know, well these children were born on meth, or their mom may or may not have used methamphetamines while mom was pregnant. And then when you work with these little guys, that you know it, you see the difference, and you don't even have to look in the background sometimes.

So, that's something that will be helpful in the future, because several years ago, our Native people across the country, it was fetal alcohol syndrome, and everyone studied those types of things, which was wonderful. I'd like to see it go forward with methamphetamines, or opioids, or something, but in this area, it's certainly, now that the children are getting older, it's methamphetamines. So, if you'd actually look at maybe something regarding that in the future.

Korey Wahwassuck: Thank you, that is helpful. Appreciate those comments.

And I just wanted to make everyone aware, too, that the listening session questions are in the framing paper that is posted on the BJA Tribal Listening Sessions website. And so, if anyone wants to pull up the questions to have them in front of them, and also to share with other people, they can go to the Tribal Listening Sessions website for that list of questions.

And then we had a quick follow-up question for Judge Wells, do we still have Judge Wells on the phone?

Susan Wells: Here.

Korey Wahwassuck: Okay. Judge Wells, what do you feel is missing on planning and implementation for civil diversion programs, and what do you feel that the Kenaitze tribe is in need of?

Susan Wells: Well I think it's... I guess it's... I'm going back to when we planned Henu. Where we brought all the stakeholders together. That was a pretty extensive process. But right now, I think with a change in the government – the administration, anyway, has changed, so we've missed that link. Some tribes got an agreement together. In our area, it's perfect for the outlying areas and what we call the bush areas that have very little contact, like Tami was saying.

That civil diversion gives the troopers or the village public safety officers the authority to just divert a civil case to tribal court. It could even be domestic violence-related. And possibly sexual assault, but I'm not sure about that one. In our area, because we're more, we're closer to a road system, having two different city police, getting those guys online to do that, because what we do is actually divert any kind of case where there's DUI.

I mean, any kind of criminal case, it would divert it right to the tribal court. And that's what we're trying to do with some of our, that we were trying to do until we had the new governor.

Korey Wahwassuck: Thank you.

Susan Wells: So, I'm not sure exactly what BJA could do to help us other than, I mean, I'm not sure what you could do in that situation.

Korey Wahwassuck: Alright. Thank you very much for that additional input, that is very helpful.

And I don't see that anyone at this point has raised their hand yet, so certainly I would encourage everyone to raise your hands, let us know if you're having trouble with that function button, I think someone might have been having trouble a bit earlier.

Also, if you look on the chat, on that section on the side, for all participants, there's a link that's been posted so that everyone can access the framing paper and that has the listening session questions. So, if you just click on that, then you'll be able to download and access those questions. So, any other...

Susan Wells: Judge Wahwassuck?

Korey Wahwassuck: Yes.

Susan Wells: I'm sorry, this is Judge Wells, I just got a... My clerk came in, one of our judges is missing, so I need to go attend a hearing.

Korey Wahwassuck: Alright, thank you very much for joining us. Appreciate your time.

Susan Wells: Thank you.

Korey Wahwassuck: And we've heard a couple of comments. Oh, we have a, Stephanie Hudson has raised her hand, so we could unmute Ms. Hudson please?

Stephanie Hudson: Hello, can you hear me?

Korey Wahwassuck: Yes, thank you.

Stephanie Hudson: Okay. I also have some comments from another director, Nikole Nelson. I think she has raised her hand, and maybe she's having some trouble technically. And I was going to ask if it'd be possible to unmute her also, so that she can speak.

So, my name is Stephanie Hudson. I'm the executive director of Oklahoma Indian Legal Services. And if it's possible, I would like to speak a little bit about the TCCLA, the Tribal Civil and Criminal Legal Assistance. Would that be possible for me to speak on that now?

Korey Wahwassuck: Absolutely, thank you.

Stephanie Hudson: Okay. Our program receives both criminal and civil legal assistance, through the collaboration with the Native American Indian legal services organization that we formed with other legal aid organizations, other Indian legal aid organizations across the nation. It is managed by the Native American Rights Fund, and we've had great success in being able to use that funding to provide more assistance to tribal members who are having civil legal issues in tribal court.

But I know with my program, the biggest benefit from this funding has been the expansion of criminal legal services in the tribal courts. Our primary funder, Legal Services Corporation, they do have an exception to allow Native American organizations to represent tribal members in criminal matters in tribal court. But sometimes that funding isn't enough to be able to do all the representation that we want to do.

With the Tribal Civil and Criminal Legal Assistance funding from BJA, we were able to really expand that, and move into a whole lot more tribal courts and provide criminal defense assistance to tribal members. And the benefit that we have seen in our program is that it's not just the benefit to the tribal members. We're seeing some benefit for the tribal courts also.

Just real quickly, I want to give you just a scenario of something that we ran into recently, where we had a tribal member who was charged in the tribal court near Oklahoma City, and the tribal court judge was unfamiliar, he was a new tribal court judge. He was a local attorney from the county, and he was not as familiar with the code as he probably would have liked to have been. And the tribal code requires that the tribal member be arraigned within 48 hours. Well, the tribal judge had left the tribal member in jail for two weeks and had not had an arraignment yet. And when we were made aware of the situation, we brought that up and asked to rid him out and everything, and the tribal judge said, well, that's just the way we do it in county court. And, you know, I think that if our attorney had not been there with the TCCLA funding, that the tribal member's rights would have continued to have been violated, and we were able to get him out on bond that day once we became aware of the situation.

So, with our program, and with our tribal courts, we really feel that the TCCLA funding, not just provides assistance to the tribal members, but overlays a lot of the other programs that you are trying to fund and allows the tribal members to

use the services to the maximum benefit that tribes are providing with your funding.

Korey Wahwassuck: Thank you. That's very good to know that things are, that you're making such good use of it. So, appreciate that input. And I think we have, can we get Nikole Nelson unmuted, is Nelson next? Okay, I don't know that we have Ms. Nelson unmuted here.

Nikole Nelson: Hello?

Korey Wahwassuck: Yes, go ahead.

Nikole Nelson: Can you hear me?

Korey Wahwassuck: Yes.

Nikole Nelson: Okay, great. So, thank you, Stephanie, and thanks for helping me sort out my technical difficulty here. I'm Nikole Nelson, I'm the executive director of Alaska Legal Services Corporation. And I'm here today representing a consortium of 24 Indian legal services programs that operate in 23 states, and who received a TCCLA fund for the last several years.

In addition to legal representation for American Indian and Alaskan Native individuals, the Indian legal services programs also contain those funds to assist more than 160 tribal governments or tribal justice systems. And so, the program funding under TCCLA is divided between those who work for civil and criminal work, as Stephanie mentioned.

And I wanted to highlight some of the things that we are doing under the, that we're using those funds for under the civil TCCLA grant. Maybe this relates to question nine, which is, what priorities for a TCCLA program? And also, I think it goes to the point of whether or not the percentage should be changed.

So, to speak to the civil work, our service of the 24 different Indian legal services programs has a broad range of representation that we provide. Because it is driven by the needs of our individual communities. And it can be broadly categorized, as

is their individual representation in tribal or state courts, or working with tribes to enhance their justice systems. And so, under the individual representation side of things, our programs represent individuals in child support access, independency access, in family law, divorce, child custody, guardianship or adoptions, in domestic violence petitions, like a date in tribal court, and victims, we act as guardian of those items.

We are representing both in juvenile matters and probates. And seeking also – to accommodate tribal court members in state court. We’re helping folks with name changes and unsealing of adoption cases to assist them with enrollment.

And one thing I want to say about, we’re providing these very important services, but the resources are always too few to aid those who are coming to us with requests. So again, these funds are very important for our programs, but they aren’t enough to meet the needs of the people who need those services.

And with respect to enhancing tribal court development, this is a large part of the work that we do for our tribes. And especially so in Alaska, where we’ve proven on day-to-day, we have a number of smaller tribes who don’t have the resources, or necessarily the work, that would fund a full-time general counsel for the tribe.

And so, some of the work that we do is drafting initial tribal laws, or court policies, or co-drafting. And then we also provide legal assistance with helping people develop alternative resolution systems that are based on tribal customs and traditions, as well as developing tribal and court advocate training programs and offering legal advice clinics for individuals who are going through tribal court.

So, I wanted just to stress that again, that we have several programs that have attorneys and advocates that are serving multiple tribal courts in their service region. They’re often the only option. And they are – for instance. Michigan Indian Legal Services includes 12 different tribal court systems. Oklahoma Legal Services practices in 20 different tribal courts. And oftentimes our attorneys and advocates need to travel over 100 miles to appear in those courts.

And again, as Stephanie mentioned, the work that we do on the criminal side of things. And there, again, we are severely under-resourced.

And so, I guess the takeaway from today is that from our perspective, is that we’re very grateful for the funds that have been set aside for these purposes, and the purpose that allow us to do this very important work. And if there is adjusting the 3.66 percent of total appropriation for tribal assistance funding, if that amount should be changed, it – we would certainly make good use of and could use more resources to do better work that we are doing.

Korey Wahwassuck: Thank you. I've got a quick follow-up question, Ms. Nelson. How, for the unmet needs, if you could just briefly, maybe in the next 30 seconds or so, how do you quantify the demand that you can't meet, are you keeping track of types of cases, or how do you quantify that?

Nikole Nelson: Sure. So, I don't have any specific figures for you right now, but I could get those. But what I can tell you is that with respect to legal aid programs in general across the nation, that we are turning – statistics show that legal aid programs have to turn away one person for every one that they accept in any given day. I think that our tribal, our Native American programs are less resourced than our programs that are designed to serve just the general population, so I would suggest that those programs, the turn-down, the turn-away rate, is even greater.

Korey Wahwassuck: Okay. Thank you very much, I appreciate that.

And we don't have any more people that have raised their hands next, so I'm going to kind of go through some of the other questions to see if people have some input on those, and, we've heard a little bit about responding to crime that's related to drug and alcohol abuse, and it's associated with the mental health issues, so, does anyone want to address what resources and help that you feel like your tribe needs, including law enforcement, to be able to address those? Anyone wants to provide some input on that?

Okay. We'll just keep moving ahead then, and with regard to the current crime problems, and I know that we're all seeing a big spike related to violent crime and drug-related crime in a lot of different places, but are there particular infrastructure needs that you feel that your tribe needs to be able to deal with those? And again, keeping in mind, the definition that was posed for the infrastructure. So, any comments that people wish to make regarding that?

Okay. And again, even though, and I know sometimes in a forum like this, it's not always the easiest to jump in to make comments, but I certainly, even if people don't wish to make comments online now, I really want to encourage everyone to make your input known through writing, and to follow up, because it's very important that BJA knows what the tribes need in terms of those priorities and needs. So, just really wanted to encourage follow-up.

And so, I know that one of the other things that a lot of us are dealing with are pretty high recidivism rates. And are there any infrastructure needs that any of

you want to identify or discuss that would help you to reduce that recidivism rate? And especially regarding reentry. If there's anything regarding reentry, that would be helpful. Infrastructure, what do your folks need to be able to successfully rehabilitate and reintegrate? Any comments that people want to make regarding that?

Okay. And I don't see any hands regarding that question. So, I know that some facilities, and some tribes do have their own justice facilities, and so, regarding the question about whether or not your tribe is meeting applicable building codes or BIA detention facility standards, anyone want to address anything regarding that question? Or any assistance that would be needed in meeting those applicable codes or standards?

And if anyone is having trouble with the raising your hand function, you can just jump in at any time, and we can always go back to these questions, so don't worry about that.

So, with regard to violent crime that's affecting your tribes, are there particular resources, assistance, or support for collaboration? And I think we've heard a little bit earlier about collaboration regarding housing, education, things like that. So, what assistance or support for collaboration with partners do you feel that your tribal law enforcement, prosecutors, and corrections need? Anyone want to address that one?

We don't have any hands yet. And again, like I say, we can always go back, if there's something that you want to address for one of these questions.

And I know one thing that we are reading a lot more about efforts to address issues related to missing and murdered Native Americans. And that was one of the questions, I think we also had questions submitted in our pre-grant materials, regarding that issue. So, any comments or needs that folks that are on the line have that feel like they would be helpful in coordinating regarding missing and murdered Indigenous women? Programs regarding that, or approaches?

Okay. And we don't have any other hands up yet, so what about, are there any follow-ups regarding the Tribal Civil and Criminal Legal Assistance Program? And we've heard from a couple of people that talk about that program, I know in the work that we do, having help with that would be very good. And so, I don't know if anyone wants to weigh in on that particular subject that we haven't heard from yet.

Okay. Well, at this point, I know we have some people that are on the webinar, and some people that have just joined us by telephone. And so, at this point we're

going to go ahead and unmute all of the lines, and we want to be sure that we have, for folks that can't raise their hand because they're dialing in.

And so, for them, I'm going to just remind everyone, since all of the lines are going to be unmuted, then make sure that you've muted your phone on your line, and then that way, we'll reduce the background noise and that sort of thing.

So, we'll go ahead and unmute all of the lines, and for those of you that are joining by telephone.

[Audio feedback.]

Okay, so do we have some phone?

[Audio feedback.]

We're getting a lot of background noise here.

[Audio feedback.]

I just wanted to encourage everyone and make sure that their phones are muted for background noise. So, anybody of our dial-in users who wish to make a comment? If you could identify yourself.

[Audio feedback.]

Okay. And we're still getting some background noise.

Okay. And if you folks, if you would, if you don't have a question that you're currently asking, or want to ask, if you could just mute your lines. And then we can get rid of some of that background noise, so everyone can hear.

So, alright. And I'm not seeing any questions or comments at this point, does anyone wish to provide any input on some of the questions that we've asked so far?

[Audio feedback.]

So, who do we have on the line?

[Audio feedback.]

Okay. Well, I'm just going to address some of these other questions, and we did re-mute everyone, I think we're getting some feedback there, so, hopefully, if people that are on the phone, again, I just wanted to restate that BJA definitely wants to get that input, if you're not able to provide that on this call, then we really want to encourage people to either contact Norena with comments, or to provide the answers, any input on these questions.

So, is there, regarding intergovernmental collaboration, I think there's a lot of tribes that are really starting to look to collaborative justice, not only on things like joint jurisdiction, wellness courts, and other joint jurisdiction programs, but other intergovernmental collaborations. And so, if anyone wanted to provide comments on what infrastructure you feel that would be helpful to assist and support on collaborations, we'd like to hear from you about that.

It doesn't look like anyone's raised their hand. And again folks, I know this isn't the most ideal forum for these things, but I really hope that we can get as many comments as we can, or if there's other things that you want to share for things that you found helpful or needs that you have, we really want to encourage that.

So, another question, question 12 in intergovernmental collaboration, it talks about direct awards to tribes. And how do you feel that, how would it be helpful for BJA to support development, implementation, and enhancement of those collaborations? Do you have other, besides direct awards, other ways that BJA might be able to be helpful?

Okay, I don't see anybody raising their hands yet, I'm going to continue going on, again, please do raise your hand if there's something that even if you want to address some of the questions that we've already talked about here.

Let's move on and talk a little bit about training and technical assistance coordination, and we've received some comments and some questions that came in also about building capacity and expertise in tribal justice, so what do you think are the priorities for training and technical assistance? What priorities should be considered? We could get some input on that.

And I think Ms. Yolanda Francisco-Nez, I think, do you have something that you wanted to add?

Yolanda Francisco-Nez: Hi, can you hear me?

Korey Wahwassuck: Yes, thank you.

Yolanda Francisco-Nez: Okay. Okay, great. Now I just wanted to say that I had earlier commented on some of the questions. I didn't have the questions in front of me, but I did offer comments, I think that as long as it's been recorded and considered, I think that I've done my part.

Korey Wahwassuck: Okay.

Yolanda Francisco-Nez: There is, I do want to just stress again, the fact that currently, the Utah Navajo side of the Navajo Nation does not have a facility, and with regard to intergovernmental collaboration, right now, I don't see it happening on the ground, and, I'm not sure if that's helpful for you at all.

Korey Wahwassuck: That is helpful, most definitely. And I know that we've heard from folks a little bit about some of the issues that are faced in different places, and some underserved areas that, one question that I have is regarding some of the issues that the southwest border tribes, the tribes that are down along the border there, any issues that you wanted to discuss about your needs, or barriers that you see? Answers to some of these questions, if any of the tribes, or anyone has input on that issue?

Yolanda Francisco-Nez: I have no additional feedback with regard to that.

Korey Wahwassuck: Okay. Anyone else have additional feedback? Anything regarding issues that are facing the border tribes?

Okay. I'm not seeing any additional questions or comments there. Again, if people want to weigh in later, you're certainly encouraged to do that.

And regarding consultation, I know that this is something with a forum like this, trying new things to solicit input, and will be culminating in an in-person consultation meeting, but one of the things that BJA really wants to know is ways that they can ensure the most meaningful process. And I think it was right on what Director Adler said, that having a listening session is more than that, it's a discussion. And we need to have that information and have a conversation about how things can improve.

So, what suggestions do people have for how the consultation process can be more meaningful?

Okay. And oh, we have... Alright. And, so, are there other, anyone that, anyone wants to share something online with other folks that are participating here about what they see as ideas for improving the process? Suggestions for BJA for making this whole process better and more effective?

And with regard to the pre-listening session webinars, I know there was one that was held prior to this actual listening session, and that there it just provides the background information for things. So, what information would people like to see, if there's those pre-listening sessions, what information would be most helpful for you to be provided during that, during those pre-listening sessions?

One question I have, is anyone else, I know that it is, from having worked on grant programs and trying to develop comprehensive programming with different funding sources and streams and putting that together, they all have different timelines and so forth. Is there anyone else that feels the need for training assistance that might be helpful, to be able to balance developing comprehensive programs with being able to manage all the grants and different funding streams? Any suggestions or input that people wanted to share online?

Okay. Let's move on a little bit to talk about, there were some questions that were asked during the registration process. And so, I wanted to address some of those questions as well here.

And one of the other folks that made a comment previously also, about whether funding can be blended or braided, or some of that. I don't know if anyone wanted to share some of the approaches that they've used for developing

flexibility in the programs? Or making things more comprehensive, anything else that you wanted to share?

Does anyone want to talk a little bit about any of the challenges that they've been facing?

And I know that we all, every day, just because of resources and the scope of the problems that a lot of our tribes face, there's a lot of challenges, but are there anything in particular that rises to the top, for the folks that we have on the line, that you see as particular challenges to being able to be successful in addressing these issues?

One of the things that we talk about too, that we've heard to be able to address the training and technical assistance and with people being spread out, are there any challenges or suggestions that, or challenges that people have had in being able to access TA, especially with travel restrictions or any things that, any ways that you feel that you have needs that you want to address, or problems getting to TA? Any barriers there that you wanted to address?

Okay. And I think we have Ms. Tran, Gena Tran, wanted to provide some feedback, so we'll go ahead and unmute Ms. Tran's line.

Gena Tran: I just think the grant period is so short. You know, by the time we hire, and really implement and fine-tune, or be done, that's the third year, and then we're working on closing it down. It seems like it was smaller, it would give us a chance when we move without all the paint, to really deliver the program. You know, maybe extend it to four or five years.

Korey Wahwassuck: Okay. And I have a follow-up question too, is there anything that would be helpful in terms of, helping, I know that in my experience, one of the issues too, especially in trying to come up with comprehensive programming – are there challenges that anyone on the line sees with coordination internally, in your tribe, or any assistance that might be able to be provided to help with that?

Gena Tran: This is Gena again. Not internally, but with partnerships. You know when we tell them we've got a grant, and we're just starting, and then we update, and then the last thing is we're closing down, and we have truly, six months to do the high-intensity partnership, just because most of it's three years.

Korey Wahwassuck: Okay, that is helpful to know, thank you. And would anyone feel that it's helpful, I know one of the comments that received, too, was, questions about what recommendations have been made in the past and acted upon, and is that something that people would be helpful, find helpful, to figure out if there's recommendations that are sort of across many tribal nations, or only to specific tribes? So, is that something that people feel might be helpful to have some feedback on what's been already acted on?

Okay, I'm not seeing anyone raise their hand on that either. Any more, I want to open this up, too, to see if there's anyone else that has comments that they wish to make, or some feedback that would be helpful for the Bureau of Justice Assistance in moving forward, to get your input. So, anyone else that has comments?

Okay, well, I'm not seeing anyone, not hearing anyone, and no one else is raising their hand. Again, I think that this, as Director Adler said, this is not the ideal forum for this, but I think it's a start, and it's important to get feedback from your comments on this session, and if you felt that it was helpful, I would encourage people to do that, and to provide written comments, and also to share the questions with other folks in your tribe, other justice system stakeholders, to be able to get that input to make this process the best that it can be.

And I'll give everyone another opportunity if we have anyone else that wants to make comments and raise their hand. Anyone else that wants to make comments?

And I thought that we do have a comment that was made for all the panelists, too, and a recommendation, and if anyone wanted to follow up on this, for some one-on-one conversations with administrators, corrections administrators, to get a sense of what the issues are that they have on the ground, anyone want to comment further on that, or identify any, if you think that would be a good idea, if that's possible.

Betsi Griffith: Judge Wahwassuck, this is Betsi Griffith from BJA, and while we're maybe waiting for folks to process. You've asked some really good questions, and we'd love to have feedback on all of this. I think maybe it would be helpful to just give a little bit of history of how we've picked that feedback in the past and have made modifications to the work that we've done.

As I alluded to earlier, BJA historically has hosted more consultations and listening sessions, and also after the passage of the Tribal Law and Order Act, conducted several activities, including working with our colleagues out in tiers to develop the Tribal Justice Plan. And out of that work, we identified a number of

priorities, many of which are listed in the first question, if we could go back to the slide that takes us to the first question. I just want to kind of outline that.

A number of things that we did is we started, for example, to, one, as soon as we had the authority to broaden our category, put together one single category as opposed to breaking this up into multiple areas of activity, partly to get to the feedback you guys just provided to us about wanting to do, be more comprehensive, and to have that flexibility to address your tribal-specific needs.

We also placed a lot of emphasis on funding requests that supported alternatives to incarceration and in this I definitely intend to incorporate traditional strategies and traditional mechanisms within tribal justice systems, to resolve issues, as well as things that would, you know, have more of a feel of a Western-style court intervention.

We also, on the infrastructure side, made a commitment to not just invest in building jails, but to build a number of different kinds of facilities that would support these alternatives to incarceration, including transitional housing facilities, and I know someone made a comment earlier that that piece has been very successful for them. So, really trying to prioritize that.

Treatment activities, court and multijurisdictional or multidisciplinary facilities, where law enforcement, tribal courts, and the jails or community-based activities were all co-located, again, to encourage a comprehensive approach, and more of a collaborative approach.

We also really put investments into our tribal probation work, so that tribes would have the ability to supervise folks that otherwise might be serving time in a corrections facility or a tribal jail.

And definitely put a lot of investments in work to support the intention around the TLOA enhanced sentencing authority as well as the special jurisdiction of cases, and supported both intergovernmental collaboration, and some have mentioned as well, the work around joint jurisdiction courts.

An example of something we've done more recently, we did participate with this year in some consultation and listening sessions, and certainly heard from you that the violent crime issue was an area of great concern, and so Director Adler leveraged funding, both last year and this year not out of the tribal assistance account, but out of other funding streams under a set-aside we have on our Justice Assistance Grant account. To be able to leverage some resources to address this emerging crime issue in Indian country are increasing, it's not really new. It's just increasing around violent crime.

So, I think for us, we just want you to know that we really take very seriously the feedback that you all provide, and have utilized that in the past, and are committed to continuing to provide that, to use that feedback to sort of enhance our process.

We also tried to get to that to some degree with CTAS by bringing all of the department's funding specifically for tribes together, to be able to be responsive. And we do conduct an annual assessment process where we put a survey out to tribes after the solicitation has closed to get your feedback about how we can improve it, and then make adjustments to that solicitation every year to respond to that feedback, and you'll note in the solicitation at the beginning, we really described, here's the feedback you gave us, we made changes this year to the solicitation to be responsive.

But I just thought it was important for folks to know some of the ways in the past we have utilized the feedback and I think we've continued to do in a similar way now.

And Judge Wahwassuck, I'll turn it back over to you.

Korey Wahwassuck: Thank you very much. And were there any other comments that people wanted to make? I don't see that anyone else has raised their hand, but certainly, if there's people that are wanting to make comments, I want to give you the opportunity to do that. So, anyone else that has a comment they'd like to add?

Well, not hearing anything, I'm going to turn this back over to Norena.

Norena Henry: Thank you, Judge Wahwassuck. You did an excellent job. Thank you to all of those who provided questions, and I look forward to others sharing their comments and their views with us, either by email or through the DOJtribalfunding@usdoj.gov email address.

Okay. Let's move on to our next slide.

And this is the BJA response to the listening session. For this activity, we are going to ask the BJA Tribal Justice Team members to respond to tribal views shared, and each team member will provide one or two priorities or needs they heard during the listening session. And the team members are, Betsi Griffith, Ruby Qazilbash, Michael Dever, and myself. We also may have Jon Adler jump in. Okay. So, we are going to start with Betsi.

Betsi Griffith: Thank you, Norena. I really appreciate all of the feedback we received today, and want to echo everybody's encouragement also, to please send us written comments. We really invite your feedback, and definitely take it very seriously as we move forward with planning.

I definitely heard from several of you of the need to develop strategies specific to the challenges of Alaskan Native villages. We have been hearing this for a while, you have some very good advocates on this front, and really tried to reflect that in our current solicitation that's out for training and technical assistance. And so, I'd just like to put a call out that solicitation just opened recently. And if you know of providers you think would do a good job, please send the announcement their way.

We're really looking to build some new partnerships up in Alaska, and to have folks on the ground that can really be our partner working with those of you that are in Alaskan Native villages and working in Alaska to address, we know, sometimes, very complex issues, and a wide variety of issues. And be able to sort of have that partner on the ground that can then connect with a range of different kinds of training and technical assistance and grant funding that can support the needs in Alaska, so we appreciate that feedback, and hope we're on track there, but would love to hear other feedback.

As I mentioned also previously, we do have this very broad Purpose Area 3, and would love to have any further feedback on ways we can prioritize, or to hear yes, this flexible approach we've used is on track.

I did want to mention, those of you that have expressed support for our work in civil and criminal legal assistance, that in addition to funding under TCCLA, we also have received and as recently as this past year, funded civil, criminal defense services through applications from tribes as well, so that's another option.

And then the third point I wanted to make was really coming back to kind of acknowledging that often, tribes will submit a comprehensive application, and we're looking at the different purpose areas, and just assure you of a couple things.

One is, if you truly are interested in doing a comprehensive approach, we would encourage you to consider applying under Purpose Area 2, which is our strategic planning category. This funding will allow you to hire a coordinator to really work with the tribal justice system to build a comprehensive plan. And once that plan is submitted and approved across the components, once you decide to exercise, as a tribe will actually be given priority consideration for its comprehensive application that's submitted in the future.

We also try generally to look at that, but I will acknowledge that some purpose areas have more funding than others, so sometimes it's hard to reach all of the purpose areas, even though we recognize you are trying to be comprehensive in your work. So, that's just one clue I would mention. But again, I think we'll take the feedback and try and make sure as much as we can incorporate a general intention around all applications being funded comprehensively, we'll consider that as well. Thank you, Norena.

Norena Henry: Thank you so much, Betsi. We're going to move on to Ruby Qazilbash.

Ruby Qazilbash: Thank you, and I'd just like to react to some of the comments that were made in responding to people with the substance abuse disorders and mental health disorders that are coming in contact with law enforcement and ending up in jail, and needing support through the reentry process. Both to reduce recidivism and to reconnect those individuals to treatment when they return to the community, and hopefully preventing a further revolving door for them.

And just to remind people that are on the phone, and others that might listen to this later, that the topic has been BJA's tribal-specific funding streams made available through the Coordinated Tribal Assistance Solicitation. But just a reminder that there are many other grant programs available through the Bureau of Justice Assistance that tribes are eligible for, and one of them includes the Justice and Mental Health Collaboration Program. That can provide a lot of support for planning and implementing those diversion and intervention-based programs that are focused at any point on the criminal justice continuum.

So, they can support law enforcement and mental health collaboration, including supporting staff positions, those that are providing peer support as well as clinicians. And whether those individuals are needed within the courts, or within a jail, or to work on reentry efforts to connect people that are leaving either a tribal jail, a county jail, a state or federal prison, to services upon reentry, that that is a really good funding source.

I also heard that housing is in an ongoing need. And both through infrastructure, as Betsi mentioned and Julius mentioned as well, through CTAS Purpose Area 4, to repurpose or renovate, and we've had many tribes apply and be able to receive assistance to do this, to repurpose existing facilities to serve transitional housing needs, that that is certainly a possibility, so I just wanted to highlight and reiterate that.

I also wanted to respond just to the comments that were made that were specific to children's issues, that BJA for the most part focuses on the adult criminal justice system. We have all of those comments. We will take them in hand, but we will also make sure that they get shared with the Office of Juvenile Justice and Delinquency Prevention, as they plan for the Tribal Youth Program, and also funding that they make available, both specifically to tribes and in general, through their funding streams. Thank you.

Norena Henry: I will go ahead and make some comments. What I heard from Nikole and Stephanie, who work within the Indian legal services program. Really something that my parents and my grandparents taught me growing up. There was four basic things that they taught me, and one was, always keep your children, and never leave them behind. Always embrace your culture, and hold fast to it. And the other is never let go of the land, for it's going to support and provide you what you need.

And as I grew older, I began to understand a whole lot more, and I saw individuals acting out, and we all have some of our relatives who are alcoholics, delinquents, drug addicts, and when we saw these individuals, or runaways. When we saw these individuals, my parents, my grandparents, would always tell us, we never throw people away.

Growing up, you're just bombarded with these teachings, in every possible situation. So, when Stephanie and Nikole were talking, it just made the connection, I made the connection of why I'm so gravitated towards the work that we're doing here in justice.

But particularly with the Indian legal services. Because on the civil side, they really do work to try to keep the children with their parents, with the tribe, in several different ways. And they also help to build and strengthen the tribal justice systems through their work with their expertise, and working with tribes and tribal court personnel.

Because, those tribal justice systems, and especially the tribal courts, protect our traditional culture. And they also help too, with the land issues. You know, water issues. They have had a very long history in providing that type of assistance to Indian tribes.

Their new role has really been to provide criminal indigent defense. I know we have bad actors in our community, and I know some of them are our relatives. And we want them to get help. And so, this resource that was made available in 2015, during 2010, I think was a small amount, but once we started learning about

the impact of it throughout the community, and just the amazing amounts of requests for resources, and for representation, it blew my mind.

The need is great. The resources are small, but I have heard you, and others have heard you. We will take a look at resources for the TCCLA programs.

And what I said on the intergovernmental collaboration activities is, one, I think we here at BJA really need to rethink how we provide intergovernmental collaboration. Sometimes, when I first came here, it was kind of this appendage to the tribal activities. However, I had worked on intergovernmental collaboration ever since I worked for the tribes, which was the Navajo Nation.

And as many of you know, we were relocated in a region in the Southwest, that covers three states, and countless counties, and we also have federal criminal jurisdiction. So, you can imagine, just to obtain justice is very difficult. So, other tribes throughout the nation who are experiencing this, you know, I've heard your stories.

And we here at BJA helped to start up a training and technical assistance program that would begin to support these efforts that are occurring out on Indian country, to support tribal court forums. To ensure that law enforcement has resources to support their ongoing activity, and their training. So, there are a lot of training and technical assistance resources that do exist. Some people do not know about it. You might want to go to the DOJ Tribal Justice Safety website, and the training and technical assistance page.

We are also going to be investing in FY 2019 in two very large technical assistance opportunities. One is very court-based, and we're providing \$800,000 through an application, the Tribal Coordinated... I'm sorry, I'm trying to think of CTAS. Coordinated Tribal Assistance Solicitation Training and Technical Assistance Program announcements.

So, that is one area, the second is another \$800,000 for law enforcement-based activities. So, there will be more resources, and that will be available to tribes to access. Indian tribes who are looking at applying through CTAS or through other BJA grant programs, I encourage you to weave into your application those intergovernmental collaboration activities. Because that, I think is really where a lot of the support for Indian tribes exists, and you will be able to access it there.

So, those are just some of the things that I've heard, and I want to thank the legal services community for sending their people. Next person.

Michael Dever: Thank you, Norena. This is Michael Dever from the BJA Programs Office, and we have a team in the Programs Office that works with you once your awards are, once your grant applications have been accepted, and we have Program Managers assigned to you throughout the life of the award.

And so, when you receive award documents, your Program Manager's name and contact information will be included as part of the package, and they will work with you to ensure that the financial training requirements are met, and also to facilitate the technical assistance that Betsi and Ruby have offered, have described earlier. Basically, they serve, if you ever hit a roadblock, they are your person to go to.

And so, we have heard two difficulties, I think, that right off the top of my head with CTAS, where Betsi said that there's an effort made to fund, and comprehensively, but if there is ever a situation where one of the purpose areas that you're relying on for the success of your award document made through BJA, impacts it in some way, you can work with us, reach out to us, and we will work with you to document and revise the scope of the award, so that your goals will be, may need to be modified in certain circumstances. So, we can work with you on that.

As far as project period length, we can look at whether it makes sense for three years or four years. We do have certain restrictions, and we're limited. But it is a lower threshold to request and receive a 12-month extension. Beyond that, then it does get more difficult because of circumstances beyond your control or legal situations like that. But again, our Program Managers are available to work with you. As early on as you see something where your timelines are not going to be met within the active award period, work with our folks here at the BJA Programs Office and we can work with you on that and all other issues throughout the length of your award. With that, Norena?

Norena Henry: Thank you, Michael Dever. Okay, we are going to be moving to the closing and additional input. Before we end today, I want to share with you a colleague of ours, Tim Jefferies, who's a Senior Policy Advisor for drug policy in our office. And he'll be sharing some information with you.

Tim Jeffries: Thank you, Norena. I'm Tim Jefferies, I'm with also the Bureau of Justice Assistance in the Policy Division with the drug portfolio. And I do want to mention briefly, we have heard a lot of the things that you've mentioned, not only

in this session, but also with our other partners as well. We recognize the importance of peer recovery and community reintegration.

We also have heard in other areas and listening sessions the importance of co-occurring services, the justice and mental health collaboration, which you heard our Associate Deputy Ruby mention that there's public funding for that in other areas.

We heard the need for the importance of wraparound services, and a community continued – community integration and continued care. And listening to some of those areas, one of the things we did modify in the upcoming solicitation that we're going to release in the next two or three days, is partial funding for community reintegration housing, because we do know the importance of that.

So, let me just back up really quickly, and I know we're short on time. I do want to mention that we have what is called the Comprehensive Opioid Abuse Program solicitation. This will be the third year that we've released that. Last year, I did want to mention that it was \$145 million appropriated program, and that we awarded almost 200 grants from that program. This year, we have an increase of \$12 million to \$157 million. So, you can kind of gauge how many grants we will make from those figures.

And know that we had quite a high success rate of the number of applications that we received to the actual grants that we awarded. I did want to mention on the tribal side, we did award 10 grants that were tribe-specific from that funding, and we had six categories in that.

And the important component, or the important date I want you to mention and be mindful of, is April 18 at 2:00 p.m. ET, we will have a webinar that will kind of do a great crosswalk of this new solicitation I'm referring, or this newly revised solicitation, against all the other funding streams that you might have heard from today, so, there will be a crosswalk against the CTAS solicitation, as well as the drug court solicitation, and the COAP solicitation, to kind of help you identify or parse out which area of funding you might want to request dollars for.

The primary area that we saw applications that came in under our COAP funding last year, was under Law Enforcement Assisted Diversion programming. But we do have, like I said, there was six categories last year, we streamlined them down to three or four.

One other area that I do want to mention that I heard resonated throughout today's session, was the importance of peer recovery and community reintegration. So, we do have funding for that across all of the Sequential Intercept Model areas.

Lastly, I do want to mention, we do have one tribal sample application that we're going to post on our website, that we consider a best practice application, that came in last year under that Law Enforcement Assisted Diversion category, which was the first category. So, in the next two weeks, you can feel free to check out our BJA website, or our coapresources.org website, for that sample application, and see how they've envisioned their program design, and it was successfully awarded.

So, with that, I will turn now back over to Norena.

Norena Henry: Thank you so much, Tim Jefferies. So, thank you for attending today's BJA Tribal Virtual Listening Session.

If you have any additional questions or comments, please email them to DOJtribalfunding@usdoj.gov. If you have submitted a question through the chat feature, and we have not yet responded, we will follow up via email through today's session.

You can download the slides from today's meeting online on the BJA Tribal Listening Sessions web page, and the DOJ Tribal Justice Safety web page. A link to a recording of this webinar will also be posted to these sites.

Thank you again for joining us today, and we hope you enjoy the rest of your afternoon. Chief Wells?

Susan Wells: Hi. I just want to thank you so much for all the information that you've given, and I think it was Norena that was talking about all the things that we deal with in Indian country that have been negative – negatively impacted our people. Today, I got a little hope, listening to you.

I want to share something that we use in our court, our Henu court, for the graduates. We call our graduation Yaghelich datl', which means, "To walk in beauty." It means we should, it's hard to, I mean, in Dine it's hard to give the two meanings, but what it means is to walk the right way. And that's what we want for our people. And it's not just a past, it's a sacred past that is always achievable.

So, I'm praying today, to close this great listening session to our great spirit Wakan Tanka. And thanking him for this glorious day, and for the opportunities that we've heard here today. And that I ask for help, that each of us, and all of our tribes and all of our courts and all of our programs that we will strive for Yaghelich datl', and know that it's always achievable, and with Wakan Tanka's

help, we will be able to overcome the adverse effects of alcohol, drugs, and domestic violence, sexual assault. And I pray this in our Heavenly Father's name, and I thank you again. Amen. (Speaking in Native language). Goodbye.