





# Welcome to the Bureau of Justice Assistance Tribal Stakeholder Preparation Session.

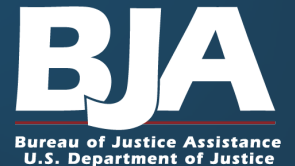
## We will begin at 1:00 p.m. ET.

- To join the audio, please open the **Connect to audio options**  and select “I Will Call In” to dial into the teleconference and enter your unique attendee ID.
- Please take an opportunity to open the **Options**  at the bottom of the screen, click the **Polling icon** , and answer the polling questions that appear on the right side of the screen.
- To ask a question during the session, please click the **Chat icon**  at the bottom of the screen. Type your question into the panel on the right side of the screen. Please use the drop-down menu to send your question to “**All Panelists.**”
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



BUREAU OF JUSTICE ASSISTANCE

# TRIBAL JUSTICE FUNDING

Background Information for 2019 BJA Tribal Listening Sessions



# Housekeeping Information

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# Agenda

- Welcoming Remarks
- Overview of BJA Tribal Program Funding
- FY 2019 Tribal Funding
- Other BJA Funding
- Questions for Listening Session
- Q & A

# Opening Remarks

- BJA's mission is to provide leadership and services in grant administration and criminal justice policy development to support local, state, and tribal justice strategies to achieve safer communities.
- Tribal Justice Initiative
  - Increase the number of tribal applications
  - Host a series of tribal consultation / listening sessions
  - Revitalize a coordinating body for policy, programs

# Overview of BJA Tribal Funding

- Scope of BJA Authority
- History of Tribal Grant funding

# Scope and Authority of BJA's Tribal Grant Funding

- BJA's authority and funding appropriations are for competitive and formula grants.
- BJA does not provide direct criminal justice services like the U.S. Attorney's Offices, FBI, and BIA Office of Justice Services.
- As a grant making authority, BJA does not have the authority to enter into contracts or compacts with tribes.

# History of BJA Tribal Grant Funding

- Generally, Indian tribes are eligible for most discretionary funding such as Drug Courts and for formula funding through the Edward Byrne Justice Assistance Grants (JAG) for local jurisdictions. JAG formula amounts determining eligibility are based on Uniformed Crime Reporting data (UCR) as reported by the FBI for Part 1 Violent Crime. Approximately 15-20 tribes are eligible for JAG-Local Jurisdictions.
- BJA has managed funding for tribes since 1995.
- BJA has managed several tribal specific programs including:
  - Tribal Construction
  - Tribal Courts
  - Indian Alcohol and Substance Abuse
  - Tribal Civil and Criminal Assistance
  - Tribal-Federal-State-Local Intergovernmental Collaboration

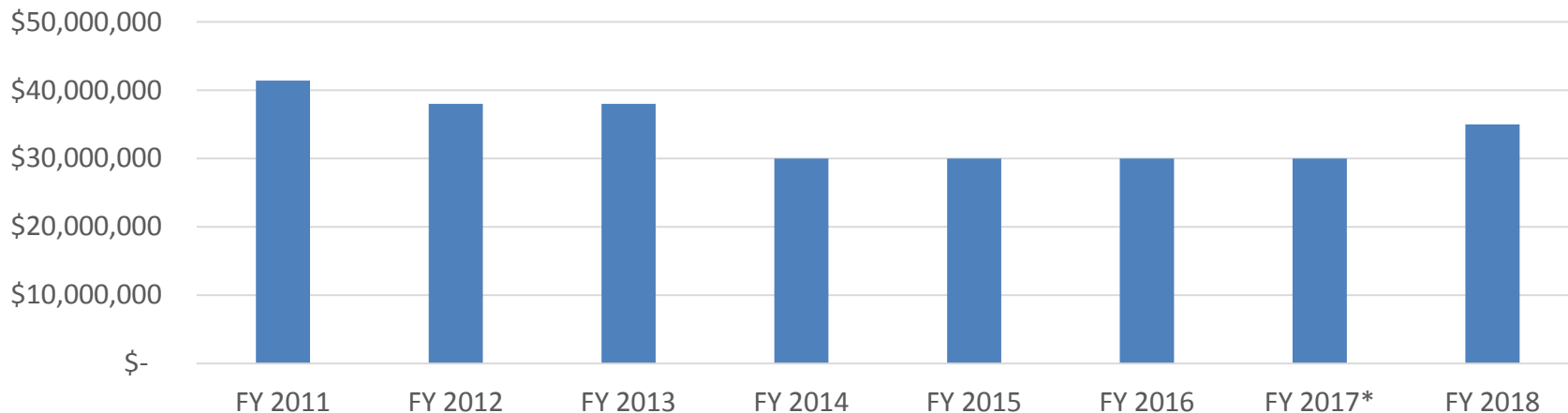


# History of BJA Tribal Grant Funding

- Since FY 2012, BJA funds for tribes have been appropriated under a single Tribal Assistance account.
- Total FY 2019 funds: \$37,500,000.

# History of BJA Tribal Grant Funding

BJA Tribal Assistance Appropriation



\* BJA funding out of the FY 2017 tribal set aside was \$30,000,000.

# FY 2019 Funding Plan

- Coordinated Tribal Assistance Solicitation (CTAS) Purpose Areas (PAs) 2, 3, 4, and 10\* awards
- Tribal Criminal and Civil Legal Assistance supplemental awards
- CTAS Training and Technical Assistance awards
- Training and Technical Assistance to support tribal justice capacity and intergovernmental collaboration

\*Funding for PA 10 is from a Justice Assistance Grant set-aside

# CTAS Purpose Area 2: Strategic Planning

- The purpose of PA 2 awards is to initiate a broad assessment of a tribe's current justice system and to then produce a comprehensive system-wide strategic plan to further develop and enhance it.
- To achieve this, DOJ provides a training and technical assistance (TTA) provider to support grantees through all aspects of the strategic planning process. This includes onsite as well as distance TTA.
- BJA will prioritize funding in future CTAS cycles to tribes that complete and submit an approved strategic plan.

# CTAS Purpose Area 2: Strategic Planning

- In FYs 2012-2018, DOJ received 328 PA 2 applications and funded 49 awards totaling \$3,927,417.
- To date, 27 tribes have submitted completed strategic plans, and 23 tribes received a total of \$41,233,335 in priority CTAS funding.
- Currently, there are 21 other grantees actively in the process of developing their comprehensive system-wide strategic plans.
- Co-funded and coordinated across all five CTAS participating agencies (BJA, Office of Community Oriented Policing Services Office, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, Office on Violence Against Women).
- From FYs 2012-17, the award amount available was up to \$75,000 for a 18-24 month grant period. Beginning in FY 2018, the available amount is up to \$150,000 for a 3-year grant period.

## CTAS Purpose Area 2: Strategic Planning

- PA 2 Funds may support the following:

Full or part-time project manager to facilitate the planning process

Community outreach

Office supplies

Contractors to support the data collection and analysis, including research partners

# CTAS Purpose Area 2: Strategic Planning

## Success stories:

- Through PA 2 funding and technical assistance, the Kaw Nation successfully completed the strategic planning process and is now effectively focusing its efforts on creating a centralized multidisciplinary justice center that will provide culturally infused services to all Kaw Nation citizens within the Kaw Nation service area.
- Through CTAS PA 2 and 3 funding and technical assistance, Sault Ste. Marie Tribe of Chippewa Indians were able to develop a Tribal Action Plan (TAP) and a comprehensive tribal justice systems strategic plan. They were able to specifically address their community's alcohol and substance misuse challenges through the TAP, and leverage their priority funding to obtain other CTAS awards that will not only fill their justice systems gaps, but to leverage these additional resources to provide wrap-around services.

# CTAS Purpose Area 3: Tribal Justice Systems

- The goal of Purpose Area 3 is to provide funding to tribes to develop, support, and enhance adult tribal justice systems and prevent crime, including crime related to opioid, alcohol, and other substance abuse. Key partners can include law enforcement; pretrial services; risk and needs assessment experts; diversion, prevention, and treatment providers; juvenile justice; tribal prosecutors; tribal court services and defense counsel; detention facilities; community corrections; reentry coordinators; community planners and facility managers; and traditional leaders.
- In FYs 2012-2018, DOJ received 1,115 applications and funded 333 awards totaling \$163,332,315.
- Awards amounts typically range from \$250,000 to \$750,000 for a 3-year grant period.



## CTAS Purpose Area 3: Tribal Justice Systems

- PA 2 Funds may support the following:

Create a new or enhance an existing tribal court

Prevention program

Conduct a risk and or needs assessment

Reentry program

Diversion and alternatives to incarceration

# CTAS Purpose Area 3: Tribal Justice Systems

- BJA provides both training and technical assistance to PA 3 grantees at no cost on a wide range of topics, including tribal courts, updating or developing tribal codes, alcohol and substance abuse, healing to wellness courts, prevention, reentry, diversion and alternatives to incarceration, and other tribal justice system topics.

**Keep in  
mind...**

The following charts represent funds used only for programming activities.



Non-programming activities (68% of total grant funds) include:

Training

Personnel

Purchasing  
Equipment

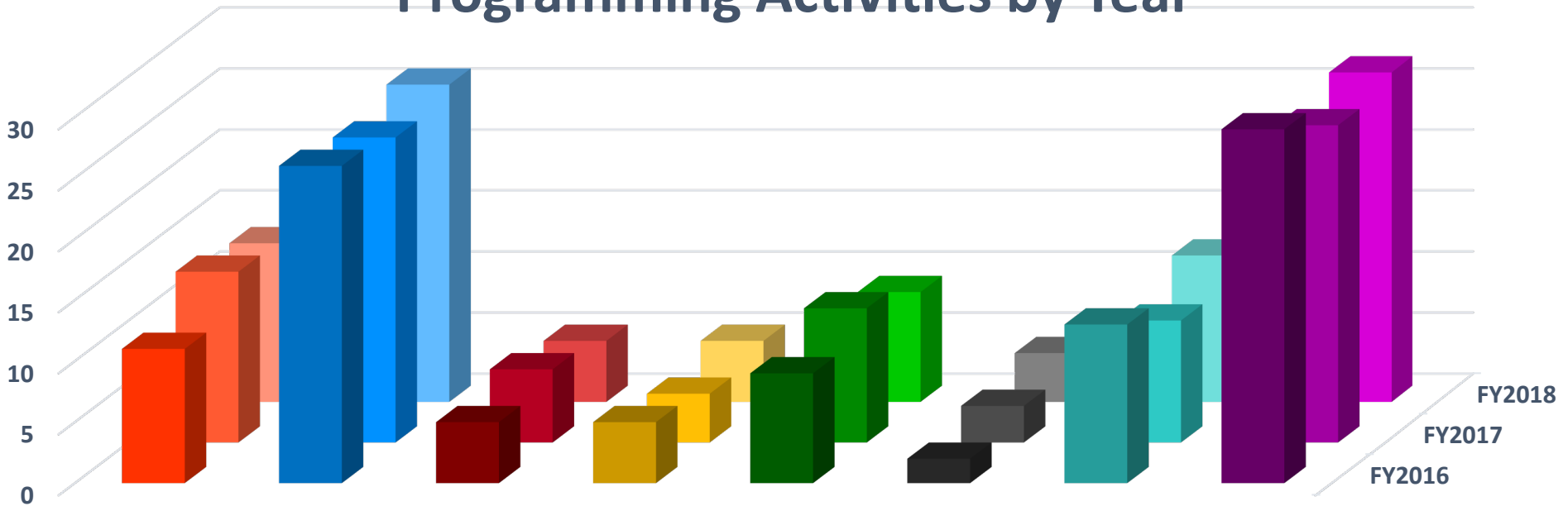
Strategic  
Planning

Administrative  
Set Aside



The remaining 32% of funds are distributed among 8 different programming activities.

# Distribution of Funds for Programming Activities by Year



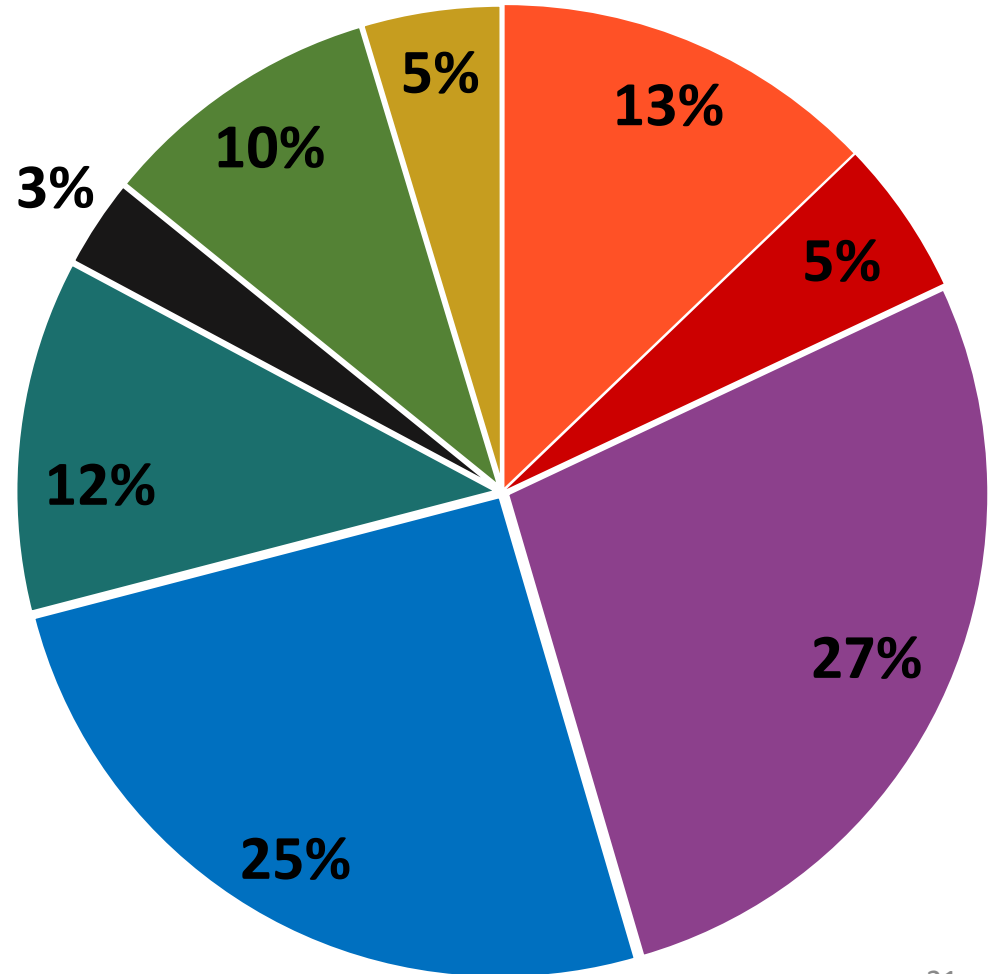
- Alcohol & Substance Abuse
- Healing-to-Wellness & Drug Courts
- Law Enforcement & Adjudication
- Legal Assistance

- Reentry Programs
- Risk/Needs Assessment
- Treatment
- Tribal Justice Systems & Courts

# Distribution of Funds Used for Programming Activities

FY2016 - FY2018

- Alcohol & Substance Abuse
- Healing-to-Wellness & Drug Courts
- Law Enforcement & Adjudication
- Legal Assistance
- Reentry Programs
- Risk/Needs Assessment
- Treatment
- Tribal Justice Systems & Courts



# CTAS Purpose Area 3: Tribal Justice Systems

## Success stories:

- **The Pueblo of Isleta Safe Disposal Programs:** The tribal police department and the tribal health center sought to address the need for community education and awareness, and implemented the Safe Disposal Program. This program, and others like it, have focused on the safe disposal of prescription drugs and the reduction of prescription drug abuse.
- **The Colorado River Indian Tribes' Red Ribbon Week Program:** Located along a high intensity drug trafficking area, there was a need to address concerns regarding youth alcohol and substance abuse. In response, the tribe planned youth-focused activities for Red Ribbon Week to raise awareness. Activities included a Sober BMX stunt show and Clean and Sober Theater, each of which included an educational and awareness component.
- **The Cheyenne River Sioux Tribe:** The tribe designed a mobile court to serve the residents of this vast reservation, which includes remote towns with many residents who have limited transportation means. BJA funding was used to help cover operating costs and staffing for a bus-based courtroom, including a tribal judge, a court clerk, and a bailiff who doubled as the bus driver.
- **Yurok Tribe in California Court Clerk Manual:** With assistance from the PA 3 TTA provider, the Yurok Tribe in California created a culturally relevant and fully workable court clerk manual that will remain usable for years to come.

# CTAS Purpose Area 4: Tribal Justice System Infrastructure Program

- PA 4 assists tribes with building justice system infrastructure capacity by providing funding to support the renovation, expansion, or replacement of existing single jurisdiction or regional tribal justice facilities.
- Since FY 2010:
  - 302 applications were received totaling \$300,380,265.
  - 104 awards were made totaling \$71,589,803.
- Depending on the type of project, award amounts ranged from \$1,000,000 to \$4,000,000.
- Grant period: up to 3 years.

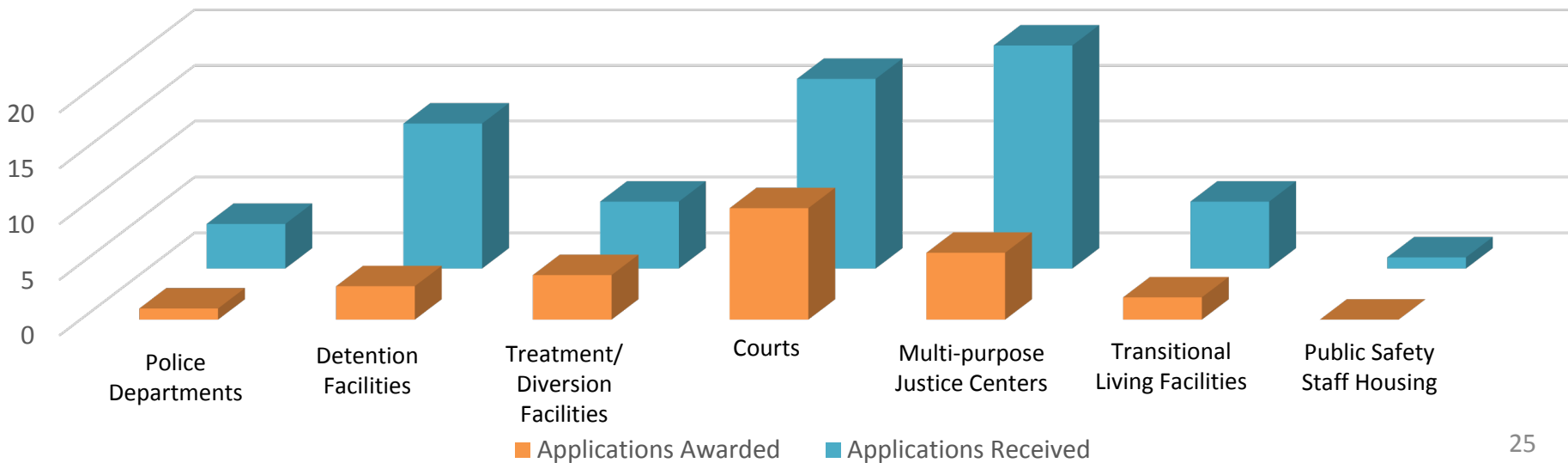
# CTAS Purpose Area 4: Tribal Justice System Infrastructure Program

- BJA provides operational planning TTA to address staffing, operating budgets, programming needs, project feasibility, facility activation, and other operational needs.
- Construction/project management TTA is available to facilitate project schedules, assess project budgets for cost effectiveness, ensure appropriate facility standards are met, and assist with other construction management activities.



# CTAS Purpose Area 4: Tribal Justice System Infrastructure Program

FY 2016-FY 2018



# CTAS Purpose Area 4: Tribal Justice System Infrastructure Program

## Success Stories:

- Yurok Tribe Multi-purpose Justice Center (Phased Construction)
- Muscogee Creek Nation Transitional Living Facility (Construction)
- Bois Forte Band of Chippewa Indians Police Department (Renovation)
- Nez Perce Tribe Courthouse (Renovation)

# CTAS Purpose Area 10: Addressing Violent Crime in Tribal Communities

- During the Department's FY 2018 Listening Sessions and Consultation, tribal leaders identified addressing violent crime as a priority.
- The FY 2018 CTAS solicitation had already been released, so BJA included this priority in its FY 2018 Field-Initiated solicitation.
  - BJA funded 5 of the 6 applications from tribes, which will support efforts to increase prosecutions of violent crime by tribal prosecutors in tribal court and as Special Assistant U.S. Attorneys (SAUSAs).
- BJA is also offering training and technical assistance to tribes interested in expanding their work, including a trial advocacy training for tribal prosecutors in July 2019.

# CTAS Purpose Area 10: Addressing Violent Crime in Tribal Communities

- BJA added a new purpose area in CTAS in FY 2019, which will address precipitous increases in violent or other serious crimes, including combatting, addressing, or otherwise responding to them at the tribal level, especially violent crime. This includes tracking, identifying, and quickly responding to these crime issues.
- Grantees must focus at least 50-percent of their work on one or more of the following crimes: murder; manslaughter; aggravated assault (including intent to murder); arson; drug trafficking; or gang-related violent crime.
- Funds are not intended to replace resources available from the Office of Violence Against Women such as domestic violence, sexual assault, stalking, and sex trafficking.
- BJA expects to make at least 4 awards for up to \$500,000 for a total of \$2,000,000.

# Tribal Criminal and Civil Legal Assistance Program

- Since 2010, BJA received 51 applications and funded 16 awards for a total amount of \$6,961,218.
- The award amount varied from \$150,000 to \$875,000 over a 24-month performance period.

# Tribal Criminal and Civil Legal Assistance Program

- Allowable uses of funding include:
  - Category 1 Civil Legal Assistance: legal assistance for civil causes of action and legal infrastructure (code development, policies & procedures, agreements [e.g., MOA/MOU], workgroups, as requested by tribes).
  - Category 2 Criminal Legal Assistance: defense counsel services, public defenders, and legal infrastructure (code development, policies & procedures, agreements [e.g., MOA/MOU], workgroups, as requested by tribes).
  - Category 3 Training and Technical Assistance: trial skills training, new attorney training, training on child welfare, planning, and development of indigenous justice systems.
- Eligible applicants for categories 1 and 2 are 501(c)(3) nonprofit organizations that provide services to low-income tribal members and eligible applicants for Category 3 are national or regional membership organizations whose membership consists of judicial system personnel.
- Category 3 providers can support TTA requests from TCCLA grantees and Indian tribes.
- Holistic defense has a recent high demand TTA area.

# Tribal Criminal and Civil Legal Assistance Program

## Current & New Projects:

- Implementation of TLOA Enhanced Sentencing Authority Curriculum Development project, anticipated release summer 2019 (Current)
- Holistic Defense Pilot TTA Project (New)
- Online Training Courses for New Attorneys (New)

# Additional Tribal TTA Provided by BJA



- Tribal Reentry TTA including multidisciplinary team training and ad hoc TA
- Tribal Community Corrections TTA including Tribal Probation Academy and ad hoc TA
- Tribal-State Collaboration TTA and [www.WalkingOnCommonGround.org](http://www.WalkingOnCommonGround.org)
- Enhancing Tribal and State Collaborations to Build Sustainable Public Safety Partnerships Training
- Alaska Village Public Safety Curriculum Development Project



# Other BJA and DOJ funding for Tribes

- Tribes are also eligible for funds from most non-tribal specific programs.
- The Department's Office of Justice Programs issues an annual program plan with planned solicitations at:
  - <https://ojp.gov/funding/index.htm>

# Polling Session and Break

- If you have not already done so, please open the **Options**  at the bottom of the screen and click the **Polling icon**  .
- Please take a moment to answer the polling questions that appear on the right side of the screen.
- We will take a **five-minute break** to provide you time to respond to the poll.

# Listening Session Questions for Consideration

## TRIBAL JUSTICE SYSTEM IMPROVEMENTS

1. BJA has sought to maximize flexibility of funding in the CTAS structure and scope of allowable activities. In CTAS, BJA has prioritized investments that reflect tribal leader input, including:
  - Alternatives to incarceration;
  - Tribal court services;
  - Tribal probation;
  - Tribal jails and reentry;
  - Crime related to Indian alcohol and substance abuse;
  - Tribal justice infrastructure construction and renovation;
  - Criminal and civil legal assistance;
  - Enhanced sentencing authority and jurisdiction over cases;
  - Intergovernmental collaboration;
  - Violent crime; and
  - Strategic planning.

Which of these budget priorities should be continued, expanded or added, or eliminated?  
What activities, if any, are missing?

# Listening Session Questions for Consideration

## TRIBAL JUSTICE SYSTEM IMPROVEMENTS (Continued)

2. In order to successfully manage cases and address tribal safety in your tribal court, what resources and assistance does your tribal court need?
3. 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?
4. In order to successfully address your tribe's current crime problems, what justice infrastructure does your tribe need?
5. 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?

# Listening Session Questions for Consideration

## TRIBAL JUSTICE SYSTEM IMPROVEMENTS (Continued)

6. In order to adequately rehabilitate your confined population, what infrastructure changes are needed?
7. To what extent are your tribal justice facilities meeting applicable building codes or BIA detention facility standards (if applicable)?
8. In order to address violent crime affecting your tribe, what resources, assistance or support for collaboration with key partners does your tribe need? Are additional resources needed to address issues related to missing and murdered Native Americans?

# Listening Session Questions for Consideration

## TRIBAL CIVIL AND CRIMINAL LEGAL ASSISTANCE PROGRAM

8. What other priorities do you have for the TCCLA Program?
9. 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 3.66 percent of total appropriations from the tribal assistance funding. Should BJA change this rate in future years?

# Listening Session Questions for Consideration

## INTERGOVERNMENTAL COLLABORATION

Strong coordination and collaboration between Indian tribes and federal, and state governments improve public safety and combat violent crime throughout Indian Country and in tribal communities.

10. To achieve public safety improvements, and in particular violent crime reduction, what legal infrastructure (e.g., agreements) would assist and support your government with intergovernmental justice collaboration?
11. In addition to making direct awards to tribes, how can BJA support the development, implementation, and enhancement of these justice collaborations?

# Listening Session Questions for Consideration


## Training and Technical Assistance and Communication

13. Does existing TTA address your tribe's needs to build capacity and expertise in tribal justice systems? What priorities for TTA should be considered?
14. BJA plans to implement a more consistent method for regular consultation, dialogue, and seeking feedback from tribal leaders. What are some ways that BJA can ensure the most meaningful process?
15. BJA will be hosting pre-listening session webinars to provide background information. What information can be provided to assist in this process?



# Q&A

# Questions and Answers

- As a reminder, to ask a question during the session, please click the **Chat icon**  at the bottom of the screen. Type your question into the panel on the right side of the screen. Please use the drop-down menu to send your question to “**All Panelists.**”
- If we do not get to your question by the end of today’s meeting, or if you have additional questions, please send an email to BJA at [DOJtribalfunding@usdoj.gov](mailto:DOJtribalfunding@usdoj.gov).
- Within the next week, BJA will post the recording for this session on the BJA Tribal Listening Sessions web page: <https://www.bja.gov/events/setting-priorities-for-tribal-appropriations-listening-sessions.html>.

# Additional Input

- Written comments can be submitted to [DOJtribalfunding@usdoj.gov](mailto:DOJtribalfunding@usdoj.gov)
- Due Date: 11:59 p.m. April 12, 2019