



DEPARTMENT OF JUSTICE

**STATEMENT
OF
U.S. DEPARTMENT OF JUSTICE**

**SUBMITTED TO THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

CONCERNING

**“OVERSIGHT OF THE PRESIDENT’S FISCAL YEAR 2014 BUDGET
FOR
TRIBAL PROGRAMS”**

**PRESENTED ON
APRIL 24, 2013**

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Chairwoman Cantwell, Vice Chairman Barrasso, and members of the Committee:

Thank you for the opportunity to allow the Department of Justice to submit a statement regarding the support that the Fiscal Year (FY) 2014 President’s Budget provides for public-safety initiatives in tribal communities. These issues are of critical importance to the Department, and we are pleased to detail some key elements of the Department’s FY 2014 budget request.

The Department of Justice shares the Committee’s dedication to public safety for American Indian and Alaska Native tribes, and we are deeply committed to working closely with tribal governments to address violent crime in Indian country. Early in his tenure, Attorney General Holder established a Department-wide initiative to address issues of tribal justice and public safety. The emphasis on these issues reflects the Department’s important responsibility for prosecuting violent crime in Indian country, and the fact that, in much of Indian country, the Department alone has the authority to seek an appropriate sentence when a major crime has been committed. Federal investigation and prosecution of serious violent crime in Indian country often cannot be deferred to a local jurisdiction and therefore federal law enforcement is both the first and usually the only avenue of protection for the victims of these crimes.

As this Committee knows all too well, many tribal nations face significant public-safety threats on their lands and are struggling to combat staggering rates of violent crime. Unlike municipal police agencies, many tribes still lack basic technology to modernize their departments, such as laptops installed in police vehicles. The officer-to-population ratio remains lower on Indian reservations than in other jurisdictions across the country. Further, tribal law enforcement has a unique task of patrolling large areas of sparsely populated land: There are over 55 million acres of Indian country and 566 federally recognized tribes. Together with high rates of violent crime and substance abuse, tribal law enforcement also faces the pandemic of domestic violence and sexual assault against Native women. According to a nationwide survey by the Centers for Disease Control and Prevention, nearly half of all Native American women – 46% – have experienced rape, physical violence, or stalking by an intimate partner.

The Attorney General has applauded the recent passage of the Violence Against Women Reauthorization Act (VAWA 2013), which will help address intimate-partner violence in Indian country. The law contains provisions that will significantly improve the safety of Native women

and empower federal and tribal law enforcement agencies to hold more perpetrators of domestic and dating violence accountable for their crimes. Because the law was not passed until after final Administration budget decisions were made, however, the President's Budget does not request funding specifically authorized for the new tribal program in section 904 of VAWA 2013. The Administration will work with Congress to help federally recognized tribes obtain funding to strengthen their criminal justice systems and prosecute perpetrators of domestic violence, as provided for in this critical legislation.

Through the FY 2014 President's Budget, the Department seeks to build capacity in tribal communities to more effectively address violent crime in Indian country. The FY 2014 President's Budget requests \$389.5 million in total resources for the Department for public-safety initiatives in Indian country, including \$369.5 million in discretionary funding and \$20 million from the Crime Victims Fund (a mandatory account).

The President's Budget includes significant and versatile grant funding for addressing a range of criminal justice issues. The Budget provides tribes with \$102.5 million via the Flexible Tribal Grant 7 percent set-aside from virtually all Office of Justice Programs grant programs, and an additional \$20 million to support Tribal Assistance for Victims of Violence from the Crime Victims Fund. The Budget includes \$42.7 million for Office on Violence Against Women programs for tribes and tribal nonprofit organizations in FY 2014, which are funded through specific statutory set-asides to OVW programs. We should note that the OVW set-asides may increase upon implementation of VAWA 2013. The Budget also requests \$35 million for Community Oriented Policing programs in Indian country to fund tribal law enforcement expenses, including the hiring of police officers, training, and purchasing new equipment, technology, and vehicles.

In addition to grant funding, the President's Budget provides a total of \$27.5 million and 125 agents to the Federal Bureau of Investigation and \$35.3 million and 144 attorneys to the United States Attorney's Offices to investigate and prosecute the violent crime that is plaguing tribal communities. The Justice Department's prioritization of combating Indian country crime over the past four years has resulted in a notable increase in overall law enforcement efforts in Indian country. The Department's prosecution caseload for Indian country has seen a steady increase. Over the last four years, we have reached a new era of partnership between the federal government and Indian tribes, including an unprecedented level of collaboration with tribal law enforcement, regular consultation on crime-fighting strategy, joint federal/tribal task forces, information sharing, training of investigators, and cross-deputizing of tribal police and prosecutors to enforce federal and tribal law.

The President's Budget also provides a total of \$1.6 million for the Office of Tribal Justice (OTJ), an increase of \$530,000 over FY 2012 enacted levels. OTJ is the primary point of contact in the Department for federally recognized tribes and advises the Department on legal and policy matters pertaining to Native Americans.

The Department is working to ensure that these resources are used as effectively and efficiently as possible. Rather than funding programs dictated by Washington, the Department has added flexibility to the grant application process, so that grants meet tribes' actual needs.

The Attorney General established the Tribal Nations Leadership Council to provide direct, regular input to the Department on issues critical to tribal governments. In addition, every United States Attorney's Office with Indian country jurisdiction now has a plan to address specific tribal public-safety challenges, and each has met with tribes in their district. The Department has also launched a National Indian Country Training Initiative to ensure that federal prosecutors, as well as state and tribal criminal justice personnel, receive the training and support needed to address the challenges of Indian country prosecutions. While the Department will continue to make efficient use of scarce funding, public safety is best enhanced when tribal officials have the resources they need to enforce tribal laws.

The Department of Justice will continue to aggressively combat violent crime in Indian country by efficiently employing the resources provided to us. The Department thanks the Committee for its interest in these critical issues and for its support.