



U.S. Department of Justice FY 2016 Budget Request

PUBLIC SAFETY IN INDIAN COUNTRY

\$417.4 Million in Total Resources

FY 2016 Overview

PUBLIC SAFETY IN INDIAN COUNTRY

The United States has a unique legal and political relationship with American Indian tribes and Alaska Native communities as provided by the Constitution, treaties, court decisions, and federal statutes. The Department of Justice has an important legal and moral responsibility to prosecute violent crime in Indian Country because under current law, 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 is often both the first and only avenue of protection for the victims of these crimes.

The passage of the Tribal Law and Order Act of 2010, the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), and a public safety strategy championed by the Attorney General in 2009, have resulted in an unprecedented increase in engagement, coordination, and action on public safety in Indian Country. The Department has expanded its efforts in tribal communities, from law enforcement to litigation to programs. Under both Acts, the Department's responsibilities in Indian Country have expanded, and the priorities identified by the Attorney General have led to a number of new initiatives and the improvement of ongoing activities. Among these initiatives are specific plans to address tribal public safety challenges in each U.S. Attorney's Office with Indian Country jurisdiction, regular meetings between tribes and senior Departmental leadership through the Tribal Nations Leadership Council, a pilot project allowing accelerated implementation of the tribal provisions of VAWA 2013, and promoting compliance with the Indian Child Welfare Act through interagency collaboration with the Departments of the Interior and Health and Human Services.

The FY 2016 President's Budget requests \$417.4 million in total resources for public safety initiatives in Indian Country. Investments include significant and versatile grant funding for addressing a range of criminal justice issues, among which is a \$5.0 million request for a new Tribal Domestic Violence Criminal Jurisdiction program authorized by Congress in the Violence Against Women Reauthorization Act of 2013. This program would provide grants to tribal governments and their designees to support tribal efforts to exercise special domestic violence criminal jurisdiction over non-Indian offenders who commit violence against Indian spouses, intimate partners or dating partners, or who violate protection orders, in Indian Country. The Environment and Natural Resources Division is requesting an increase of \$3.0 million to support the enforcement of environmental laws on tribal lands, and the Office of Tribal Justice requests a program increase of \$240,000 and one additional attorney position.

The President's Budget includes a proposed change to the Department's Working Capital Fund statute that would allow tribes to reimburse the fund for supplies, materials, and services related to access to law enforcement databases. Additionally, the Department is requesting a change to OVW's appropriations language that would allow the use of certain prior year balances to enhance the ability of tribes to access federal criminal information databases. Together, these appropriations language changes would provide a mechanism for tribes to access critical national crime information databases that does not exist under current law.

Key DOJ Resources

Community Oriented Policing Services (COPS)

- COPS requests **\$35.0 million in total resources** for Indian Country in FY 2016 to fund tribal law enforcement expenses, including the hiring of police officers, training, and purchasing new equipment, technology, and vehicles.

Environment and Natural Resources Division (ENRD)

- ENRD requests an increase of **\$3.0 million and four attorney positions** in FY 2016 for environmental enforcement on tribal lands. The rapid expansion of oil and gas extraction on Indian lands in the last decade has consequences affecting public health and the environment in Indian Country, raising concerns about the quality of surface and drinking water. In April 2014, ENRD senior staff met with tribal members, tribal leaders, and others in potentially affected states. Based on these discussions, and coordinating with other agencies, the Department's FY 2016 budget request includes funding to support an additional four attorneys who will work closely with federal and tribal agencies to litigate cases addressing environmental violations in Indian Country.

Office of Justice Programs (OJP)

- OJP requests total discretionary resources of **\$114.4 million** for Indian Country in FY 2016. This funding comes via the Flexible Tribal Grant 7 percent Set-Aside from all OJP programs (excepting the Crime Victims Fund and the Public Safety Officers' Benefits programs). OJP also requests **\$20.0 million** to support tribal assistance for victims of violence from the Crime Victims Fund.

Office of Tribal Justice (OTJ)

- OTJ requests an increase of **\$240,000 and one attorney position**. OTJ is the primary point of contact for the Department and manages the government-to-government relationship with 566 federally recognized Native American tribes, and advises the Department on legal and policy matters pertaining to Native Americans. The additional position and funding is necessary to ensure that the Department meets its Indian Country responsibilities.

Office on Violence Against Women (OVW)

- OVW requests total resources of **\$51.8 million** for Indian Country in FY 2016. Included in this amount is **\$36.4 million** for the Tribal Governments program, **\$6.2 million** for the Tribal Coalitions program, **\$2.7 million** for the Sexual Assault Services Program, **\$1.0 million** for Analysis and Research on Violence Against Indian Women, and **\$500,000** for a Sexual Assault Clearinghouse.
- OVW sets aside a percentage of funding from many of its programs for tribal governments and coalitions. The Tribal Governments Program is designed to enhance the ability of tribes to respond to violent crimes against American Indian women, enhance victim safety, and develop education and prevention strategies. The Tribal Coalitions Program builds the capacity of survivors, advocates, Indian women's organizations, and victim service providers to form nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions to end violence against American Indian and Alaska Native women.
- On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act. The law contains provisions that significantly improve the safety of Native women and which allow federal and tribal law enforcement agencies to hold more perpetrators of domestic violence accountable for their crimes. In February 2014, the first Tribes were accepted in the VAWA Pilot Project, which enabled them to exercise, on an accelerated basis, special domestic violence criminal jurisdiction over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian Country. As a result, more than 20 non-Indians have been charged by tribal prosecutors – and more than 200 defendants have been charged under VAWA's enhanced federal assault statutes. This total includes more than 40 cases involving charges of strangulation or suffocation, which are often precursor offenses to domestic homicide. All Tribes will be able exercise special domestic violence criminal jurisdiction beginning in March of 2015.
- The President's Budget requests **\$5.0 million for a new Tribal Domestic Violence Criminal Jurisdiction program** authorized by Congress in VAWA 2013. This program would provide grants to tribal governments and their designees to support tribal efforts to exercise special domestic violence criminal jurisdiction. Additional funding is needed for updating criminal codes, providing counsel to indigent defendants and supporting victims.

Coordinated Tribal Assistance Solicitation

- In FY 2010, the Department launched the Coordinated Tribal Assistance Solicitation (CTAS), a streamlined solicitation process which encompasses most of DOJ's available Tribal government-specific grant programs. Through CTAS, the Department has awarded over \$530 million to hundreds of American Indian and Alaskan Native communities. The Tribes are using these funds to enhance law enforcement; bolster justice systems; prevent and control juvenile delinquency and strengthen the juvenile justice system; serve sexual assault and elder victims; and support other efforts to combat

crime. The FY 2015 solicitation opened in November of 2014, and the application deadline is February 24, 2015.

FY 2016 Indian Country Funding Totals
(Amount in \$000s)

Component	FY 2015 Enacted			FY 2016 President's Budget		
	Pos	Agents/ Attorneys	Amount	Pos	Agents/ Attorneys	Amount
Bureau of Prisons	883	442	\$118,839	883	442	\$121,439
Civil Division	3	1	274	3	1	284
Community Oriented Policing Services*	0	0	33,000	0	0	35,000
Community Relations Service	0	0	75	0	0	92
Criminal Division	3	2	679	3	2	724
Environment and Natural Resources Division	42	38	11,042	46	42	15,288
Federal Bureau of Investigation	203	125	34,028	203	125	34,813
Office of Justice Programs*	0	0	47,500**	0	0	114,352
Office of Justice Programs, Crime Victims Fund***	0	0	0	0	0	20,000
Office of Tribal Justice	7	5	1,390	8	6	1,630
Office on Violence Against Women*	0	0	46,757	0	0	51,791
United States Attorneys	124	91	21,775	124	91	21,964
Total Resources	1,265	704	\$315,359	1,270	709	\$417,377

* In FY 2015 and the FY 2016 President's Budget request, OJP, COPS, and OVW salaries and expenses are derived from within grant program funding. Therefore, the actual amount provided for grants to Indian Country will be slightly less than the amounts displayed.

** Note: OJP's final FY 2015 enacted number will likely be higher than \$47.5 million. Funding amounts for OJP's Children's Justice Act and Victim Assistance in Indian Country programs are still being finalized, and thus are not currently included in the OJP total.

*** The \$20 million is proposed to be funded from the Crime Victims Fund, a mandatory account.