



Department of Justice

STATEMENT

OF

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BEFORE THE

INDIAN AFFAIRS COMMITTEE
UNITED STATES SENATE

CONCERNING

THE JUSTICE DEPARTMENT'S FISCAL YEAR 2003 BUDGET
TO SUPPORT INITIATIVES IN INDIAN COUNTRY

PRESENTED ON

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Chairman Inouye, Vice-Chairman Campbell, and Members of the Committee: I appreciate the opportunity to appear before this Committee to discuss the Justice Department's proposed Fiscal Year 2003 budget priorities for Indian Country. As the Committee is aware, for far too long the needs of Indian tribal governments in combating crime and violence have been ignored. This Administration is committed to addressing the most serious law enforcement problems in Indian Country, including substance abuse, domestic violence, and other violent crimes and to ensuring that Indian tribes are full partners in this effort.

One of the Department's primary resources for funding and other assistance in Indian Country is the Office of Justice Programs (OJP). Through OJP and its component bureaus, the Department identifies emerging criminal and juvenile justice system issues, develops new ideas and tests promising approaches, evaluates program results, collects statistics, and disseminates these findings and other information to federal, state, and local units of government, Indian tribes, and criminal justice professionals. OJP works to prevent and control crime and help crime victims by providing funding to and assisting state and local governments, Indian tribes, law enforcement, prosecutors, courts, corrections, and other service providers.

A strong example of our commitment to support American Indian and Alaskan Native tribes is the Comprehensive Indian Resources for Community and Law Enforcement, or CIRCLE, Project, which recognizes that the most effective solutions to the problems experienced by tribal communities come from the tribes themselves. The three tribes that participate in the CIRCLE Project have each undertaken comprehensive, coordinated, multi-disciplinary efforts to combat crime and violence. These tribes designed their own strategies, while we provided support through direct funding, training, and

technical assistance.

And, we have already seen some promising results from the three CIRCLE Project tribes. For example, the Oglala Sioux have seen reduced gang activity and domestic violence since implementing CIRCLE. The Northern Cheyenne tribe hired its first juvenile probation officer, have added additional police officers, and implemented new youth programs. The Pueblo of Zuni used resources provided through CIRCLE to hire four more law enforcement officers, provide community policing and other training, streamline its court system, and start a youth leadership program.

Our commitment to American Indian communities is reflected in the President's Fiscal Year 2003 request of \$50.6 million for OJP tribal programs, part of the Department's \$201.3 million request for Indian country-related activities. This plan will allow us to continue most of our tribal programs at or near Fiscal Year 2002 levels.

Some of OJP's programs focus on alcohol and drug abuse, which continue to be major problems in Indian country. OJP's Bureau of Justice Assistance will soon issue a solicitation for the Indian Alcohol and Substance Abuse Demonstration Program, a new effort to improve the enforcement of alcohol and drug laws in tribal lands and provide treatment and other services to American Indian or Alaskan Native offenders with substance abuse problems. Applicants can focus on law enforcement, services, or both. We anticipate making up to 30 grants in late summer. For Fiscal Year 2003, we are requesting approximately \$5 million for this program, maintaining the current funding level.

OJP's Drug Courts Program Office provides funds for local drug courts that provide specialized treatment and rehabilitation for non-violent substance abusing offenders. While not solely a

tribal program, OJP has always ensured that tribal governments were included as Drug Court grantees. Last fiscal year alone, we awarded 21 Drug Court grants totaling over \$3 million to Indian tribes. We anticipate that American Indian and Alaskan Native tribes will apply for drug court funding again this year and that they will be well-represented among new grantees. For Fiscal Year 2003, we requested \$52 million for the overall Drug Courts Program, a \$2 million increase from our Fiscal Year 2002 funding level.

Further Mr. Chairman, it is a sad fact that American Indian and Alaskan Native women still suffer disproportionately from domestic violence and sexual assault. Since 1994 our Violence Against Women Office (VAWO) has administered the STOP Violence Against Indian Women Discretionary Grants Program, which support tribes' efforts to investigate and prosecute violent crimes against women and to strengthen services for victims of these crimes. Last year we awarded a total of \$8.1 million to 84 tribes under this program.

This year we are proud to launch the Tribal Domestic Violence and Sexual Assault Coalitions Grant Program, a new program authorized under the Violence Against Women Act of 2000 that is designed to help non-profit tribal coalitions improve systemic and community responses to victims in Indian country. We hope this program will help tribal communities identify gaps in services so that no domestic violence and sexual assault victims fall through the cracks.

For Fiscal Year 2003, we are requesting a total of \$19.89 million for all of our tribal Violence Against Women Act programs, virtually maintaining the Fiscal Year 2002 funding level.

OJP's Office for Victims of Crime (OVC) works with Indian tribes to provide services for crime victims in areas that are often under-served. OVC provides direct support through its Victim

Assistance in Indian Country Discretionary Grant Program. Tribes can use these funds for many different services, including emergency shelters, mental health counseling, and immediate crisis intervention. This program is supported through the Crime Victims Fund, which comes from federal criminal fines, forfeited bail bonds, penalty fees, and special assessments.

OVC also administers grants under the Children's Justice Act to improve the investigation, prosecution, and handling of child abuse cases in Indian country. Tribal communities nationwide have used these grants for activities such as training law enforcement and court staff on how to work with child abuse victims, and establishing protocols for handling these cases. We are requesting \$3 million for this program in Fiscal Year 2003, maintaining the current funding level.

OJP also works to help American Indian and Alaskan Native youth through the Tribal Youth Program, which is administered by OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Tribal Youth Program supports accountability-based sanctions, training for juvenile court judges, strengthening family bonds, substance abuse counseling, and other efforts to improve justice operations in Indian Country. Further, with OJJDP funding, American Indian Development Associates provides training and technical assistance to Tribal Youth Program grantees. Also, \$1.2 million will be dedicated to tribal-related juvenile justice research activities. OJJDP will issue its Fiscal Year 2002 Tribal Youth Program solicitation within the next few weeks. For Fiscal Year 2003, we are requesting \$12.47 million for this program, maintaining the current funding level.

In addition to focusing on specific offender or victim populations, tribes have expressed a need for overall improvement of their justice systems. Tribal justice systems have existed for hundreds of years, but lately their workload has grown markedly, while the available resources have not. OJP has

worked to help ease this burden through the Tribal Courts Assistance Program, which assists tribes in the development, enhancement, and continuing operation of tribal judicial systems. It provides resources to help tribes sustain safer and more peaceful communities. We will soon announce 57 Tribal Court grants, and will fund additional projects with Fiscal Year 2002 funds. For Fiscal Year 2003, we are requesting \$7.98 million for this program, maintaining the current funding level.

Another important tool to help tribes enhance their law enforcement and criminal justice systems is technology. This past September, OJP's Bureau of Justice Assistance (BJA) awarded \$1.5 million to the National Center for Rural Law Enforcement for the first phase of the Inter-tribal Integrated Justice Pilot Project, a part of OJP's Information Technology Initiative. The Inter-tribal Integrated Justice Pilot Project will increase electronic information sharing among the Navajo Nation, Hopi Tribe, and Pueblo of Zuni in order to improve 24-hour emergency services and enforcement of drunk driving violations and protection orders. We look forward to continuing this project and to providing training and technical assistance to other tribes that seek to undertake similar efforts.

One of the many challenges that American Indian and Alaskan Native tribes face is collecting reliable data on arrests, victimizations, and other criminal justice-related issues. Last year OJP awarded a grant to the Justice Research and Statistics Association to create the Tribal Justice Statistics Assistance Center, which became operational late last month. The Center will work with tribal justice agencies to develop and enhance their ability to generate and use criminal and civil justice statistics. It will provide support specifically tailored to the tribal community requesting assistance. Among other activities, the Center will offer tribes training in the use of criminal justice data to help inform justice decision making in Indian country.

Not only will improved data gathering help tribes make better policy decisions, it will also help them to better share and receive information with the broader criminal justice community, as well as to participate in national criminal justice data gathering efforts, such as the National Incident Based Reporting System (NIBRS), the Uniform Crime Reporting (UCR) program, and other data collections related to corrections, criminal victimization, court processing, and juvenile justice. In addition, the Center will provide for tribal participation and access to national law enforcement data systems, such as the National Criminal Information Center (NCIC) and the National Protection Order File.

For Fiscal Year 2003, we plan to target \$2 million in Bureau of Justice Statistics (BJS) funds for the Tribal Justice Statistics Assistance Center and other tribal-related statistics activities, maintaining the current funding level.

OJP has engaged in a number of research efforts to better understand criminal and juvenile justice problems in Indian country and the many challenges tribal justice agencies face. Last year our National Institute of Justice partnered with the Department's Office of Community Oriented Policing Services, or COPS, to produce *Policing on American Indian Reservations*, which was developed through a grant to the John F. Kennedy School of Government at Harvard University. The comprehensive report examined emerging Indian country crime trends, how tribal police departments are managed, and the federal role in this process. The report also offered suggestions for improvement. I am submitting a copy of this report for the record.

Mr. Chairman, so far I have outlined some of our broader efforts to work with American Indian and Alaskan Native tribes, but there is also a need for day-to-day assistance. In September 2000, with

OJP support, the National Tribal Justice Resource Center opened its doors. Located in Boulder, Colorado, the Resource Center is operated by the National American Indian Court Judges Association and provides tribal justice systems with assistance that is comparable to that available to federal and state court systems. The Resource Center offers on-site training and technical assistance, a calendar of seminars and conferences, and a free searchable database of tribal court opinions. It also features a “justice system mentoring project,” which partners a developing tribal court with a more experienced one. The Resource Center makes information available through a toll-free number (1-877/976-8572) and a comprehensive searchable Website (www.tribalresourcecenter.org). OJP plans to continue our support of this project in Fiscal Year 2003.

As you are aware Mr. Chairman, OJP works in close partnership with COPS, which administers the Tribal Resources Grant Program. This program provides funding for additional officers, law enforcement training, uniforms, basic issue equipment, technology, and police vehicles in an effort to enhance law enforcement infrastructure and increase community policing in tribal communities. Last fiscal year, the COPS office awarded 105 tribal law enforcement agencies a total of \$34.3 million under this program and plans to issue its Fiscal Year 2002 solicitation early this spring. COPS also will issue a solicitation for its Tribal Mental Health and Community Safety Initiative late this spring. In addition, COPS supports training and technical assistance projects, as well as other innovative partnership programs in Indian Country. For Fiscal Year 2003, COPS has requested \$30 million for its Indian country programs. As the committee is aware, the war on terrorism compelled the Department of Justice to reexamine its funding priorities and redirect funds from programs that have met their objectives. Among those affected was the Indian Country Tribal Prison Construction program,

which has helped fund the expansion of 20 tribal correctional facilities, 2 of which already are operational. No funding is requested in Fiscal Year 2003 because recent reports indicate that tribal facilities have been able to reduce their overcrowding. While almost half of these still operate above capacity, their conditions should improve as previously funded construction projects are completed.

Mr. Chairman, Attorney General Ashcroft has pledged to honor our Federal trust responsibility and to work with sovereign Indian Nations on a government-to-government basis. The Attorney General, the Department, and OJP will honor this commitment and continue to assist tribal justice systems in their effort to promote safe communities. We also recognize that the most effective solutions to the problems facing tribes come from the tribes themselves and that our role is to help the tribes develop and implement their own law enforcement and criminal justice strategies. We are confident that our current activities and our Fiscal Year 2003 proposed budget reflect these priorities. This concludes my statement, Mr. Chairman. I have attached several budget charts to assist the Committee, and I would welcome the opportunity to answer any questions you or Members of the Committee may have.