



# Department of Justice

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**STATEMENT OF**

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U.S. DEPARTMENT OF JUSTICE**

**BEFORE THE**

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**AT A HEARING ENTITLED**

**THE PRESIDENT'S FISCAL YEAR 2020 BUDGET**

**MAY 15, 2019**

**Statement of**

**Matt M. Dummermuth  
Principal Deputy Assistant Attorney General  
Office of Justice Programs  
U.S. Department of Justice**

**Before the  
United States Senate  
Committee on Indian Affairs**

**May 15, 2019**

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, thank you for this opportunity to discuss President Trump’s budget request for fiscal year (FY) 2020, particularly the substantial investments he proposes to support public safety in American Indian and Alaska Native communities. My name is Matt Dummermuth, and I am the Principal Deputy Assistant Attorney General in charge of the Office of Justice Programs (OJP), the research, statistical, and primary funding arm of the Department of Justice (DOJ).

I appear before you today on behalf of the entire Department. As you know, the Department plays a central role in carrying out federal Indian policy, alongside other agencies such as the Department of the Interior and the Department of Health and Human Services. Under the leadership of Attorney General Barr, DOJ is committed to honoring tribal sovereignty and working with tribal leaders on a government-to-government basis to help ensure public safety in native communities.

This committee hardly needs to be reminded of the serious challenges tribes face in combating violence and administering justice. As the President noted in his recent Missing and Murdered American Indians and Alaska Natives Awareness Day Proclamation, “Too many American Indians and Alaska Natives are the victims of abuse, sexual exploitation, or murder — or are missing from their communities.” Indeed, the issues facing tribal communities are both prevalent and pervasive. According to a landmark study of intimate partner violence funded by our National Institute of Justice (NIJ) and released in 2016, more than four in five American Indian and Alaska Native adults have experienced some form of violence in their lifetime, and more than half of all American Indian and Alaskan Native women experienced sexual violence in their lifetime. That is almost three million people who have experienced stalking, physical or sexual violence, or psychological aggression by intimate partners. It is also worth noting that almost all American Indian and Alaska Native victims reported experiencing violence at the hands of a non-native perpetrator at least once in their lifetime. In addition, reports funded by DOJ have exposed the staggering rates at which American Indian and Alaska Native children and youth experience violence and post-traumatic stress.

As if the sheer scale of violence were not enough, the resources that tribal professionals have at their disposal are often limited. It is an understatement to say that these men and women are often overstretched. Another NIJ report on policing in Indian country found that the typical

tribal police department serves an area the size of the state of Delaware with a patrol of no more than three officers. I just had the privilege of visiting several native villages in Alaska, a truly eye-opening experience. I met with tribal leaders and justice system officials, who also showed me around their communities. I learned much about Alaska Native villages and the numerous challenges they face. On May 1, I participated in OJP's Office for Victims of Crime (OVC) consultation with tribal leaders and representatives, and I can speak firsthand about the lack of resources available to tribal authorities to ensure law and order and respond to victims. Native villagers live in some of the most beautiful locations on earth, but the word "remote" does not begin to describe them. The President's Budget recognizes the gravity of the problem, and proposes to direct considerable resources to supporting tribes as they develop solutions.

The Department of Justice has an extensive history of supporting tribal public safety and victim assistance. During FY 2018, DOJ's grant-making offices—OJP, Office of Community Oriented Policing Services (COPS Office), and the Office on Violence Against Women (OVW)—awarded 225 grants totaling more than \$113 million to 125 separate tribes under our Coordinated Tribal Assistance Solicitation (CTAS), which is our primary mechanism through which tribes apply for DOJ funding. CTAS enables tribes to apply for grants based on their own public safety needs, not according to some generic criteria that may or may not make sense for tribal applicants. Under CTAS, tribes can search grant opportunities by ten purpose areas—ranging from policing to services for sexual assault victims. They can then submit an application that outlines their public safety goals. We have seen success come from these awards. For example, the Pueblo of Jemez received a grant to start a community outreach and victim assistance program to combat elder abuse, a problem that is affecting a growing number of seniors throughout America. The Jemez program developed an elder code, created a system of elder advocacy services, and launched a public education campaign. This year, we established an additional purpose area to address violent crime in Native lands. The new purpose area (#10) is designed to provide key funding to Tribal justice systems to focus on combating, addressing, and responding to precipitous increases in crime within tribal communities. The goal is to assist tribes to increase their capacity to work with federal, state and local partners to investigate and prosecute serious and violent crimes, including any investigations of missing or murdered tribal members.

In addition to CTAS resources, a total of 154 grants totaling \$88 million were awarded as part of OVC's first Tribal Victim Service Set-Aside program supported by the Crime Victims Fund, a repository of federal criminal fines, fees, and special assessments. The fund includes zero tax dollars. These awards support child and elder victims, domestic violence and sexual assault survivors, victims of human trafficking, families of homicide victims, and people who have been victimized as a result of the opioid crisis. Even more funding—\$168 million—will be available under the set-aside this year.

DOJ has also created and invested in innovative training and assistance programs, which will be instrumental to the tribes in developing victim service programs. For instance, programmatic technical assistance is available to help develop the programs proposed by the tribes, and likewise a Financial Management Training Center now offers the tools and training to establish strong accounting systems and other important principles to increase the chance of success for the grantees. This training is designed for individuals responsible for the financial administration of grants awarded from federal programs administered by various bureaus and

offices at the Department, and DOJ is offering an online version of the seminars to give tribes the ability to complete federal grants management training, regardless of their location. All of these new programs will help improve the response of tribes to the victims of crime. This year, OJP will continue to support a range of critical training and technical assistance to tribes including regional trainings available for all tribes on ways to prepare for and apply for funding to support their work. In FY 2020, OJP's Bureau of Justice Assistance is planning to launch new training and technical assistance specifically to support native Alaskan Villages and native corporations.

Much has been said about the levels of crime and violence in Indian country and the Alaska Native villages and the "missing and murdered crisis" within the American Indian and Alaska Native tribal communities. We know the loss, trauma, and need for answers span generations. To that end, NIJ's National Missing and Unidentified Persons Program, also referred to as NamUs, is addressing the issue of missing and murdered indigenous women and children. In December 2018, NamUs added five tribal data fields to its system to assist all law enforcement and the families of the missing to add tribal detail to the cases that are entered. NamUs also started a Victim Services Unit in March of this year with funding from OVC. This unit will address the needs of all victims and the families of the missing persons that are entered into NamUs, including those in tribal communities. Recognizing that AI/AN cases were underrepresented in NamUs, NIJ and NamUs staff have made significant and targeted efforts to increase awareness over the past two years. We have launched an outreach campaign to tribal law enforcement, leadership, and community members to ensure the communities are aware of the technology and technical assistance, which is available free to all tribal nations.

Additionally, the Department is committed to improving the collection of tribal crime data. We are partnering with the Bureau of Indian Affairs (BIA), Office of Justice Services to conduct the 2019 Census of Tribal Law Enforcement Agencies, which we expect later this year. This is the first tribal law enforcement collection since the passage of the Tribal Law and Order Act (TLOA) in 2010, and will feature information on staffing and workload activities, including how both tribal and BIA police departments respond to domestic violence, opioids matters and human trafficking on tribal lands. We are also pleased to report that we are actively working with over 150 tribes on sex offender registration and notification, and 134 tribes have already substantially implemented the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act. These tribes are now added to the comprehensive nationwide network of jurisdictions sharing sex offender registration data and are connected to the National Sex Offender Public Website. We continue to provide extensive training and technical assistance to tribes to implement and maintain their sex offender registration and notification duties and, in FY 2018, OJP's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking provided \$5.1 million under the Support for Adam Walsh Act Implementation Grant Program to 21 tribes.

These are historic investments in tribal public safety and victim assistance programs, and the President's Budget for FY 2020 proposes to build on this commitment. The budget requests a total of \$523.1 million in tribal public safety resources, including \$298 million in grant funding and \$152 million for the Federal Bureau of Prisons to support the Native American inmate prison population. This would be an increase over FY 2019 funding.

In a demonstration of the Administration's commitment to its tribal partners, the President's FY 2020 Budget requests a set-aside of up to seven percent of OJP's discretionary funds to support public safety and victim assistance in Indian country. This set-aside, which we estimate will amount to approximately \$127.1 million, will provide a flexible and consistent source of grant funding for tribes by providing the resources for tribal efforts to prevent, treat, and address crime and substance abuse. This will be done through efforts such as tribal courts, prosecution, and healing to wellness courts, victim service programs, tribal criminal and civil legal assistance, and tribal probation, jails and reentry programs. The set-aside will also support tribal justice system planning, including activities outlined in TLOA, and critical investments in tribal justice infrastructure through renovation and repurposing of tribal justice facilities. In addition, it would fund tribal youth programs and a tribal youth resource center that provides free training and technical assistance to all federally recognized tribes.

The set-aside could also be used to support the Tribal Access Program (TAP), which allows tribal criminal and non-criminal justice agencies to access national crime databases, enabling them to enter and access protection orders and information about missing or wanted persons, obtain criminal histories, input sex offenders into the Federal Bureau of Investigation's National Sex Offender Registry, and exchange critical data across the Criminal Justice Information Services systems.

In addition, the FY 2020 President's Budget also requests an allocation of \$115 million from the Crime Victims Fund for the Tribal Victim Service Set-Aside program and other efforts designed to serve American Indian and Alaska Native crime victims.

Turning to DOJ's other grant-making components, the COPS Office includes two programs designed specifically for tribes—the Tribal Resources Grant Program and the COPS contribution to TAP. The Tribal Resources Grant Program will be supported by funding derived from OJP's discretionary tribal assistance set-aside in FY 2020. This program, which is available to tribes through the CTAS, provides 100 percent of funding for an officer's salary and benefits for three years. It also covers costs for equipment and training, as well as efforts to fight methamphetamine and heroin addiction.

In addition, tribes are eligible for funding under the COPS Hiring Program, which provides 75 percent funding for officer salary and benefits for three years. The FY 2020 President's Budget requests \$99 million in funding for this program under OJP's State and Local Law Enforcement Assistance account. In addition to supporting the hiring of law enforcement officers, the COPS Hiring Program also supports the Collaborative Reform Initiative Technical Assistance Center, or CRI-TAC. This resource provides critical technical assistance to government law enforcement agencies, including tribal agencies. This assistance is tailored to the tribe's specific needs and is available on a "by-the-field, for-the-field" approach that uses leading experts in a range of topics related to public safety, crime reduction, and community policing. Because different needs require different methods, CRI-TAC uses a variety of approaches, such as training, peer-to-peer consulting, analysis, coaching, and strategic planning.

The FY 2020 President's Budget for OVW consists of \$56 million to support programs and initiatives in Indian country. Of this amount, \$40.2 million is for OVW's Tribal

Governments Program, which is designed to enhance the ability of tribes to respond to domestic violence, dating violence, sexual assault, and stalking; enhance victim safety; and develop education and prevention strategies. This amount also includes \$6.8 million for the Tribal Coalitions Program, \$3.5 million for the Tribal Sexual Assault Services Program, \$500,000 for the Indian County Sexual Assault Clearinghouse, \$1 million for Research on Violence Against Indian Women, and \$4 million for the Tribal Special Domestic Violence Criminal Jurisdiction Program.

Within OVW, tribes are also eligible to apply for a number of other OVW discretionary grant programs, including programs focused on abuse in later life, the needs of victims with disabilities, and challenges faced by rural communities in addressing domestic violence, dating violence, sexual assault, and stalking.

The Department also seeks authority to use prior year OVW appropriations for tribal-specific sex offender and protection order registries to provide funds to tribes through TAP. The Department has concluded that, rather than investing funds in developing new and incomplete tribal-specific registries, the purpose for which these funds were appropriated—protecting tribal communities from perpetrators of domestic and sexual violence—would be better served by facilitating tribes' ability to enter and obtain information from existing federal databases.

I hope you will agree that these are substantial investments that reflect a strong commitment on the part of this Administration to support our tribal partners. Of course, these budget items are only one element—albeit a significant element—of the Department's efforts to enhance public safety in American Indian and Alaska Native communities.

We are moving forward with activities to address the crisis of missing persons in Indian country. In my dual role as National AMBER Alert Coordinator, I am devoting resources to fortifying the network of AMBER Alert systems in Indian country, including an AMBER Alert in Indian Country training conference that will be held at the end of July 2019. We continue to hold a regular series of government-to-government consultations and listening sessions with tribes, along with a biennial Indian Nations Conference that brings together hundreds of tribal officials from across the country to be trained on a range of public safety issues. We are helping to combat sex trafficking which can bring victims from American Indian and Alaska Native communities into urban areas where they are often lost and forgotten.

And beyond the Department's grant-making components, DOJ works through the Office of Tribal Justice and the network of tribal liaisons in the Offices of the United States Attorneys to improve law enforcement functions and reduce crime. The Executive Office for U.S. Attorneys also trains federal, state, local, and tribal attorneys and law enforcement staff on law enforcement issues in Indian country. In addition, the Environment and Natural Resources Division represents the Department of the Interior and other federal agencies on litigation matters related to water rights, reservation boundaries, land-into-trust decisions, and other matters affecting federally recognized tribes and their members.

As I mentioned earlier, I visited a handful of tribes in Alaska of varying sizes, with varying needs, in different parts of the state with different geographic and climate challenges, in

addition to having participated in a tribal consultation. The feedback I heard at our consultation, and the conversations I had through my additional meetings, both served to reinvigorate my commitment to finding solutions to address these issues tribes confront and deepened my understanding of the real, on-the-ground, practical challenges facing tribal communities.

The Department of Justice remains committed to working with our tribal partners. With the investments requested in the FY 2020 President's Budget, I am confident that we will help deliver the resources they need to protect citizens, safeguard their communities, and serve crime victims. We will continue to work hard, along with this committee, on their behalf. Thank you, and I look forward to addressing your questions.