

**Statement of Caren Harp
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U.S. Department of Justice**

Before the Senate Committee on Indian Affairs

**At a Hearing Entitled,
Justice for Native Youth: The GAO Report on “Native American Youth: Involvement in
the Justice Systems and Information on Grants to Help Address Juvenile Delinquency”**

**Presented on
Wednesday, September 26, 2018**

Chairman Hoeven, Vice Chairman Udall, Members of the Committee, it is an honor to appear before you today. My name is Caren Harp, and I am the Administrator of the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP’s mission is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Our goal is to help states, tribes, and communities develop and implement effective and equitable juvenile justice systems that enhance public safety, hold youth accountable, and empower youth to live productive, law-abiding lives. As OJJDP Administrator, I oversee OJJDP grant programs and other efforts that meet the Department’s juvenile justice priorities.

OJJDP is one of six components of the Office of Justice Programs (OJP), the Justice Department’s primary grant-making, research, and statistical arm.¹ OJJDP and its fellow offices invest substantial resources each year in tribal public safety activities, none more important than those that affect Native American youth. The Government Accountability Office’s report, [*Native American Youth: Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency*](#),² (GAO Report), examined many of these programs, placing them in the context of tribal youth involvement in our federal, state and local, and tribal justice systems.

The GAO Report outlines the Department’s considerable funding investments in tribal communities, continuing to this day. In FY 2018, the Department is awarding more than \$226 million to improve public safety in tribal communities. About half of that – more than \$113 million – comes through a mechanism called the Coordinated Tribal Assistance Solicitation (CTAS), which allows tribes to apply for more than one grant by submitting a single application. CTAS also gives tribes greater flexibility to use grant programs to address their criminal justice and public safety needs. More than 130 tribes, Alaska Native villages, tribal consortia, and tribal designees will receive grants under the CTAS umbrella.

¹ Collectively, OJP, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) are the Department’s grant-making components.

² GAO-18-591, [*Native American Youth: Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency*](#), September 5, 2018. The report examines unique challenges faced by Native American youth, and addressed two major areas: (1) what available data shows about the number and characteristics of Native American youth in federal, state and local, and tribal justice systems, and (2) federal discretionary grants that could help prevent and address delinquency among Native American youth as well as access to those grants.

In addition, OJP's Office for Victims of Crimes (OVC) will be awarding grants under the Tribal Victim Services Set-Aside Program, a 3-percent set-aside of the Crime Victims Fund authorized by the Consolidated Appropriations Act, 2018. More than 170 Native American and Alaska Native communities will benefit from this new source of funding, which is designed to expand and improve services to victims who live in tribal communities.

The Department's investments in Indian country extend beyond these grant resources. The GAO report addresses many of these efforts.

I. Justice System Data Collection

A number of Department of Justice components contributed to the GAO Report and are involved in these data collection and reporting efforts: the Federal Bureau of Investigation, the U.S. Marshals Service, the Executive Office for U.S. Attorneys, the Bureau of Prisons, the Bureau of Justice Statistics (BJS), and OJJDP.

The Tribal Law and Order Act of 2010 (TLOA), P.L. 111-211, §201(a) at 124 Stat. 2261, directed the Department to collect data related to crimes in tribal communities. BJS is set to administer the first Census of Tribal Law Enforcement Agencies in April 2019. BJS also completed the first National Survey of Tribal Court Systems, which had an overall 80% response rate among the 237 tribal courts during 2014.³ These data collections specifically gather needed information on the administration and operational characteristics of these core tribal justice agencies.

In addition, BJS established several tribal justice panels to ensure that tribal governments, their law enforcement agencies, and their courts have a central role in the development, design, and implementation of the data collection programs. These tribal justice panels comprise tribal leaders, law enforcement officials, and court representatives from across the country, along with representatives from OJP, the Department's Office of Tribal Justice (OTJ), the FBI's Indian Country Crimes Unit, and the Department of the Interior's Office of Justice Services. Their role is to ensure a tribally-centered and coordinated approach to establishing data collection systems that address tribal public safety challenges and close the gaps in knowledge about crime and justice in Indian country. TLOA requires BJS to report to Congress annually its activities related to the tribal data collection analyzed. In July 2018, BJS released the *Tribal Crime Data Collection Activities, 2016-2018*, which summarizes the efforts to date.

II. Grant Programs and Resources that Address Juvenile Delinquency

The Department provided GAO application and award information from 73 FY 2015-FY 2017 grant programs, representing approximately \$605 million in grants designed to help prevent or address juvenile delinquency among youth.⁴ DOJ and HHS collectively awarded \$207.7

³ Bureau of Justice Statistics, Tribal Crime Data Collection Activities, 2016-2018. <https://www.bjs.gov/content/pub/pdf/tcdca1618.pdf>

⁴ GAO Report, p. 57.

million to tribal governments and Native American organizations. HHS awarded \$106.5 million and the Department awarded \$101.2 million.⁵ The Department's grants were funded by OJP components: OJJDP; OVC; the Bureau of Justice Assistance (BJA); the National Institute of Justice (NIJ); and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office).

The following section includes details on CTAS grants that have supported efforts to address juvenile delinquency and support tribal communities:

Coordinated Tribal Assistance Solicitation (CTAS)

OJJDP, OVC, BJA, OVW, and the Office of Community Oriented Policing Services (COPS) have coordinated funding to support CTAS by Purpose Area since FY 2010.⁶ By the end of FY 2018, the Justice Department will have awarded more than 2,000 CTAS grants totaling more than \$940 million to hundreds of American Indian and Alaska Native communities. Through CTAS, applicants apply under one solicitation, which allows tribes to plan comprehensively and strategically allocate resources. In addition, one budget worksheet is required, one system of submitting grants electronically is used, and application support is available through a dedicated Response Center.

The Department provides training and technical assistance for tribes interested in applying for CTAS. Each year, the Department organizes a webinar series that provides detailed information on each section of the solicitation. In FY 2017, the Department offered two in-person Accessing Grants to Strengthen Tribal Justice System Capacity grant writing workshops targeting tribes that historically were unsuccessful for receiving funds under the CTAS program. The workshops were offered on January 18-19 in Columbia, South Carolina, and January 24-25 in Anchorage, Alaska. Many tribes that participated in the training did go on to receive funding in the subsequent application cycles. The workshops helped increase the success rate of the Cherokee Nation in Oklahoma from 37 percent to almost 50 percent for receiving grants in FY 2017. It helped raise the Nez Perce Tribe's success rate for receiving CTAS grant awards to more than 40 percent, as well.

OJJDP also has an online tool that offers information on developing high-quality CTAS applications.⁷ This resource is available to all federally recognized tribes.

⁵ GAO Report, p. 57.

⁶ Applicants have the option to select the Purpose Area(s) that address their public safety, criminal and juvenile justice and victimization needs. For the FY 2018 application period, there were nine Purpose Areas: (1) Public Safety and Community Policing (COPS Office), (2) Comprehensive Tribal Justice Systems Strategic Planning (BJA), (3) Tribal Justice Systems (BJA), (4) Tribal Justice Systems Infrastructure Program (BJA), (5) Violence Against Women Tribal Governments Program (OVW), (6) Children's Justice Act Partnerships for Indian Communities (OVC), (7) Comprehensive Tribal Victim Assistance Program (OVC), (8) Tribal Juvenile Healing to Wellness Courts (OJJDP), and (9) Tribal Youth Program (OJJDP).

⁷ The tool can be found at <https://tribalyouthprogram.org/funding-opportunities/2018-ctas/>. This guide contains strategies to:

- Read and comprehend a complex grant solicitation

CTAS Purpose Area 4

Under CTAS Purpose Area 4, Tribal Justice System Infrastructure Program, tribes receive funding to renovate, expand, or replace existing buildings (prefabricated or permanent modular facilities only). These modifications enhance staff, resident, detainee, and inmate safety and security for the following tribal justice-related facility types: single jurisdiction or regional tribal correctional facilities, correctional alternative or treatment facilities, multipurpose justice centers (including police departments, courts, and/or corrections), and transitional living facilities (halfway houses). Ensuring that these supports are in place enhances the safety and security of Native youth.

One example is the Eight Northern Indian Pueblos Council, which constructed the Butterfly Healing Center, a residential and outpatient treatment center for Native American youth ages 13 through 18. Prior to constructing the center, the Council lacked alternative sentencing options and resources to divert juveniles from receiving formal criminal justice records in the state or federal system. The tribe now provides treatment for youth that covers spiritual, physical, psychological, medical, and cognitive health.

Another example of CTAS's impact is the work of the Yurok Tribe—the largest tribe in California. As a result of BJA funding, the Yurok Tribe was able to construct a fully functional Multipurpose Justice Center that accommodates a courtroom, mediation area, self-help center, probation, judge's chambers, clerk of the court, administration area, public restroom and lobby areas, and cuff bench for in-custody defendants. With additional BJA funding, the tribe is expanding the Justice Center to incorporate the Yurok Tribal Police.

CTAS Purpose Area 6

Purpose Area 6, the Children's Justice Act Partnership for Indian Communities Program (CJA), assists American Indian and Alaska Native communities in developing, establishing, and operating programs to improve the investigation, prosecution, and handling of child abuse cases, especially child sexual abuse, by providing trauma-informed, culturally appropriate services to child abuse victims and their families.

CTAS Purpose Area 8

CTAS Purpose Area 8, Tribal Juvenile Healing to Wellness Courts, supports tribes seeking to develop new court-based programs to respond to the alcohol and substance use issues of juveniles and young adults under the age of 21. Federally recognized tribes that have an existing court system and are interested in developing a new Justice Healing to Wellness Court are eligible to apply.

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- Coordinate a robust grant-writing team
 - Identify and articulate the needs of the community through data driven processes
 - Generate and capture ideas and solutions from the community
 - Organize key community players to execute the proposed program

Another example of the impact of CTAS funding is the work of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' Tribal Court, which has enhanced services to include a Youth Wellness Court. The tribe used grant funds to hire an Associate Judge, Tribal Presenting Officer (prosecutor), and Tribal Defense Advocate (public defender). The court holds weekly sessions for wellness cases and the Wellness Case Manager works with Tribal Youth prevention programs, which are funded through a CTAS Purpose Area 9 Tribal Youth Program grant.

CTAS Purpose Area 9

CTAS Purpose Area 9, Tribal Youth Program, supports and enhances tribal efforts to prevent and reduce juvenile delinquency and ensure a fair and beneficial juvenile justice system response to American Indian and Alaska Native youth. The funding in this purpose area is available to create, expand, or strengthen tribal-driven approaches along the juvenile justice continuum, from prevention to intervention and treatment.

Tribes successfully employ a variety of approaches to their youth programming using Purpose Area 9 funding. These approaches include equine therapy, diversion, and Tribal Court Appointed Special Advocates, a cultural tribal youth program based on a model known as the Healing Canoe Journey, which is considered a best practice model in cultural prevention for Pacific Northwest Tribes.

Office of Juvenile Justice and Delinquency Prevention

OJJDP also funds other initiatives that address juvenile delinquency in Indian Country, including the Tribal Youth Training and Technical Assistance program, the National Intertribal Youth Leadership Initiative, and several mentoring initiatives.

- The OJJDP Tribal Youth Training and Technical Assistance Center provides comprehensive training and technical assistance for OJJDP tribal grantees. The Center works with grantees through a strategic planning process and offers ongoing support throughout the course of their grant program. All tribes, regardless of whether they are funded by OJJDP, are eligible to participate in an array of trainings, webinars, and online virtual simulation trainings.
- The National Intertribal Youth Leadership Initiative builds on the successes of past OJJDP Tribal Youth Summits and expands the leadership development support that OJJDP offers to tribal youth. The initiative supports regional learning events for tribal youth focused on developing leadership skills. Building on these events, the youth will develop community service projects related to juvenile delinquency issues in their community. This may include a community awareness project on opioid abuse, a presentation on positive decision-making skills, supporting a drug take-back day, or other related activities.
- The Department also funds a number of mentoring programs through the Mentoring Opportunities for Youth Initiative solicitation. Mentoring promotes positive

behaviors, attitudes, and outcomes for youth and reduces risk factors associated with delinquency and juvenile justice system involvement, such as poor school attendance, school failure, and alcohol and drug abuse. It has been shown to improve academic performance and/or social or job skills, support behavioral or other personal development, and reduce consumption of alcohol and other drugs. While these funds support mentoring programs operated by mentoring organizations, the services may be available to tribal youth (on and off reservation). Starting in FY 2015, OJJDP added a requirement to Category 1: National Mentoring within the Mentoring Opportunities for Youth solicitation that applicants must target mentoring services and programs to American Indian (AI) and Alaska Native (AN) youth both on and off reservations. In addition, OJJDP created a category in the FY 2018 Mentoring Opportunities for Youth solicitation specifically identifying tribes as eligible for \$1.25 million each to support mentoring services for youth impacted by opioids.

Bureau of Justice Assistance

BJA funds a number of programs that address juvenile delinquency. For example, BJA sponsored a pilot program and practice guide to assist with the development of joint jurisdiction courts. Jurisdiction is exercised jointly when the tribal court and state or federal court judges convene to exercise their respective authority simultaneously. These courts bring together justice system partners and allow the system to work collaboratively and creatively toward better results for individuals involved in the adult and juvenile justice systems. There are seven active joint jurisdiction courts and others in the planning process. More information is available on the joint jurisdiction courts webpage at <https://walkingoncommonground.org/>.

Another example is the Shingle Springs Rancheria and El Dorado County Superior Court Family Wellness Court, which provides system-involved youth and their families with a court-supervised alternative that emphasizes culturally-appropriate restorative justice practices. BJA funded the initial joint jurisdiction court pilot sites, then provided intensive technical assistance to three regions to plan their joint jurisdiction courts. BJA's work on this initiative informed an update to *A Manual for Developing Tribal, Local, State & Federal Justice Collaborations, Second Edition*. This publication can assist tribes, states, counties, and others in planning a joint jurisdiction collaboration.

National Institute of Justice

NIJ has supported research and evaluation studies on tribal crime and justice issues since the 1980s. In partnership with OVC and OJJDP, it is funding the Tribal Youth Victimization Study. This effort will develop a process for collecting self-report data on American Indian and Alaska Native youth violence and victimization. NIJ also has developed a comprehensive research program on violence against American Indian and Alaska Native women consisting of several projects that will be accomplished over an extended period. The primary goal of these projects is to document the prevalence and nature of violence against Indian women living on sovereign tribal lands.

Grant Oversight and Management

Guarding against waste, fraud, and abuse with both tribal and non-tribal grantees is a top priority of the Department. OJP's Office of Audit, Assessment, and Management (OAAM) works to improve the efficiency and effectiveness of justice programs and operations by ensuring oversight and review of grants management policy and procedures, grants management systems, and grants compliance. OAAM continually improves and refines our risk tools and makes improvements to our oversight processes.

Tribal Access Program

The Tribal Access Program (TAP) funded by SMART, COPS, and OVC, and supported by OTJ and Justice Management Division's Office of the Chief Information Officer, offers tribes valuable tools to improve public safety. TAP allows tribes access to federal databases so that law enforcement may more quickly share information on registered sex offenders and protection orders. It also enables tribes to more effectively serve and protect their communities by ensuring the exchange of critical data across the Criminal Justice Information Services systems and other national crime information systems, for both civil and criminal purposes.

The SMART Office also is working regularly with federally recognized tribes that have elected to implement the Sex Offender Registration and Notification Act (SORNA). Over 130 tribes have already substantially implemented SORNA and more continue to work towards this goal.

Additional DOJ Tribal Collaboration

In addition to grant programs, the Justice Department remains committed to addressing juvenile delinquency at every phase of the justice process (arrest, adjudication, and confinement) as it implements TLOA. OTJ and the network of tribal liaisons in the United States Attorneys' offices and specialists throughout the country collaborate with tribes to improve law enforcement functions and reduce crime. For example, each U.S. Attorney's office with jurisdiction in Indian Country regularly consults with tribes to develop strategies to combat juvenile delinquency. These offices each have a tribal liaison to link efforts between the Department and tribal leadership. 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.

As the Department continues to enhance its public safety efforts in tribal communities, we remain committed to addressing juvenile delinquency while empowering youth to live productive, law-abiding lives. Thank you, and I look forward to addressing your questions.