



# Department of Justice

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STATEMENT

OF

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BEFORE THE

COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE

CONCERNING

THE DEPARTMENT OF JUSTICE'S FISCAL YEAR 2007 BUDGET  
FOR INDIAN PROGRAMS

PRESENTED ON

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Chairman McCain, Vice-Chairman Dorgan, and Members of the Committee: The Department of Justice appreciates the opportunity to testify before the Committee regarding the Department's proposed Fiscal Year 2007 budget priorities for Indian country. As the Committee is aware, and as we at the Justice Department know as well, the needs of Indian tribal governments in combating crime and violence continue to be great. The President and the Attorney General remain 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 federally recognized Indian tribes are full partners in this effort.

My name is Regina B. Schofield, and I am the Assistant Attorney General for the Office of Justice Programs (OJP). Before I became Assistant Attorney General, I was head of the Office of Intergovernmental Affairs at the Department of Health and Human Services (HHS). There, I was closely involved in helping to improve the government-to-government relationship between tribes and the federal government. One of my proudest accomplishments at HHS was the development of the Tribal Consultation Policy that is now in effect. That policy expanded communication between tribes and HHS, and helped to streamline the process of soliciting feedback from tribal leaders on HHS policies and issues. I believe that HHS is more responsive to tribal needs as a result. My appointment as OJP Assistant Attorney General has given me a new opportunity to help strengthen the relationship between tribes and the federal government. It's an opportunity that I am privileged to have, because OJP plays a critical role in combating crime in Indian country.

OJP, the Department of Justice's Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) continue to be the Department's primary resources for funding and other assistance in Indian country. Through these offices, 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, tribal communities, and criminal justice professionals. DOJ works to prevent and control crime and help crime victims by providing funding to and assisting state and local governments, federally recognized Indian tribes, law enforcement, prosecutors, courts, corrections, and other service providers. OJP, OVW, and COPS continue their specific support to federally recognized Indian tribes and Alaskan Native Villages and Corporations by providing grants to support innovative approaches to breaking the cycle of drugs, delinquency, crime and violence, and through technical assistance and training to provide tribal leaders with the knowledge and skills required to address these issues.

One of my primary goals at OJP is strengthening communication with tribes. Too often tribal government officials, law enforcement and, others who work on criminal justice issues find it difficult to locate information about grants, training, and other types of assistance that may be available to them. I am pleased to announce that DOJ will soon be unveiling a new Web site created specifically for Indian country. The Web site will feature information on law enforcement, corrections, crime victim issues, juvenile justice, and civil rights. It will also provide information on grants, training, technical assistance

and conferences that can be of help to tribal communities. We would welcome the opportunity to demonstrate the Web site to the Committee once it's fully operational.

The new Web site is one of many areas in which DOJ is reaching out to tribal communities. I recently established a Justice Programs Council on Native American Affairs. The purpose of this council is to coordinate OJP's efforts on behalf of tribes and to serve as a liaison with other Department of Justice components on tribal issues. We want to find out how we can better serve tribal communities, how we can get information to them more quickly, how we can provide them with better training, and how we can make sure our funding resources respond to their needs.

One of the many challenges that federally recognized Indian tribes and Alaskan Native Villages and Corporations face is collecting reliable data on arrests, victimizations, and other criminal justice-related issues that can inform tribal policymakers. The Department has made it a priority to build the capacity of tribes to collect this critical data, realizing that the infrastructure for what can be a costly process is often lacking. With that in mind, our Bureau of Justice Statistics (BJS) launched the Tribal Criminal History Record Improvement Program (T-CHRIP) in Fiscal Year 2004. Since then we have awarded nearly \$1.5 million to nine grantees. Many of these tribes have used T-CHRIP funds to purchase electronic fingerprinting equipment and train law enforcement personnel how to use it. T-CHRIP funds have also been used to improve electronic information sharing both on and off the reservations. In addition, grantees are automating DWI/DUI records, domestic violence protection orders, and ink/manual fingerprint cards.

We have funded and will continue to fund T-CHRIP out of the larger National Criminal History Improvement Program (NCHIP), which is now a part of the

Department's Project Safe Neighborhoods initiative. For Fiscal Year 2007, the President has requested approximately \$39 million for NCHIP.

This April the Department will convene the 2006 Tribal Crime Data and Information Sharing Training in Albuquerque, New Mexico. The training will provide valuable information on integrating tribal criminal justice data with state and federal information systems and on how to better use existing national criminal justice statistics. The training will also cover available resources to help tribes take advantage of new information sharing technology.

In December 2005, BJS released the *Census of Tribal Justice Agencies in Indian Country, 2002*, which includes data from 314 tribes. This is the first publication that identifies the range of tribal justice agencies, the services they provide, and the types of information systems they maintain.

Not only does improved data gathering help federally recognized tribes make better policy decisions, it also helps them to better share and receive information with the broader criminal justice community, as well as 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.

The Department has also maintained a commitment to help tribes reduce substance abuse, which continues to be a major problem for many Native Americans. Our Bureau of Justice Assistance (BJA) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) provide continued assistance to Indian communities under the Drug Courts Program, which provides funds for local drug courts that provide specialized treatment and

rehabilitation for non-violent substance abusing offenders. While this is not solely a tribal program, OJP has always ensured that tribal governments are included as Drug Court grantees. In Fiscal Year 2005, BJA and OJJDP awarded six Drug Court grants totaling nearly \$2.5 million to tribes and tribal organizations. For Fiscal Year 2006, the Department received \$9.9 million for the overall Drug Courts Program, but for Fiscal Year 2007 we have requested \$69.2 million because the Administration considers this a solid investment in breaking the cycle of drug abuse and crime.

As you may be aware, the Department is again requesting that several tribal grant programs, including the Indian Alcohol and Substance Abuse Program, the Indian Country Prison Grants Program, and the Tribal Courts Program, be consolidated into a single tribal law enforcement grant program. This will enhance tribal communities' flexibility to address their unique law enforcement needs. For Fiscal Year 2007 we have requested \$31.1 million for this new competitive program, which would be administered by our Office of Community Oriented Policing Services in consultation with OJP. Grant funding could be used to hire tribal law enforcement, prosecutorial, or judicial officers. Tribes will also be able to use these funds to upgrade equipment and technology for law enforcement, prosecutorial, or judicial operations.

Another Department priority is reducing juvenile crime in Indian country. Since 1992, the Department has supported the Boys and Girls Clubs of America's efforts to develop and implement crime prevention programs among local youth, law enforcement, and community agencies. Together we have served nearly 100,000 Native American youth in 77 tribal, Native Hawaiian and Alaskan Native communities. But the numbers don't tell the whole story. These Boys and Girls Clubs are making a difference in Native

American young people's lives. A club on Arizona's Fort Mojave reservation uses horseback riding to teach young people the value of responsibility and hard work. Another Arizona club, which serves the Yavapai Apache Nation, provides young people before-school and after-school tutoring. We have requested \$59.5 million to continue our support for Boys and Girls Clubs in Fiscal Year 2007, and I believe we can encourage further growth in this effort.

What's just as critical as combating juvenile crime is reducing violence, particularly child abuse and child sexual assault, in Indian country. Our Office for Victims of Crime (OVC) helps tribes build their capacity to handle serious child abuse and child sexual assault cases through the Children's Justice Act (CJA) Partnerships for Indian Communities Discretionary Grant Program. The program has made numerous systemic improvements in the handling of child abuse cases. The CJA grant program has made a difference by improving the investigation and prosecution of child abuse cases; reducing the burden and trauma to child abuse victims; revising tribal codes and procedures to better address child sexual abuse; adopting culturally sensitive services and practices into the handling of child abuse cases; and hiring specialized staff to handle these cases. Since 1989, OVC has awarded more than \$14,566,421 to approximately 231 tribes and nonprofit tribal agencies through this program. We are requesting \$3 million for this program in Fiscal Year 2007, which maintains the current funding level.

OVC also supports efforts to help crime victims in Indian country through its Tribal Victim Assistance (TVA) Discretionary Grant Program. TVA funds programs that help tribal victims of many different types of crimes, including homicide, child abuse, DUI, and gang violence. These programs provide assistance such as counseling, referrals,

emergency services, court accompaniment, and help in obtaining victim compensation. Since 2001, OVC has awarded more than \$63 million to approximately 52 tribes and nonprofit tribal agencies through this program. TVA is supported through the Crime Victims Fund, which comes from federal criminal fines, forfeited bail bonds, penalty fees, and special assessments.

In addition, OVC is sponsoring a number of conferences and trainings to help Indian tribes better serve crime victims. In March, OVC will provide training to faith-based organizations on counseling crime victims in Indian country. In May, we will bring together tribal victim advocates, tribal government officials, and state government officials to improve collaboration in victim assistance efforts. In June, OVC will hold a conference to enhance communication between tribal law enforcement and tribal victim assistance providers.

Another DOJ effort in helping reduce and prevent crimes against children is the National Sex Offender Public Registry (NSOPR), which was instituted by Attorney General Gonzales last May. NSOPR provides real-time access to public sex offender data nationwide with a single Internet search. This Web site allows parents and concerned citizens to search existing public state and territory sex offender registries beyond their own localities. The registry became operational on July 20 and initially linked 22 states to the site. Currently 48 states and one territory are linked to the site. We are exploring ways to help tribal governments that want to participate become part of the effort. The Department is requesting \$2 million for NSOPR this year.

I also want to make you aware of another initiative I am privileged to lead. As the National AMBER Alert Coordinator, I am exploring ways to raise awareness about the



AMBER Alert program for residents in Indian country. (The AMBER Alert program is the nation's first early warning system for missing and abducted children who are presumed to be in imminent danger.) In August 2005, we held a planning meeting here in Washington to begin development of the initiative, "AMBER Alert Reaches Indian Country." As a result of this meeting, key federal, state, and private sector individuals have begun implementing ways to bring AMBER Alert training to Native American law enforcement personnel and their respective tribal communities. In addition, the Bureau of Indian Affairs, Office of Law Enforcement Services at the Department of the Interior is now represented on the AMBER Alert Working Group. We plan to hold the next AMBER Alert National Conference in Albuquerque, New Mexico in July of this year. Albuquerque was selected in order to facilitate a related meeting that will bring together various tribal representatives to discuss issues relating to AMBER Alert and missing children within tribal government jurisdiction.

The Department also recognizes the importance of addressing domestic violence in Indian country where victims often lack the basic resources necessary to access services, such as phones and transportation. There are also complex jurisdictional difficulties, which vary from state to state. For example, just determining who the responding law enforcement agency should be in a violent situation can often be problematic and hinder appropriate response.

In Fiscal Year 2005, the Department's Office on Violence Against Women (OVW) provided funding to 80 tribal grantees for a total of \$21.7 million. The President's Fiscal Year 2007 Budget requests a grand total of \$347 million for OVW grant programs. The recently signed Violence Against Women and Department of Justice Reauthorization Act

of 2005 (VAWA 2005) increases the tribal set-aside from five to ten percent of funds for six OVW grant programs. OVW anticipates, out of the Fiscal Year 2007 OVW request, that no less than \$25 million would be available for assistance to tribal communities.

In the past, tribal governments and tribal organizations had to submit separate applications to obtain money from each OVW program. Under the new statute, these funds will be combined into one tribal grant program, so only one application will be necessary. As tribal applicants often lack the infrastructure to apply for funding successfully under all of the available grant programs, these changes will help ease their access to funding.

OVW tribal grantees are reporting that VAWA funds are helping to make significant changes in the response to violence against Indian women. Grantees are reporting successes such as increased accountability for offenders; increased safety for victims; collaboration between criminal justice and victim services; enhanced training for criminal justice personnel; and heightened awareness of domestic violence, sexual assault, and stalking.

In addition to the grant programs administered by the Department of Justice, we also strive to fulfill our statutory and trust responsibilities to Indian country through the provision of direct services. These services are not generally represented in a specific Indian country line item, but are included in the general litigation activities of the Department.

For example, the Office of Tribal Justice (OTJ) provides a single point of contact within the Department for meeting the broad and complex federal responsibilities to federally recognized Indian tribes. Currently, all of the OTJ professional staff are tribal

members, many of whom have lived and worked in Indian country. As the Department's primary liaison with tribal governments, OTJ staff travel to Indian reservations and communities and serve as a point of coordination, repository of both legal and practical knowledge, and information about Indian country for the Department.

Finally, one of the most important duties of the Department is the prosecution of federal crimes in Indian country. The Major Crimes Act (18 U.S.C. § 1153) and other statutes create federal criminal jurisdiction over most felonies committed on tribal lands in over 20 federal judicial districts. There are over 560 federally recognized Indian tribes in the United States that, together, control about 56 million acres of land and have a tribal membership population of about two million people. Moreover, as you know, American Indians suffer the highest rates of violent crime victimization in the United States. Federal felony criminal jurisdiction in Indian country is usually exclusive because tribal court jurisdiction is limited to misdemeanors (25 U.S.C. § 1302(7)) and in most districts, state jurisdiction arises only in certain limited circumstances.

Responsibility for prosecuting federal cases in Indian country falls on the United States Attorneys. The U.S. Attorneys work through local task forces to address the needs of Indian country law enforcement on pressing issues such as gang violence, drug, and gun crimes. In Fiscal Year 2005, U.S. Attorneys' offices filed 740 cases pertaining to violent crime in Indian country. These offenses included homicides, rapes, aggravated assaults, and child sexual abuse. Several U.S. Attorneys' offices have formed task forces to investigate and prosecute crimes related to tribal casinos.

The Attorney General's Advisory Committee - Native American Issues Subcommittee (NAIS), consists of 28 U.S. Attorneys who have significant amounts of

Indian country in their respective districts. The NAIS as a group is also actively working to ensure that the law enforcement needs of Indian country are met. Members of the NAIS frequently consult with tribes on law enforcement and prosecution issues. They have also arranged training for U.S. Attorneys and their staffs to learn more about tribes in their districts.

In May 2002, the NAIS set forth its current priorities which are: 1) homeland and border security (including international border issues and protection of critical infrastructure); 2) violent crime (including drugs, guns, domestic violence, child abuse, and sexual abuse); 3) crime involving gaming and other tribal enterprises; 4) white collar crime; and 5) resolution of jurisdictional disputes. Since setting these priorities, the NAIS has met to address terrorism and homeland security issues and problems related to gang, drug, and gun crime in Indian country, as well as to discuss the integrity of Indian gaming, the enhancement of law enforcement resources, and the problem of methamphetamine use in Indian country. At the next meeting, scheduled for this month, they will again address issues related to methamphetamine use and trafficking in Indian country and gaming issues.

The Justice Department coordinates, to the extent possible, with other relevant federal agencies, including the Bureau of Indian Affairs (BIA) Office of Law Enforcement Services. For example, the Department assigned an experienced administrator from the Bureau of Prisons to assist BIA in developing strategies to improve detention services in Indian country. The FBI also works with other federal agencies, including BIA, on the Indian Gaming Working Group (IGWG), which addresses the most serious Indian gaming

cases. The IGWG has provided financial resources, personnel, and other assistance for several Indian gaming investigations.

Mr. Chairman, Attorney General Gonzales has pledged to honor our Federal trust responsibility and to work with sovereign Indian Nations on a government-to-government basis. The Attorney General and the entire Justice Department 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 them develop and implement their own law enforcement and criminal justice strategies. We are confident that our current activities and our Fiscal Year 2007 proposed budget reflect these priorities. This concludes my statement Mr. Chairman. I would welcome the opportunity to answer any questions you or Members of the Committee may have. Thank you.