

STATEMENT

OF

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BEFORE THE

INDIAN LAW AND ORDER COMMISSION

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Acting Assistant Attorney General
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Good morning, Mr. Chairman and esteemed members of the Indian Law and Order Commission. My name is Mary Lou Leary, and I serve as Acting Assistant Attorney General for the Department of Justice's Office of Justice Programs (OJP). It's an honor to be here to discuss the Department's activities in support of the Tribal Law and Order Act, or TLOA.

As the Commission is aware, OJP provides innovative leadership to federal, state, local, and tribal justice systems, by disseminating state-of-the-art knowledge and practices across America, and providing grants to implement these crime-fighting strategies. OJP works in partnership with the justice community to identify the most pressing crime-related challenges confronting the justice system and to provide information, training, coordination, and innovative strategies and approaches for addressing these challenges.

Today I plan to provide an overview of OJP's efforts to support public safety and the administration of justice in tribal country, leaving the remainder of my time to answer your questions. At the outset, I would like to thank Chairman Eid and the Commission members for their work in addressing the challenges faced by Indian tribes in improving public safety and strengthening criminal justice. Commissioners Herseth-Sandlin and Commissioner Pomeroy,

thank you for your work on the groundbreaking TLOA. Commissioners Ellis, Gede, and Goldberg, thank you for your tireless service to the Commission. Several Commission members and staff have been a part of Attorney General Eric Holder's Public Safety in Indian Country Initiative. Mr. Quasula and Judge Pouley both served as advisors to Attorney General Holder when we initiated our field listening sessions in 2009 and when the first national session was held in St. Paul/Minneapolis, Minnesota in October, 2009. Chickasaw Nation Lt. Governor Keel was the first Chairman of the Office of Justice Programs' Tribal Justice Advisory Group, representing the National Congress of American Indians.

Thank you to Eileen Garry and Jeff Davis as well, for your support of the Commission.

My personal interest and commitment to justice in Indian Country is longstanding, going back to my work under Attorney General Janet Reno during the Clinton Administration. I will never forget my very first visit to a reservation in December 2000. I went to the Zuni Pueblo, and I was both stunned and amazed at what I saw—in the face of severe poverty and hardship, I found unimaginable beauty: the vibrant spirit of the people was visible in the art, language, and culture that surrounded me.

Since I returned to the Department under Attorney General Holder, my dedication to tribal justice has only grown stronger. By visiting tribal nations and meeting with tribal leaders, I've learned first-hand about the challenges facing tribal communities and the assets they bring to confront these challenges. This personal knowledge guides me in my work with Indian tribes and reinforces my determination to make a difference.

I've attended tribal consultation sessions, participated in national intertribal youth summits, chaired Tribal Justice Advisory Group meetings, and participated in the Attorney General's Tribal Nations Leadership Council meetings. All of my personal work on behalf of tribes reflects the Administration's and the Department's commitment to enhancing public safety in Indian Country. The Office of Justice Programs fulfills this commitment and serves Indian tribes through its research, statistics, and grant programs.

Let me tell you about our work on violence against Indian women. With input from tribal leaders, we've engaged in a concerted effort to address this issue. For example, our National Institute of Justice, in collaboration with the Office on Violence Against Women, has implemented a new research program that will collect information on violence against Indian women in Indian country and in Alaska Native communities, focusing on domestic violence, dating violence, sexual assault, stalking, and murder.

Our Office for Victims of Crime also supports many programs that directly address violence against Indian women. Our Sexual Assault Nurse Examiner/Sexual Assault Response Team (SANE/SART) Initiative, begun in 2010, used focus groups from many tribes to identify the myriad challenges in responding to sexual assaults in Indian Country. The initiative created demonstration sites, training, and evaluation criteria to help sexual assault nurse examiners and sexual assault response teams provide culturally appropriate and critically important assistance to victims in an effective manner. A federal advisory committee also guides the SANE/SART Initiative. And, to show our determination to get multiple agencies collaborating on these

efforts, OVC funded two national coordinators – one in the Department of Health and Human Services’ Indian Health Services and the other in the FBI.

OVC also has in production a DVD and guidebook on using federal law to prosecute domestic violence crimes in Indian country, which will help prosecutors and others who advocate for domestic violence victims make effective use of often confusing and contradictory laws to bring justice to victims and accountability to perpetrators.

Another OJP component, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (the SMART Office), helps states, tribes, and territories implement the Sex Offender Registration and Notification Act -- or SORNA. Tribes’ SORNA implementation activities have fostered collaboration among various agencies within tribal communities on this important issue, and also have improved collaboration and information-sharing with law enforcement and other entities in the counties and states in which these tribes are located. For many SORNA tribes, these collaborations are happening for the very first time.

A major OJP effort in recent years has been to improve tribes’ access to the Department’s important grant programs. In listening sessions throughout 2009, tribal leaders told us over and over that the Department’s grant processes were not flexible enough. We heard their words and we took action. In February 2010 the Department announced a streamlined approach for American Indian and Alaska Native tribes to apply for funds, the Coordinated Tribal Assistance Solicitation, or CTAS.

CTAS serves as a single application for existing tribal government-specific grant programs administered by OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW). The creation of this single application has significantly improved tribes' ability to apply for and receive funding.

In 2010, the Department awarded nearly \$127 million in CTAS awards, and in 2011, \$118 million. A total of 286 grant awards were given to 146 tribes and Alaska Native Villages to enhance law enforcement practices and sustain crime prevention and intervention efforts in eight purpose areas. They are:

- public safety and community policing;
- methamphetamine enforcement;
- justice systems and alcohol and substance abuse;
- corrections and correctional alternatives;
- violence against women;
- elder abuse;
- juvenile justice; and
- tribal youth programs.

The FY 2012 CTAS solicitation is now open, with an April 18 deadline. Again in response to input from tribes, the Department made several major changes to the 2012 solicitation, including incorporating a question-and-answer template into the solicitation to make the document more user-friendly, and adjusting Purpose Areas to address tribes' concerns and to allow for greater flexibility in funding requests. We've provided training and information over the course of last year on how to put together successful applications.

But it is important to remember that CTAS is not just about a more streamlined process. It is part of the Department's broader strategy of increased engagement with tribal communities across a broad range of areas. CTAS encourages tribal nations to take a comprehensive look at the public safety challenges their communities are facing and to work with the Department to find ways to address them.

Another major area of OJP focus in recent years has been its energetic—and collaborative—implementation of the Tribal Law and Order Act. As you know, in 2009 Attorney General Eric Holder made it a Department of Justice priority to increase engagement, coordination and action on public safety in Indian Country. Beginning with a Tribal Nations Listening Session in October 2009, Attorney General Holder and other Department officials met with tribal leaders to engage in a dialogue on public safety and law enforcement issues. Tribal leaders told Congress and the Administration about the pressing need for federal legislation and financial resources. Their input eventually became the basis for the Tribal Law and Order Act (TLOA), signed into law on July 29, 2010.

From the outset, it was clear that TLOA required coordination among several federal departments, and this was not lost on the Department of Justice. There is nothing like a statutory requirement to reinforce the need for interagency collaboration. I established the TLOA Interagency Programs Steering Committee last year to coordinate OJP's efforts in implementing the Act with those of our counterparts in other federal agencies. The committee worked on the TLOA mandates for completing a Tribal Justice Plan; a Memorandum of Agreement to guide Indian alcohol and substance abuse program coordination; tribal youth programs and juvenile detention issues; correctional facilities, and more. This Steering

Committee represents just one part of the broader Department of Justice efforts to coordinate with our federal partners in implementing the Act.

DOJ led efforts last year with the Department of the Interior, in consultation with tribal leaders and tribal justice professionals, to develop the Tribal Justice Plan, which we released to Congress last August. The Plan addresses incarceration in Indian Country, alternatives to incarceration, and the reentry of tribal members from prison back to their communities.

TLOA also mandated that the Attorney General and the secretaries of HHS and Interior enter into a Memorandum of Agreement (the MOA) to address alcohol and substance abuse. We worked closely with Administrator Pamela Hyde and the staff of HHS's Substance Abuse and Mental Health Services Administration (SAMHSA) to complete it. All three cabinet members signed the MOA last year. The memorandum describes how the Office of Indian Alcohol and Substance Abuse, established in SAMHSA, will coordinate tribal substance abuse programs across the federal government, placing special emphasis on promoting programs geared toward reaching youth and offering alternatives to incarceration. We understand that it will take all of us to prevent and reduce alcoholism, addiction, and alcohol and substance abuse in native communities.

OJP's implementation of the TLOA mandates has also been helped by the Interdepartmental Tribal Justice, Safety and Wellness Sessions, which are run directly through my office, OJP's Office of the Assistant Attorney General. Eleven agencies in five departments collaborate on Indian Country safety and health issues, and we work in close partnership with

tribes. Through these forums, we've been able to conduct a great deal of TLOA consultation, training, and outreach.

TLOA gave our Bureau of Justice Statistics (BJS) additional authority to collect Indian Country crime data. Last June BJS released the *Compendium of Tribal Crime Data*, the first annual report mandated by TLOA. The new authority TLOA provided will enhance our existing efforts to collect data and will help us all better understand the extent and nature of crime in Indian Country. Access to accurate statistics also will help ensure tribal governments are eligible for Justice Department programs and grants, including Byrne Justice Assistance Grants--or JAG--funding, which increased under BJS Recovery Act Tribal Crime Data Project. For example, in 2008, only 25 tribes submitted crime data, and only five were eligible for JAG awards, totaling \$159,000. But in FY 2010, the number of tribes submitting crime data meeting FBI standards increased to 130, and the amount of JAG funds awarded jumped to \$709,000.

In the area of juvenile justice, TLOA adds authorization for OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide grants to federally recognized Indian tribes for delinquency prevention and response programs. This past July Tribal Youth Program funding enabled us to partner with the White House, several other federal agencies, and tribal leaders to conduct the National Intertribal Youth Summit in Santa Fe, which I was privileged to attend. This outstanding event provided an opportunity not only to show native youth that federal agencies can come together for Indian nations—but also to show the U.S. government what Indian youth can do when they come together with a single purpose--as they did when they created the terrific public service video, "That's My People," during the Summit. Most

importantly, we had many opportunities during that week to listen to native youth from reservations across the country. And I promise you that their voices will echo in our minds as we plan tribal youth grant programs going forward.

How will we sustain the collaboration that supported all of the initiatives and programs I've described? Through our Justice Programs Council on Native American Affairs, which I chair, we convened several of our partnering agencies, in order to identify collaborative opportunities to share the Justice Department's grant-making resources, and those of other agencies as well. Working together, we can make a difference in Indian Country. We must make a difference.

What does funding look like for the future? The President's budget request for the last several years -- including the request for FY 2013 released last month -- has included significant funding increases and flexibility for tribal programs in OJP. Although we were given some additional flexibility for our programs this year, OJP's tribal funding actually decreased through the appropriations process. This has made it challenging -- to say the least -- for OJP to meet the significant needs of tribal communities, and to implement the Tribal Law and Order Act, but it has not --and will not --stop our efforts.

In conclusion, I want to assure this Commission that this Administration remains committed to addressing violent crime in Indian country, providing for safe communities, and protecting vulnerable native citizens. We've made a lot of progress since the beginning of the Obama administration, and even more since President Obama signed the Tribal Law and Order

Act in 2010, but we know that much still remains to be done. The Department of Justice is committed to working with tribal nations on a government-to-government basis, and in partnership and consultation with native communities.

Thank you.

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