Public Safety & Justice Funding

T/IBC Meeting – November 2016
The first two programs (CI&P and Detention) utilize the OJS funding increase methodology so those topics are presented first. The remaining PS&J programs are then presented.
Annual President’s Budget Request (Greenbook) contains Appendix 1 that breaks out base funding allocations by location.
Bureau of Indian Affairs - Office of Justice Services

Criminal Investigations & Police Services (CI&P)

FY 2016 Enacted: $197,504,000

Funds (nationwide) BIA and tribal criminal investigators, uniform police, drug agents, school resource officers, dispatch operators, intelligence analysts, and administrative support staff

- Managed at District level by Special Agent-In-Charge
- Local level managed by OJS or tribal Chief of Police
- Generally, OJS provides no services in P.L. 280 jurisdictions

190 total law enforcement offices funded, includes:

- 33 operated by OJS
- 157 operated by Tribes
Bureau of Indian Affairs - Office of Justice Services

Detention / Corrections

FY 2016 Enacted: $95,305,000

Funds (nationwide) BIA and tribal correctional officers, transport officers, cooks, administrative support staff, and county-contracted bed space

- Managed at District level by Special Agent-In-Charge
- Local level managed by OJS or tribal Chief of Police
- Generally, OJS provides no services in P.L. 280 jurisdictions

96 total corrections programs, includes:

25 operated by OJS
71 operated by Tribes
CI&P and Detention/Corrections

- Two largest and most heavily contracted/compacted PS&J programs
- Both programs allocate additional appropriations via the OJS Funding Increase Methodology

- What is it?
- When is it used?
- Why is it used?
The OJS funding increase methodology combines programmatic expertise with data-driven analysis to get more resources to reservations with higher violent crime rates and larger service populations, which tend to indicate the severity of public safety needs.
OJS Funding Increase Methodology

What is it?

Example below used to distribute FY 2014 Detention/Corrections increase for new tribal facilities.

<table>
<thead>
<tr>
<th>2013 Violent Crime Rate (5%)</th>
<th>% for Distribution</th>
<th>Land Base in Acres (5%)</th>
<th>% for Distribution</th>
<th>Resident Population (5%)</th>
<th>% for Distribution</th>
<th>Staff Need (40%)</th>
<th>% for Distribution</th>
<th>Annual Intake (45%)</th>
<th>% for Distribution</th>
<th>Weighted Avg % for Distribution</th>
<th>FY 2014 BASE INCREASE</th>
<th>FY 2014 BASE INCREASE</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>5%</td>
<td>1,774,716</td>
<td>8%</td>
<td>43,146</td>
<td>10%</td>
<td>40%</td>
<td>28%</td>
<td>15,670</td>
<td>63%</td>
<td>40.81%</td>
<td>1,928,332</td>
<td>846,793</td>
<td>2,775,125</td>
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<tr>
<td>158</td>
<td>8%</td>
<td>2,500,000</td>
<td>12%</td>
<td>10,000</td>
<td>2%</td>
<td>44</td>
<td>21%</td>
<td>3,249</td>
<td>13%</td>
<td>16.19%</td>
<td>764,827</td>
<td>653,664</td>
<td>1,418,491</td>
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<tr>
<td>430</td>
<td>21%</td>
<td>772</td>
<td>0%</td>
<td>4,140</td>
<td>1%</td>
<td>24</td>
<td>12%</td>
<td>189</td>
<td>1%</td>
<td>7.36%</td>
<td>347,654</td>
<td>356,544</td>
<td>704,198</td>
</tr>
<tr>
<td>942</td>
<td>46%</td>
<td>17,280,000</td>
<td>80%</td>
<td>299,560</td>
<td>71%</td>
<td>30</td>
<td>15%</td>
<td>3,700</td>
<td>15%</td>
<td>20.55%</td>
<td>971,084</td>
<td>445,680</td>
<td>1,416,764</td>
</tr>
<tr>
<td>189</td>
<td>9%</td>
<td>99,353</td>
<td>0%</td>
<td>3,000</td>
<td>1%</td>
<td>25</td>
<td>12%</td>
<td>516</td>
<td>2%</td>
<td>6.18%</td>
<td>291,813</td>
<td>371,400</td>
<td>663,213</td>
</tr>
<tr>
<td>133</td>
<td>7%</td>
<td>56,000</td>
<td>0%</td>
<td>58,849</td>
<td>14%</td>
<td>24</td>
<td>12%</td>
<td>1,468</td>
<td>6%</td>
<td>8.51%</td>
<td>402,025</td>
<td>356,544</td>
<td>758,570</td>
</tr>
<tr>
<td>192</td>
<td>9%</td>
<td>2,000</td>
<td>0%</td>
<td>814</td>
<td>0%</td>
<td>2</td>
<td>1%</td>
<td>10</td>
<td>0%</td>
<td>0.42%</td>
<td>19,689</td>
<td>29,712</td>
<td>49,401</td>
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<tr>
<td>0</td>
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<td>0</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
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<td>0%</td>
<td>0.00%</td>
<td>-</td>
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<td>-</td>
</tr>
<tr>
<td><strong>2,044</strong></td>
<td><strong>100%</strong></td>
<td><strong>21,712,841</strong></td>
<td><strong>100%</strong></td>
<td><strong>419,509</strong></td>
<td><strong>100%</strong></td>
<td><strong>206</strong></td>
<td><strong>100%</strong></td>
<td><strong>24,802</strong></td>
<td><strong>100%</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>$ 4,725,424</strong></td>
<td><strong>$ 3,060,338</strong></td>
<td><strong>$ 7,785,762</strong></td>
</tr>
</tbody>
</table>
When is it used?

- **Increased appropriations** in Criminal Investigations & Police Services or Detention/Corrections are received from the Congress.

- **One-time distributions** for Criminal Investigations & Police Services or Detention/Corrections programs.

- **Existing base funding** – that follows a historical distribution pattern like most other BIA programs.
Why is it used?

Method developed to distribute appropriated PS&J budget increases to areas of greatest need.

Consolidated Appropriations Act, 2008
(H.R. 2764; Public Law 110–161)

DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Substantial increases are included for Tribal law enforcement and the Secretary is directed to allocate these additional funds outside the normal allocation methods to reach the areas with the greatest need, particularly remote reservations.
Recent Actual Appropriated Increases

<table>
<thead>
<tr>
<th>FY</th>
<th>INCR / DECR</th>
<th>DISTRIBUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>No Increases</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>CI&amp;P +$5.5 M</td>
<td>Pro-rata (66% of $ went to tribal programs)</td>
</tr>
<tr>
<td></td>
<td>Detention +$14.3 M</td>
<td>$12.9 M (85% of $ went to tribal programs)</td>
</tr>
<tr>
<td>2013</td>
<td>Sequester -5% All</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>Detention +$6.8 M</td>
<td>All $6.8 went to tribal programs</td>
</tr>
<tr>
<td>2011</td>
<td>No Increases</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>CI&amp;P +$20.5 M</td>
<td>$12.7 M (62% went to tribal programs)</td>
</tr>
<tr>
<td></td>
<td>Detention +$10.0 M</td>
<td>$7.7 M (77% went to tribal programs)</td>
</tr>
</tbody>
</table>

Cumulative Increases Since 2010 (CI&P and Detention)

End result IF Pro-rata was used instead of OJS methodology
OJS Funding Increase Methodology

How has the OJS methodology affected PS&J base funding over time?

1999 Distribution (By $)
- BIA: 32%
- 638: 59%
- OSG: 9%

2016 Distribution (By $)
- BIA: 34%
- 638: 13%
- OSG: 53%

Cl&P and Detention Budget
- 1999: $33 million
- 2016: $96 million
OJS Funding Increase Methodology

Geographic allocation of base funding the year Law Enforcement was removed from TPA (1999)
Overlay geographic allocation of base funding for 2016

Allocation of Funds by District (CI&P and Detention)

<table>
<thead>
<tr>
<th>District</th>
<th>1999</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>17%</td>
<td>19%</td>
</tr>
<tr>
<td>D2</td>
<td>6%</td>
<td>5%</td>
</tr>
<tr>
<td>D3</td>
<td>21%</td>
<td>21%</td>
</tr>
<tr>
<td>D4</td>
<td>8%</td>
<td>8%</td>
</tr>
<tr>
<td>NAV</td>
<td>12%</td>
<td>19%</td>
</tr>
<tr>
<td>D5</td>
<td>9%</td>
<td>10%</td>
</tr>
<tr>
<td>D6</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>D7</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>D8</td>
<td>10%</td>
<td>11%</td>
</tr>
<tr>
<td>D9</td>
<td>1%</td>
<td>2%</td>
</tr>
<tr>
<td>HQ</td>
<td>3%</td>
<td>3%</td>
</tr>
</tbody>
</table>

- ND, SD, NE
- KS, OK, TX
- AZ, NV, UT
- NM, CO
- MT, WY
- ALL EAST
- MN, MI, WI, IA, IL
- ID, OR, WA, AK
- CA, DC
OJS Funding Increase Methodology

Insert average of Indian service populations and reported violent crimes

Allocation of Funds by District (CI&P and Detention)
Median Funding Level – BIA vs. Tribal Programs

OJS methodology has not favored direct service programs over time.
Allocated appropriation increases to accomplish mission.
OJS Funding Increase Methodology

Summary - Over time the OJS methodology has:

- Not substantially changed the proportion of base funding **by program operator**.
- Not substantially changed the proportion of base funding **by district/region**.
- Aligned base funding increases consistent with populations and violent crime rates.
- Not favored BIA direct service programs.
- Allocated appropriation increases to help accomplish mission.
Inspections & Internal Affairs

FY 2016 Enacted: $3,462,000

Provides policy development and implementation to 188 BIA and tribal law enforcement programs and 95 detention programs.

Also conducts internal affairs investigations, investigations of officer involved shootings, and in-custody deaths that occur in Indian Country.
Bureau of Indian Affairs - Office of Justice Services

Law Enforcement Special Initiatives

FY 2016 Enacted: $10,305,000

$1.5 M - Nationwide victim and witness services program. Comprised of 12 regionally located bureau victim assistance personnel.

$2.1 M - Incident Management Analysis and Reporting System (IMARS) supports critical law enforcement, emergency management, and security needs by promoting intelligence communication among Federal law enforcement agencies.

$3.7 M - Nationwide land mobile radio communication, infrastructure, and equipment (program covers all of IA).

$3.0 M – Recidivism Reduction Initiative (APG) targeted at 5 locations to address underlying causes of repeat offenses, including substance abuse and social service needs.
Indian Police Academy

FY 2016 Enacted: $4,853,000

Provides (for BIA and tribes) basic police, criminal investigation, telecommunications, and detention training programs

IPA also offers advanced training in:
- Child abuse investigations
- Domestic violence investigations
- Sex crime investigations
- Field training officer certification
- Management/leadership, peer support/critical incident debriefing
- Community policing, and drug investigations
- Use of force, crime scene processing
- Interview and interrogation techniques, criminal jurisdiction in Indian Country

Any tribal public safety employee can receive training at IPA free of charge
Bureau of Indian Affairs - Office of Justice Services

Tribal Justice Support

FY 2016 Enacted: $17,245,000

$5.2 M - Schedule and coordinate (nationwide) independent tribal court assessments. Also to schedule and coordinate training and technical assistance to tribes and tribal organizations and study and conduct research on tribal justice systems.

$2.0 M – Provide funds to tribes for training and/or implementation of provisions under the VAWA Reauthorization Act of 2013.

$10.0 M – Work with Indian Tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities including those communities subject to full or partial State jurisdiction under Public Law 83-280.
Law Enforcement Program Management

FY 2016 Enacted: $6,161,000

Nationwide coordination of OJS activities in the following areas:

- Human resources and recruitment
- Management internal controls
- Information Technology
- Land Mobile Radio
- Program performance and GPRA
- Acquisition, budget, and financial management
Facilities Operations & Maintenance

FY 2016 Enacted: $13,141,000

Square footage-driven distribution to tribal and BIA facilities by the Division of Facilities Management & Construction (DFMC)

With limited funding, detention facilities generally take priority due to the inherent risk/liability of 24 hour confinement facilities

Funds virtually all utilities, grounds and minor facility maintenance, and non-staff operational costs
Tribal Courts (TPA)

FY 2016 Enacted: $28,173,000

Of the 330+ tribal courts and 7 Courts of Federal Regulation otherwise known as the Court of Indian Offenses (or CFR Courts), about 185 courts currently receive funds directly through this program under P.L. 93-638 contracts and self-governance compacts. OJS determines the distribution of only $1.2 million of this funding annually.

Tribes utilize this funding for salaries and related administrative costs for judges, prosecutors, public defenders, court clerks, court administrators, pre-trial and probation officers, juvenile officers, victim witness specialist, and other court support staff central to the operation of tribal justice systems.

Tiwahe Initiative ($5.0 million) to ensure that the judicial branch of targeted tribal public safety systems can function effectively to meet family and community needs under the Initiative.
### Recent PS&J Funding Levels

#### Historical Funding - BIA Public Safety & Justice

<table>
<thead>
<tr>
<th>Year</th>
<th>ENacted</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>Pres Bud</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>321,944</td>
<td>303,351</td>
<td>325,696</td>
<td>328,296</td>
<td>347,976</td>
<td>340,281</td>
<td></td>
</tr>
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</table>

#### ACTIVITIES

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td><strong>PUBLIC SAFETY AND JUSTICE</strong></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Law Enforcement</td>
<td>321,944</td>
<td>303,351</td>
<td>325,696</td>
<td>328,296</td>
<td>347,976</td>
<td>340,281</td>
<td></td>
</tr>
<tr>
<td>Criminal Investigations and Police Services</td>
<td>185,019</td>
<td>177,479</td>
<td>191,145</td>
<td>192,824</td>
<td>197,504</td>
<td>197,936</td>
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<tr>
<td>Detention/Corrections</td>
<td>81,810</td>
<td>77,895</td>
<td>94,038</td>
<td>94,483</td>
<td>95,305</td>
<td>96,507</td>
<td></td>
</tr>
<tr>
<td>Inspections/Internal Affairs</td>
<td>3,100</td>
<td>2,783</td>
<td>3,415</td>
<td>3,433</td>
<td>3,462</td>
<td>3,475</td>
<td></td>
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<td>Law Enforcement Special Initiatives</td>
<td>17,400</td>
<td>13,983</td>
<td>7,211</td>
<td>8,255</td>
<td>10,305</td>
<td>10,319</td>
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<td>Indian Police Academy</td>
<td>5,073</td>
<td>4,693</td>
<td>4,704</td>
<td>4,716</td>
<td>4,853</td>
<td>4,862</td>
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<tr>
<td>Tribal Justice Support</td>
<td>5,641</td>
<td>5,228</td>
<td>5,232</td>
<td>5,237</td>
<td>17,245</td>
<td>8,039</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Program Management</td>
<td>10,145</td>
<td>8,241</td>
<td>6,882</td>
<td>6,250</td>
<td>6,161</td>
<td>5,978</td>
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<tr>
<td>Facilities Operations &amp; Maintenance</td>
<td>13,757</td>
<td>13,049</td>
<td>13,069</td>
<td>13,098</td>
<td>13,141</td>
<td>13,165</td>
<td></td>
</tr>
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<td>Tribal Courts (TPA)</td>
<td>23,407</td>
<td>23,404</td>
<td>23,241</td>
<td>23,280</td>
<td>28,173</td>
<td>30,753</td>
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<td>Fire Protection (TPA)</td>
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<td>837</td>
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<td>1,274</td>
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<td>1,426</td>
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<td><strong>PS&amp;J Budget - Program Operation</strong></td>
<td>346,223</td>
<td>327,592</td>
<td>350,014</td>
<td>352,850</td>
<td>377,423</td>
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<td><strong>FTE</strong></td>
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<td>755</td>
<td>761</td>
<td>763</td>
<td>764</td>
<td></td>
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</tbody>
</table>
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http://www.bia.gov/WhoWeAre/BIA/OJS/index.htm

OJS facebook:

https://www.facebook.com/BIAOJS