

Tribal Interior Budget Council Public Safety and Justice Workgroup Call
March 11, 2016
Conference Call: 2pm to 3pm Eastern Time

Attendees: Ron Allen, Mark Azure, Rick Harrison, Charles Dolson, Virginia Davis, Amber Ebarb

Our agenda included: overview of workgroup's purpose, an update on public safety funding in BIA (which meets purpose 1-3), overview of the President's budget at DOJ (also meets purpose 1-3 from below), discuss TIBC meeting update.

Purpose:

- 1) Analyze resources in BIA and DOJ that support public safety and justice, including courts, law enforcement, prosecution, legal services, victim services (this might also involve HHS), detention, probation, and reentry services
- 2) Review funding methodologies used by BIA/OJS and DOJ
- 3) Review linkages and existing mechanisms for collaboration between BIA OJS and DOJ programs
- 4) Consistent with TIBC's recommendation to consolidate public safety funding at a single agency, analyze which agency is best suited to administer a consolidated program and which funding streams should be included
- 5) Assess whether statutory changes are required to address problems in either DOJ or BIA
- 6) Identify administrative changes that would address problems in either DOJ or BIA

Discussion:

Ron Allen: He serves on the DOJ advisory council. We get reports there; do we have a list on the different programs that DOJ makes available to the tribes and number of tribes that are accessing those programs?

Virginia Davis, NCAI Policy Advisor: there are 7 different grant programs. DOJ puts out a list of all the tribes that receive CTAS funding. But what isn't captured are funding to tribes outside of the tribal grants. OVW also puts out a list of grants to tribes.

Ron Allen: We will need to have data on DOJ tribal-centric funding.

Virginia Davis: we could FOIA this as well.

Ron Allen: we haven't seen this yet. How well the tribes have accessed this over the 3-5 years.

Charles Dolson: What does DOJ offer in their general grants? – it was a big deal that Red Lake and Leech Lake got \$1 million. That's the problem with the funding; we can't use it the way we need. A grant for equipment might exclude data infrastructure. Knowing what DOJ has the offer is probably the most critical step.

Virginia Davis: we should probably do a FOIA request. We are most interested in tribal government funding.

Ron Allen: Agreed. I hope we can get that without going through FOIA. Maybe we can just go through Tracy's office to gather this as quickly as we can to begin this conversation. We need to identify what resources are available right now. If it is an objective to get some or all of these resources transferred to

coordinate access through compacts and contracts, does it take an interagency agreement? We want to engage contracting personnel.

Comment: DOJ's CTAS doesn't exclude self-governance. BIA doesn't have the capacity to pull off what DOJ has done. Victim's services at BIA are not good. Consider what DOJ and BIA do best when discussing a consolidation of funding.

Ron Allen: we need to talk through this. we are raising this; we want to better coordinate these resources. It was raised first in regard to enforcement. We also have Tiwahe. The question is: can't we better coordinate these resources?

Mark Azure: we should push for a formal request. This would be reiterating our original request.

Charles Dolson: we have been pressuring lawmakers and MN attorney general, we want an answer to this. There needs to be an answer on this from DOJ.

Rick Harrison: remember how this move would affect PL 280 states.

Ron Allen: we want these resources made available more flexibly to tribes. The CTAS was intended to help with that. We need the right information in front of us to help chart a game plan. This is not something we can do overnight.

Virginia Davis: We need to do an analysis of what is available at DOJ. In DOJ, they are phenomenal on tribal issues, but not so much on grant making, despite the CTAS reforms.

Charles Dolson: the consolidation is #1 option, and then figure out which agency can do this.

Ron Allen: whatever work we can do as a workgroup of TIBC to understand these complex programs in DOJ and BIA, which are intended for a common purpose and to make recommendations – that would certainly go into a transition plan. This has been on the mind of tribal leaders.

We need to do some fact gathering, set a time where we can actually go over this face to face. Should we target a meeting on the front end of the next May TIBC?

Amber Ebarb: We should think about our upcoming timeline for providing recommendations to improve administration of public safety and justice funding. After we receive better DOJ funding details and consider that data, we could make an impact leading up to a Presidential transition if our policy recommendations are well-considered and justified.

Virginia Davis: It will take some time to get data, but we can do some broad brush strokes. We know quite a bit about DOJ funding, amounts, and where it's going.

Ron Allen: best BIA information. Set up a meeting before or after the May meeting.

Follow-up by Workgroup Member:

- Summarize meeting notes and tasks and email to members (Amber Ebarb).
- Request DOJ tribal funding data (Virginia Davis – email sent to Tracy Toulou 3/11/2016).
- Provide report to the TIBC (Tribal Leader members).

- Set up TIBC Public Safety and Justice Workgroup meeting for the morning before the May TIBC meeting. 9am – noon (NCAI staff).
- Identify the point contacts or gathering this data in both BIA and DOJ (Amber, Virginia) Incorporate contacts in notes.

Background Material -- Email attachments sent as background documents from the relevant justifications:

- 1) DOJ Indian Country Factsheet
- 2) BIA Public Safety Section from the BIA FY 2017 green book
- 3) comprehensive BIA budget table from green book
- 4) BIA budget changes at a glance
- 5) TIBC 2014 letter on DOJ funding
- 6) Letter from NCAI to DOJ on grants consultation
- 7) NCAI resolution on DOJ’s grant consultation

BIA Changes at a Glance	Dollars in Thousands (\$000)	FY 2015 Enacted	FY 2016 Enacted	internal transfers (+/-)	fixed costs (+/-)	program changes (+/-)	FY 2017 budget
Law Enforcement - Detention/Corrections	Enables provision of court ordered treatment for up to 35 inmates/day between 2 facilities, encourages “solution-based” sentencing	94,483	95,305		202	1,000	96,507
Law Enforcement - Tribal Justice Support	Retains \$1.8 million of 2016 increase	5,237	16,245		5	-8,211	8,039
Tribal Courts (TPA)	Tiwahe – Sustain existing sites & provide funding to 5 additional tribal courts	23,280	28,173	-46	26	2,600	30,753
Total Public Safety		352,850	377,423	-96	744	-4,611	373,460