



**National Congress of American Indians**

**DOJ CONSULTATION ON TRIBAL CRIME VICTIM SERVICES FUNDING**

**NCAI RESPONSES TO DOJ QUESTIONS**

**June 11, 2018**

*On May 29, 2018, the U.S. Department of Justice (DOJ) announced a series of telephonic consultations to discuss the newly created tribal set-aside from the Crime Victims Fund (totaling \$133 million for FY 18). DOJ released a background paper on June 8, 2018 asking for tribal leader input on a series of specific questions. The questions below are taken from the DOJ framing paper. The text following the questions is NCAI's preliminary responses to DOJ's questions.*

In addition to answering the specific questions posed by DOJ, NCAI would like to address several other important issues. First, NCAI thanks the Administration for its support for a tribal set-aside from the Crime Victims Fund. There is a profound need for crime victim services in tribal communities and this funding will begin to allow tribal governments to meet the needs of crime victims.

Second, we understand the time constraints DOJ is working within, but it is unreasonable to expect tribal leaders to be able to meaningfully respond to questions and information after one business day. DOJ's background paper should have been released farther in advance of the consultation. We are also disappointed that DOJ chose not to take advantage of the opportunity to consult with tribal leaders in person at last week's NCAI mid-year meeting. NCAI's member tribes adopted a resolution at the meeting on this topic (attached). The resolution calls for DOJ to make funding available to all eligible applicants on a non-competitive basis and to allow the tribes to define what constitutes victim services for their communities.

We are concerned that the background paper distributed by DOJ focuses on how to conduct outreach about the funding, but does not request tribal input on how the funds will be distributed, the time-period for awards, or the amount of the awards. If DOJ has already made these decisions, we urge you to share that information with tribal governments. Consistent with the NCAI resolution adopted last week, we strongly encourage DOJ to avoid creating a decision-making process where tribes are competing against one another for funding. We understand that DOJ is planning for a two phase application process, and we appreciate your efforts to streamline and simplify what is required from applicants. We encourage you not to impose a strict cap on how much funding an applicant can request during the first phase of the application process. Since this is the first time this funding will be distributed, it is impossible to know how many

tribes will seek the funding or the scope of the activities that individual tribes may want to fund. Setting a firm funding ceiling before phase one of the application process could result in a scenario where DOJ is unable to fully distribute the full amount of the appropriation despite the profound need in tribal communities simply because an arbitrary cap was imposed on applicants that prevented tribes from fully funding comprehensive programs. Finally, we recommend that you to give tribes up to 5 years to spend any funds awarded. We think this is particularly important in light of OVC's restriction on allowing no-cost extensions for award recipients.

- 1) The \$133 million set-aside in FY 2018 is the largest ever tribal set-aside for crime victims that the Department has been directed to administer. Historically, the Department has had difficulty attracting a large pool of eligible tribal applicants for its crime victim services programs. Given the shortened timeframe for obligating the funding, the Department recognizes the need to share information about the funding quickly and widely. What can the Department do to ensure that information about the funding is available to all eligible potential applicants?**

NCAI recommends leaving the solicitation open for as long as possible in order to allow time for outreach. We also recommend doing outreach at related upcoming meetings. A listing of upcoming meetings can be found on NCAI's website at <http://www.ncai.org/conferences-events/national-events>. The Women Are Sacred conference, which is being held June 26-28, and the National Indian Health Board's Behavioral Health Conference, July 25-27, will be particularly important places for conducting outreach.

We also encourage you to reach out to the regional inter-tribal associations to ask for their assistance getting information out to tribal leaders in their areas. NCAI can assist with sharing contact information for the regional associations. There are also agencies with complementary programs who should be able to share information with their grantees about the program. This includes the Office on Violence Against Women (DOJ), the Family Violence Services Prevention Administration (HHS), the Substance Abuse Mental Health Services Administration (HHS), the Bureau of Indian Affairs (DOI), the Indian Health Service (HHS), and the Administration for Native Americans (HHS), among others.

- 2) What can the Department do to encourage eligible entities (tribes, their designees, and tribal consortia) – especially those that have not recently or have never applied for funding from the Department – to apply for this funding?**

Oftentimes tribes who learn about DOJ funding opportunities choose not to apply for DOJ's competitive grants because they do not believe it will be worth the effort. The application is onerous and the likelihood of being funded is low. The most important thing DOJ can do is to make every effort to streamline its application process. DOJ grant applications are notoriously complicated and difficult to complete when compared with applications for other federal agencies. To the extent possible, DOJ should provide templates for tribal applicants to facilitate their application.

Given the challenges associated with navigating the grants.gov system, particularly for new applicants, DOJ should also adopt policies that allow for flexibility if there are technical defects in an applicant's submission.

DOJ's outreach materials should stress the streamlined nature of the application and the amount of funding available.

**3) Having given examples of the types of services that can be paid for under this set-aside – as well as the major areas that cannot be paid for under this set-aside – are there other activities and/or items that may be funded under VOCA that the Department should consider funding?**

American Indians and Alaska Natives experience the full range of criminal victimization that occurs nationally—from drunk driving, to child sex abuse, to identity theft. Compared with the general population, however, Native people are particularly at risk for violent victimization, including homicide, assault, child abuse, sex trafficking, and drunk driving. Tribal members are also more likely to be poly-victimized and suffer the effects of historical and intergenerational trauma. Native people have, for centuries, endured physical, emotional, social, and spiritual genocide from colonialist policy. Historical trauma severely impacts an individual's psyche, spiritual/emotional core, and well-being. Understanding historical trauma informs how services to crime victims must provide healing for both the immediate victimization and also the intergenerational trauma experienced by the survivor. The victimization of entire communities over long periods of time is difficult to address in the contemporary justice and victim services systems, and we encourage DOJ to give tribes the flexibility to develop programs that address these realities.

The historic lack of funding for tribal victims services programs means that the infrastructure for providing victims services in tribal communities is underdeveloped when compared to state and local governments. Tribal governments also lack access to other funding sources that state, local, and territorial governments may rely on to fund victim services programs. DOJ's background paper does not address whether tribes will be permitted to use the funds for victim compensation, administrative costs, training, and facilities construction, all of which are important components of developing crime victim services in tribal communities.