



# Department of Justice

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STATEMENT

OF

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BEFORE THE

COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE

CONCERNING

"LAW ENFORCEMENT IN INDIAN COUNTRY"

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**WRITTEN TESTIMONY FOR REGINA B. SCHOFIELD  
ASSISTANT ATTORNEY GENERAL  
OFFICE OF JUSTICE PROGRAMS  
SENATE INDIAN AFFAIRS COMMITTEE  
MAY 17, 2007**

Chairman Dorgan, Vice-Chairman Thomas, and Members of the Committee: The Department of Justice appreciates the opportunity to testify before the Committee regarding the Department's support for law enforcement in 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). One of my highest priorities is strengthening 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 federally recognized Indian tribes, state and local governments, 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.

Last November the Department of Justice launched a new Web site created specifically for Indian country – *www.tribaljusticeandsafety.gov*. The Web site serves as a comprehensive resource, featuring information on law enforcement, corrections, crime victim issues, juvenile justice, and civil rights. It also provides information on grants, training, technical assistance and conferences that can be of help to tribal communities, federal agencies and the general public.

The new Web site is one of many areas in which DOJ is reaching out to tribal governments. In 2005, I established a Justice Programs Council on Native American Affairs. The council coordinates OJP's efforts on behalf of tribes and serves 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. Last month I expanded the Council membership to include all senior level OJP leadership and

representatives from other Department of Justice offices and agencies. During our most recent meeting held January 29, 2007, we established several workgroups to respond to OJP's Strategic Plan for 2007-2012 and tribal leaders' priorities:

- 1) Tribal Justice & Safety Web Team/Tribal Education & Outreach Workgroup
- 2) IT Capacity Building/Information Sharing Workgroup
- 3) Tribal Grants Policy Workgroup
- 3) Tribal Youth Initiatives Workgroup
- 4) Tribal Economic/Codes Development Workgroup
- 5) OJP Federal Workforce Education Program on American Indian and Alaska Natives Workgroup

These workgroups are increasing our responsiveness to tribal concerns by improving management and efficiency.

I have met with numerous tribal delegations to hear tribal leader concerns and issues, expand existing relationships to OJP, and create new partnerships with tribal leaders on tribal justice and safety issues for Native communities. In October 2006, I convened a tribal leader roundtable meeting in conjunction with the National Congress of American Indians, and again in February 2007 to listen to their concerns. I will continue to meet with tribal leaders and visit tribal communities. It is essential that they know that my door is always open.

One of the many challenges that federally recognized Indian tribes and Alaskan Native Villages and Corporations face is building their capacity to strengthen their law enforcement and criminal justice systems. As the Committee is aware, methamphetamine abuse is a growing problem in tribal communities. With the proximity of some tribal lands to international borders, tribal communities have been targeted by meth traffickers. OJP has been providing

methamphetamine investigation training for law enforcement, including tribal law enforcement, for many years. The training has been delivered by the Center for Task Force Training (CenTF), an OJP grantee that is supported by the National Narcotics Officers' Association.

This year I established four Tribal Justice and Safety Training and Technical Assistance sessions around the country and I invited all other federal departments and agencies to join me. I am pleased that the Department of Health and Human Services – Substance Abuse and Mental Health Services Administration has partnered with us in this effort for all of our sessions, and beginning with our second session in March 2007, we were joined by the Department of the Interior, Bureau of Indian Affairs. These sessions have been highly successful and continue to grow. It has been a wonderful collaboration among three federal departments thus far. I am pleased that the Small Business Administration will participate at our June 2007 session in Washington State, and the U.S. Department of Housing & Urban Development has expressed a desire to participate in future events.

Additionally, we are pleased to support the White House Office of National Drug Control Policy, which will host a national Tribal methamphetamine summit in August as part of our fourth session. At the request of Tribal leaders, we were asked to broaden our training and technical assistance sessions to include consultation. We have responded to this request by establishing tribal consultation forums as a part of the three remaining sessions, and concluded our first one on March 27, 2007. The next session is scheduled for June 4 and the final session for this fiscal year is scheduled for July 31.

Our Bureau of Justice Statistics will also host a 2-day conference in August 2 and 3, 2007, in conjunction with our fourth session that will focus on Crime Data Collection and Information Sharing for tribal law enforcement, justice and tribal leaders.

Last year OJP developed a new methamphetamine investigation training specifically tailored to tribal law enforcement. This new course will provide tribal law enforcement what they need to know to conduct successful and safe methamphetamine investigations. We expect that, by the end of March 2008, several hundred tribal law enforcement officers will receive training through this initiative.

Also last year, OJP launched a National Drug Endangered Children Resource Center, which will provide critical information to the federal government, tribal governments, states, and local communities on how to best help children hurt by drugs, including methamphetamine. This effort will help drug enforcement officers and child welfare workers aid children found in environments where drugs are manufactured, sold, or used. The Resource Center will also raise awareness of these children's needs and provide a forum for leading experts and researchers to propose solutions. We hope that the Resource Center will also be a useful tool for tribal communities, especially in areas with methamphetamine problems.

Another way to build capacity is to improve tribes' ability to share information. Our Bureau of Justice Statistics (BJS) found that less than ten percent of tribal criminal justice agencies are electronically linked within their jurisdictions. This makes it very difficult for tribal law enforcement to be an effective part of a national intelligence network. Through the Global Justice Information Sharing Initiative, tribal, federal, state, local, and international organizations have worked together to overcome the barriers to justice information sharing. Tribal representatives have been an important part of these efforts.

Last spring in Albuquerque, we held a training conference for tribal officials to address information sharing in Indian country. The conference discussed promising tribal information

sharing initiatives. We talked about national standards on justice information sharing. We worked toward strengthening tribal capacity to collect, manage, and analyze crime data.

I am constantly striving to improve our training and technical assistance efforts. OJP recently established a Strategic Planning and Action Committee (StratPAC) to identify ways to improve the efficiency and effectiveness of these efforts. One of the first issues that StratPAC will address is enhancing tribal training and technical assistance efforts.

Child abuse and child sexual assault, though not unique to Indian country, is a particularly serious problem in many tribal communities. 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 helped tribes make numerous systemic improvements in the handling of child abuse cases. The CJA grant program has made a difference by helping tribes improve the investigation and prosecution of child abuse cases; reduce the burden and trauma to child abuse victims; revise tribal codes and procedures to better address child sexual abuse; adopt culturally sensitive services and practices into the handling of child abuse cases; and hire 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 2008, 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 child abuse, DUI, and gang violence. These programs provide assistance such as counseling, referrals, emergency services, court

accompaniment, and help in obtaining victim compensation. TVA is supported through the Crime Victims Fund, which obtains money from federal criminal fines, forfeited bail bonds, penalty fees, and special assessments.

Another DOJ effort in helping reduce and prevent crimes against children is the Dru Sjodin National Sex Offender Public Web Site, which was instituted by Attorney General Gonzales in May 2005. The site provides real-time access to public sex offender data nationwide with a single Internet search. It allows parents and concerned citizens to search existing public state and territory sex offender registries beyond their own localities. Currently all 50 states, the District of Columbia, and two territories are linked to the site. We are continuing to explore ways to help tribal governments that want to participate become part of the effort.

As the Committee is aware, the Adam Walsh Child Protection and Safety Act of 2006, established new sex offender registration requirements. Earlier laws did not include sex offenders convicted in tribal courts or those entering tribal lands following a conviction elsewhere. Some sex offenders considered tribal reservations to be safe havens. Through the tools provided by the Adam Walsh Act, we are working with tribes to change this. Under the Act, tribes can either take on the responsibility for sex offender registration themselves or delegate this responsibility to the state. This process will not be easy, but we will provide tribes with the guidance and training to make it work.

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.)



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 Justice Services at the Department of the Interior is now represented on the AMBER Alert Working Group. We held the most recent AMBER Alert National Conference in Albuquerque, New Mexico last July. Albuquerque was selected in order to facilitate a related meeting that brought together various tribal representatives to discuss issues relating to AMBER Alert and missing children within tribal government jurisdiction.

We also recognize the need for improved research on crime in Indian Country, including what sort of programs are most effective in combating violence and substance abuse. Our National Institute of Justice (NIJ) is developing a National Tribal Crime & Justice Research and Evaluation Agenda. NIJ has several tribal research projects underway, including an evaluation of the Tribal Victim Assistance Program and a review of larger issues of criminal justice administration in Indian Country.

The President's proposed Fiscal Year 2008 Budget creates new competitive grant programs that will provide states, localities, and Indian tribes with considerable flexibility to address their most critical needs. Many of our current state and local law enforcement will be consolidated into the Byrne Public Safety and Protection Program. States, local governments and tribal governments would be able to use Byrne funds for purposes such as comprehensive gun and gang violence programs; drug enforcement and treatment; improved law enforcement information sharing; enhanced use of DNA evidence; combating domestic trafficking in persons; expanding prisoner re-entry initiatives; and improving services for crime victims. We are requesting \$350 million for this program in Fiscal Year 2008.

Another new initiative would be the Violent Crime Reduction Partnership Program. This will help communities suffering from high rates of violent crime form law task forces including local state, tribal and federal agencies. We are requesting \$200 million for this program in Fiscal Year 2008.

We also propose consolidating many of our juvenile justice and child victimization programs into a new Child Safety and Juvenile Justice Program. This will assist states, local governments and tribal governments in reducing child exploitation and abuse; strengthening juvenile justice systems; and bolstering school safety efforts. We are requesting \$280 million for this program in Fiscal Year 2008.

I pledge to this Committee that OJP will work diligently to ensure that tribes have the information and develop the capacity they need to apply for funding under these new programs.

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 2006, the Department's Office on Violence Against Women (OVW) provided funding to 85 tribal grantees for a total of \$28.3 million. The President's Fiscal Year 2008 Budget requests a grand total of \$370 million for OVW grant programs. In the past, tribal governments and tribal organizations had to submit separate applications to obtain money from each OVW program. For FY 2008, the Department has proposed a major grants consolidation including a single, competitive OVW grant program – eliminating formulas. Under the new proposal 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 make funds more accessible to these grantees.

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 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, the majority of the staff at OTJ are American Indian, all 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 source of information about Indian country for the Department.

The Administration wants to make sure that government programs work well for the American people. Last year, to ensure greater government transparency and accountability, the Administration launched a new Web site, *ExpectMore.com*. The site includes information on what programs are working, what programs need improvement, and the Program Assessment Rating Tool.

Mr. Chairman, Attorney General Gonzales has pledged to honor our statutory duties 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 2008 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.