

BUREAU OF JUSTICE ASSISTANCE
GOVERNMENT-TO-GOVERNMENT TRIBAL CONSULTATION
NOVEMBER 18, 2024, 1:00 - 5:00 pm
Hilton Buffalo Thunder Resort and Casino, Santa, FE, NM

BACKGROUND

The Bureau of Justice Assistance (BJA) is a component of the United States Department of Justice (DOJ), Office of Justice Programs (OJP). BJA strengthens the nation's criminal justice systems and helps America's Tribal, state, and local justice systems reduce and prevent crime, reduce recidivism, and promote fair and safe criminal justice systems. BJA oversees a range of funding programs for which federally recognized Tribes are eligible, including the Adult Treatment Court Program, Second Chance Act Reentry Program and the Comprehensive Opioid, Stimulant and other Substance Use (COSSUP) Programs. More information on these programs is available on [BJA's website](#). BJA also oversees the Tribal Assistance appropriation, which is specifically for tribal justice systems. See BJA's [Tribal Justice page](#) for more information.

BJA has continuously managed Tribal-specific grant programs since 1995, beginning with the Tribal Strategies Against Violence demonstration program. Two additional Tribal government programs were created through the FY 2001 Consolidated Appropriations Act: BJA's Indian Alcohol and Substance Abuse Program (IASAP)¹ and the Tribal Courts Assistance Program (TCAP)².

During the 1990s, OJP, through the Corrections Program Office, launched the Correctional Facilities on Tribal Lands (CFTL) program. This program was transferred to BJA in 2003 and is now known as the Tribal Justice System Infrastructure Program (TJSIP).³ It should also be noted that under the American Recovery and Reinvestment Act of 2009, BJA awarded \$225 million in funds to Tribal nations for construction of Tribal correctional facilities.

In FY 2010, Congress first appropriated funding for the Tribal Civil and Criminal Legal Assistance (TCCLA) program⁴. TCCLA enhances Tribal court systems and improves access to those systems by providing civil and criminal legal assistance services for Indian Tribes, members of Indian Tribes, and Tribal justice systems, pursuant to the federal poverty guidelines, and delivers national or regional scope advocacy training and technical assistance to Tribal justice systems.⁵

In FY 2012, Congress consolidated the IASAP, TCAP, TJSIP, and TCCLA into one program, the Tribal Assistance program. Based on historic funding levels in the overall Tribal assistance program, the TCCLA program is funded each year as a 3.66% carve out of the annual Tribal Assistance appropriation.

Since 2010, the majority of DOJ's Tribal-specific grant funding have been made available through the Coordinated Tribal Assistance Solicitation (CTAS) which is a combined effort of BJA, the Community Oriented Policing Services Office (COPS), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC). BJA's Tribal Assistance funding is made available through CTAS Purpose

¹ Created by the FY 2001 Consolidated Appropriations Act (Public Law 106-553).

² Under an authorizing legislation pursuant to Public Law 106-559 (25 USC 3689(a)).

³ This program is authorized by Section 20109, Subtitle A of Title II of the Violent Crime Control and Law Enforcement Act of 1994, as amended, 42 U.S.C. Section 13701 et seq.

⁴ This program was originally authorized under the Indian Tribal Justice Technical and Legal Assistance Act of 2000, 25 U.S.C. 3651, et seq. (Public Law 106-559), but funding was not made available until 2010.

⁵ While the rest of these noted programs are for federal recognized tribes, eligible applicants for TCCLA funding are 501(c)(3) non-profit organizations for Civil Legal Assistance and Criminal Legal Assistance, and national or regional membership organizations whose membership consists of judicial system personnel within tribal justice systems for training and technical assistance.

Area 3 for programming and operations for tribal justice systems; CTAS Purpose Area 4 for Tribal justice system infrastructure and the jointly funded Purpose Area 2, for justice-system-wide strategic planning.

Here is a summary of BJA’s Tribal specific funding for the past eighteen years:

Fiscal Year	Tribal Assistance	Indian Alcohol and Substance Abuse	Tribal Courts	Tribal Infrastructure	Tribal Civil and Criminal Legal Assistance	American Recovery and Reinvestment Act
2007		5,000,000	8,000,000	9,000,000		
2008		5,180,000	8,630,000	8,630,000		
2009		6,000,000	9,000,000	10,000,000		225,000,000
2010		12,000,000	25,000,000	10,000,000	3,000,000	
2011		9,940,080	20,708,500	8,283,400	2,485,020	
2012	38,000,000					
2013	38,000,000					
2014	30,000,000					
2015	30,000,000					
2016	30,000,000					
2017 ^[1]	30,000,000					
2018	35,000,000					
2019	37,500,000					
2020	38,000,000					
2021	46,000,000					
2022	50,000,000					
2023	60,000,000					
2024	50,000,000					
Sub-total	512,500,000	38,120,080	71,338,500	45,913,400	5,485,020	225,000,000
Total						\$898,357,000

CONSULTATION HISTORY

Beginning in FY 2020, Congress directed BJA, in its Tribal Assistance appropriations, as follows:

For tribal assistance grants within OJP, funding is to be used to support efforts to help tribes improve the capacity of their criminal and civil justice systems. OJP is expected to consult closely with tribal stakeholders in determining how tribal assistance funds will be awarded for detention facilities, including outdated detention facilities that are unfit for detention purposes and beyond rehabilitation; courts; alcohol and substance abuse programs; civil and criminal legal assistance; and other priorities. The Committee directs OJP to submit, as part of the Department’s spending plan for fiscal year 2020, a plan for the use of these funds that is informed by such consultation.

BJA participated in the CTAS Consultation in February 2018 which was held in conjunction with the National Congress of American Indians (NCAI) Winter Meeting. BJA hosted virtual Consultations in March 2019 and September 2021 to identify Tribal priorities for BJA’s Tribal Assistance funding, and BJA has participated in the Office on Violence Against Women Consultations each year since 2017. BJA has used this input to help

^[1] In 2017 the funding was appropriated as a percentage rather than a dollar amount. The 7% set aside out of defined programs was \$30,000,000.

understand Tribal needs and priorities. In addition to formal Consultation, BJA also participated in several listening sessions with Tribal justice practitioners including the CTAS listening sessions in December 2022 in Palm Springs, California, and January 2024 in Seattle, Washington.

Most recently, in September 2024, BJA held two listening sessions at the Tribal Healing to Wellness Court Enhancement Training in Phoenix, Arizona, and in October 2024, BJA visited four rural Alaska Native Villages to conduct a series of listening sessions with members of ten Alaska Native Villages. Finally, since FY 2010, DOJ has administered the CTAS assessment survey and all offices that participate in CTAS, including BJA, use that feedback each year to improve the CTAS solicitation consistent with Tribal feedback.

Based on feedback at these events, BJA has continually identified and updated its key priorities to inform awards and the scope and content for training and technical assistance. This has included expanding alternatives to incarceration, including Healing to Wellness Courts; supporting programming and operations in Tribal justice systems, including Tribal courts, Tribal probation, Tribal jails; supporting Tribal civil and criminal legal assistance; promoting intergovernmental collaboration with state, local and federal partners to address public safety; addressing crime tied to substance misuse and preventing overdose; expanding capacity to investigate and prosecute violent crimes; enhancing the coordination of the reentry of Tribal members from federal or state facilities; responding to the impacts of Supreme Court decisions and new legislation; and addressing the crisis of Missing or Murdered Indigenous Persons.

CONSULTATION QUESTIONS TO TRIBAL LEADERS

The purpose of the BJA Consultation is to solicit recommendations from Tribal leaders on the following topics, in order to improve access to BJA's Tribal Assistance funding and BJA's non-Tribal-specific funding streams.

1. Currently BJA's Tribal Assistance funds are administered through the Coordinated Tribal Assistance Solicitation (CTAS) and the Tribal Civil and Criminal Legal Assistance program, supporting efforts to help Tribes improve the capacity of their criminal and civil justice systems. These funds can support a wide range of activities such as Tribal justice system operations and programming, including Tribal law enforcement, courts, probation and jails; Tribal justice facilities including multipurpose justice centers and detention facilities; alcohol and substance misuse programs; prevention programming; civil and criminal legal assistance; violent crime response and reduction; traditional practices and restorative justice; healing to wellness and other treatment courts; and other justice system priorities. In addition to grants, Tribal Assistance funding supports dedicated Tribal-specific training and technical assistance that is available to all federally recognized Tribes. Federally recognized Tribes are also eligible to apply for the majority of BJA's non-Tribal-specific grant funding opportunities.

Question: Are there ways that that BJA can make its funding and technical assistance more accessible to federally recognized Tribes?

2. BJA is considering adding a new Purpose Area to CTAS to support the development, implementation, and enhancement of Healing to Wellness and other treatment courts supported with non-Tribal-specific appropriations (Adult Treatment Courts and Veterans Treatment Courts programs). This would set aside approximately 10% of those funding streams for funding to support Tribes, with grants through the CTAS notice of funding opportunity. This would add funding to CTAS and would not reduce the amount of funding available in any existing Purpose Area. In addition, Tribes would still be eligible to apply for BJA's Adult Treatment Court and Veterans Treatment Court program funds though these overall notice of funding opportunities open to all eligible applicants.

Question: Do you support adding this Adult and Veterans Tribal Treatment Court Purpose Area to CTAS?

3. Currently, federally recognized Tribes and Tribal consortia are the only eligible applicants for BJA's programs in CTAS. In 2024, BJA received the recommendation to include Tribes being able to designate nonprofit organizations to apply for BJA's CTAS Purpose Areas on their behalf. BJA is requesting feedback from Tribal leaders on this recommendation before considering making any change to eligibility. Designation would require a signed Tribal resolution or similar legal authorizing document at the time of application.

Question: Do you support BJA adding Tribal designees as eligible applicants for BJA's Purpose Areas in CTAS?

4. BJA plans to implement a more consistent method for regular consultation, dialogue and seeking feedback from Tribal leaders. This could include annual in-person or virtual consultation, listening sessions at large Tribal conferences or other similar events, listening sessions in Tribal communities, and outreach to Tribal leaders.

Question: What are some ways that BJA can ensure the most meaningful process possible to consult with Tribal nations?

CLOSING:

BJA welcomes Tribal leader feedback during the consultation, as a virtual recording, or by written testimony.

- Oral testimony (In-person at the Tribal consultation on November 18, 2024)
- Recorded virtual testimony (Three virtual recording sessions will be held via Zoom for Tribal leaders and designees who wish to provide verbal testimony but are unable to attend the scheduled consultation in person.)
 - October 23, 2024, at 12:00 PM Central Time
 - October 30, 2024, at 12:00 PM Central Time
 - December 4, 2024, at 12:00 PM Central Time
- Written testimony can be shared via email to: BJAtribalfunding@usdoj.gov or mail to: Bureau of Justice Assistance, 999 North Capital Street, Washington, DC 20531.
BJA welcomes written testimony at any time until 11:59 p.m. ET on December 18, 2024, which is 30 days after the Tribal Consultation.

For more information and registration: <https://bja.ojp.gov/program/bja-tribal-consultation/overview>

For questions about BJA's Tribal Consultation contact:

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In addition, the Department of Justice will hold a Nation-to-Nation consultation on whether the Department should support specific legislative proposals to improve the Department's funding mechanisms and better meet the public safety and criminal justice needs of Tribes. There are several dates and option available, for more information, please see: <https://www.justice.gov/tribal/tribal-consultations-advisory-groups>