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THE TRIBAL LAW AND ORDER ACT—FIVE YEARS LATER: HOW HAVE THE JUSTICE SYSTEMS IN INDIAN COUNTRY IMPROVED

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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THE TRIBAL LAW AND ORDER ACT—FIVE YEARS LATER: HOW HAVE THE JUSTICE SYSTEMS IN INDIAN COUNTRY IMPROVED?

WEDNESDAY, DECEMBER 2, 2015

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. John Barrasso, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

The CHAIRMAN. Good afternoon. I call this hearing to order.

Today the Committee will examine the Tribal Law and Order Act—Five Years Later: How Have the Justice Systems in Indian Country Improved?

Congress passed this Act in 2010 to improve criminal justice and public safety in Indian communities. Federal responsiveness and accountability was a fundamental principle underlying this Act. The Act recognized that the Departments of Justice, Interior, and Health and Human Services play key roles in the justice systems in Indian communities.

This law required more collaboration, coordination, program improvements and specific reporting from these departments. Their active involvement is critical for these communities, particularly the Department of Health and Human Services.

In the field hearing we held on the Wind River Reservation in Wyoming earlier this year, every witness stated that drug and alcohol abuse is involved in nearly every crime occurring on the reservation and possibly throughout Indian Country. If we do not address the drug and alcohol abuse, we will not see improvements in the justice system. So we will examine how effective the agencies have been in reducing crime and recidivism rates through their coordination and respective programs.

The Tribal Law and Order Act also intended that better data be produced so that resources can be more effectively used. Annual reports on the Bureau of Indian Affairs, spending and unmet needs have not been submitted as required by the law. The last Bureau of Indian Affairs report was issued in April of 2013 on fiscal year 2010 information. The Department of Justice just submitted the most recent declarations report less than an hour before the hear-

ing today. Before that, the Department of Justice issued only its second report in August of 2014.

There is no justification for such delays. This is something that has been a bipartisan concern that raises questions regarding the agency's accountability, commitment to Indian Country justice, and it defeats the purpose of the creation of this whole piece of legislation in the first place.

So before we hear from the witnesses on these statements, I want to ask the Vice Chairman, Senator Tester, if he has an opening statement, then we will ask other members as well.

STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA

Senator TESTER. I am going to start by going off script, then I will probably end by going off script. Mr. Chairman, and it was that way when I was chairman, oftentimes, we get the information we asked for at the last minute.

I just want to put something out so that you guys know it. I know you have a busy schedule. I know you have a lot of stuff to do. This is the only Committee that has this happen on a regular basis. The only one. Indian Country is in crisis. What this tells me is, it is not a priority for you. You have to make it a priority. Because we not going to solve problems in Indian Country if we are not working together on this. Quite frankly, if we don't get the information when we need it, we can't make the decisions we need to make to help Indian Country.

That is all I will say on it. It is unacceptable. It is the only Committee that this happens almost on a regular basis. Almost every Committee meeting, the chairman says something like this. And I did when I was sitting in that chair.

So let's fix it. It is not that big a deal.

I want to thank Chairman Barrasso for holding this hearing today and bringing together the stakeholders involved in tribal justice to update this Committee on the progress that has been made over the last five years since we passed the Tribal Law and Order Act of 2010. It is a crucial function of this Committee, oversight is, and I am pleased that we are able to hear today from multiple agencies who impact public safety in Indian Country, as well as the Tulalip Tribe, which has utilized new authority under the TLOA, sitting in these chairs this week. This Committee is well aware of the issues that impact tribes and how much more needs to be done in order to ensure public safety and justice in Indian Country.

The Tribal Law and Order Act, although historic and sweeping, was just beginning the work that needs to be done. But it is an important step forward.

Another important step was reauthorization of VAWA in 2013, which affirmed tribal criminal jurisdiction over non-Indians in special cases of domestic violence. I want to acknowledge the Fort Peck Assiniboine and Sioux Tribes of Montana who are leading the way in improving public safety. Their community was one of the first five tribes selected to be part of the VAWA pilot project to exercise tribal jurisdiction over domestic violence in Indian Country.

The VAWA provisions, along with the enhanced sentencing authorized under TLOA are both great tools for tribes to improve

public safety in their communities. My hope is that the work of Fort Peck and the work of other tribes exercising jurisdiction under VAWA, like the Tulalip Tribe testifying today, is laying the groundwork for other tribes to follow. One issue we will need to address is the maze of jurisdiction regarding different crimes on tribal lands. VAWA is the right step in the right direction, but there are still big gaps in jurisdiction. Expanding criminal jurisdiction further can help tribes solidify and truly exercise self-determination over their lands and improve public safety in their communities.

I would like to thank the witnesses we have here today. I appreciate the work that you do. I look forward to your testimony to see how we can improve public safety.

I would just close by saying one other thing, because, Mr. Chairman, you brought up the fact that we have some issue with drugs in Indian Country and we have some issues with unemployment in Indian Country. All that feeds into a situation where law enforcement becomes a big deal. I would just say as we move forth in this Committee to try and make sure that the Tribal Law and Order Act works to the best of its ability, we also take a look at things we can do working with the tribes. I think these solutions have to come from the ground on how we can solve the unemployment problems and educate folks about how disastrous drugs are, not only for the person but for the community that they live in, too.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Vice Chairman Tester.

Additional statements? Senator Murkowski.

STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Chairman, before I comment on Tribal Law and Order, I do have a statement that I would like to submit for the record regarding your legislation, the Interior Improvement Act. While I was not here in person when you voted it out, it was certainly my intention to be supportive of that. I do want to just note for the record that I want to continue to engage on this issue. I want to engage with our Alaska stakeholders over whether or not this bill brings all the appropriate folks to the table, and when considering an Alaska application, if these applications can lawfully be considered or whether our alternate procedures are appropriate for the State.

I do think that we need to be engaging in a level of consultation in Alaska on this very important issue. As you probably know, we are awaiting the outcome of some litigation, the Akiachak case. The situation in our State is perhaps a little bit different. So again, I just want to note that we would like to continue working with you on that. I will submit a comment.

I would beg to differ with the Vice Chairman in his comments, when he says that this is not that big of a deal, it shouldn't be that big of a deal. This is a big deal, Mr. Chairman. And I think it is, and I think the Vice Chairman acknowledges that, and I am kind of using his words out of context here.

But this is not something to be taken lightly. In my State, the issues of tribal justice, the issue of law and order is one that is primary and paramount. In talking with other colleagues on this

Committee and colleagues that also represent many of our Native populations, the issue of justice for our First Peoples is one that is a big deal. We need to be working hand in glove with the Administration, with the States, with the tribes.

So when a hearing is called to discuss how this measure that has been in play now for five years is working, is performing, I don't think it is too much to ask for testimony to be submitted for the Committee to review. It was suggested by my staff that, well, you have all kinds of demands on your time right now, boss, and since we don't have any idea what is going to be said, maybe I should be somewhere else. It is just not appropriate.

So it is a big deal and I know we are just kind of piling on here. But I do think it is a message that needs to be made loud and clear, that this is not a partisan, Republicans attacking the Democrat Administration. This is the Senator from the State of Alaska, representing half the tribes in the Country, that is concerned that we are not getting what we need from the Administration on an Act that many, many of us feel is very, very important.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Murkowski. Senator Cantwell?

STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON

Senator CANTWELL. Thank you, Mr. Chairman. I would like to thank you for holding this hearing. I would like to welcome the Vice Chairman of the Tulalip Tribe here, Mr. Glen Gobin, and thank him for being here to testify. He has been a member of the tribal council for 16 years, as well as a tribal business committee member for the last 13 years, and 12 of those years he was the chair. So he has been very, very active in the community and a dedicated father and grandfather. I so appreciate the Tulalip Tribe being represented here today.

I have a much longer statement about, obviously, all of these issues and what we need to do moving forward, but I will submit that for the record.

[The prepared statement of Senator Cantwell follows:]

PREPARED STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM WASHINGTON

Thank you Mr. Chairman, and I thank you for holding this hearing on such an important topic.

I would like to introduce Vice Chairman Glen Gobin form the Tulalip Tribe in Washington state. I appreciate you making the trip out here to testify before the committee today. Vice Chairman Gobin has served as a member of the Tribal council for the last 16 years, as well as the Tribal business committee for the last 13 years, 12 of which he was chair. He is active community member and a dedicated father and grandfather.

Violent crime and the ability to prevent it remains one of the biggest issues facing Indian Country today, particularly for Native American women.

According to the Department of Justice, violent crime reservations occurs at rate two and a half times greater than the rest of the country, but is sometimes much higher. In addition, a third of all Native women will be the victim of sexual assault in their lifetime. Not only are these statistics startling, they are unacceptable.

Over the last few years, Congress has worked with Tribes to make their communities safer, and give Tribes the tools they need to develop robust Tribal justice systems. The Tribal Law and Order Act increased sentencing authority for Tribes, particularly repeat offenders, expanded federal support for construction Tribal justice

centers, and reauthorized grants to expand resources for policing as well as youth centers and treatment for those suffering from drug and alcohol addictions.

In addition, the Violence Against Women Reauthorization Act of 2013 expanded sentencing authority for Tribes to allow them to prosecute non-Indian offenders in domestic violence.

The Tulalip Tribe in my home state of Washington has been leading by example. The Tribal Law and Order Act gave Tulalip the authority to update and strengthen its criminal codes, and the Tribal liaisons in the U.S. Attorney's office created by the Tribal Law and Order Act have strengthened the relationship between the Tribe and the Federal Government. Tulalip were one of the first Tribes to begin implementing the Tribal provisions of the Violence Against Woman Act, and successful in prosecuting and convicting domestic abusers that have sought to harm Native woman.

However, while these important steps have been made to improve the justice system in Indian country, there is still more work that needs to be done. We need to continue to support Tribes with resources and to fix gaps that leave some victims still vulnerable. I want to thank Vice Chairman Gobin again for being here today, and I look forward to hearing his testimony today and the testimony of the other witnesses today. Thank you Mr. Chairmen, I yield back.

The CHAIRMAN. Thank you, Senator Cantwell. Senator Heitkamp?

STATEMENT OF HON. HEIDI HEITKAMP, U.S. SENATOR FROM NORTH DAKOTA

Senator HEITKAMP. Thank you, Mr. Chairman.

When I was Attorney General, we had a boarding school in Wahpeton, North Dakota, called Circle of Nations. We accepted kids from all over. We had a young Navajo girl who was going to school there. When it came time for her to go home in the summer, she told the supervisor that if she went home she would be sexually assaulted by family members. She begged to stay at the school.

We thought about how could we protect her. In order to get her home, we had to helicopter her to her house. Now, I tell you that, because we have the double problem of serving and protecting the most vulnerable in rural America, but also in Indian Country where jurisdictional issues are not clear frequently. And so when we don't see a priority being placed on victims and on protecting people, when that is the fundamental obligation of government, we are going to be a little disappointed.

So whatever it takes for you to send that message back that we are serious about this, because you may not see it, but when we go home, we see it every day. Senator Murkowski can tell you horrible stories, just as I have just told you. We are grateful for all the work that you do. But understand, this is important business. And so when it is not treated like it is important business, we get a little upset.

Mr. Chairman, if I can extend my remarks in writing, I would appreciate it. I just wanted to make that point.

[The prepared statement of Senator Heitkamp follows:]

PREPARED STATEMENT OF HON. HEIDI HEITKAMP, U.S. SENATOR FROM NORTH DAKOTA

But, you should also know that I'm glad to see a crucial federal partner, SAMHSA from HHS, included among the witnesses today. I hope this comprehensive discussion will work to address the many hard issues addressed by TLOA, including underlying causes of crime and substance abuse, such as trauma. As you know, tribes in North Dakota are known as "large land based tribes." For example, the Standing Rock Sioux reservation is approximately 3,682 square miles, or 2.3 million acres—

roughly the size of the State of Connecticut. For all this land mass, the tribe has limited law enforcement officers, and too often, there is no federal "cop on the beat" to assist tribal communities in addressing the many symptoms of trauma. So, having SAMHSA here will broaden the conversation to looking at the root of these issues, since it is clear that more federal resources are not easy to come by.

Ultimately, we have a big job before us when 34 percent of Native women will be raped in their lifetimes; 39 percent of Indian people will be subject to domestic violence; violent crime rates across Indian Country are twice the national average; and Indian children experience abuse at rates 50 percent higher than their non-Native counterparts.

Issues of high rates of violence, substance abuse, and incarceration affect everyone whether they are a tribal member or not. You simply cannot live in or near these conditions without them taking a toll on the fabric of the community. I look forward to hearing from the witnesses and hope to hear about improvements now five years out from the law's enactment. I also hope to hear about necessary next steps for building on any successes and ways that you are looking at trauma as an underlying cause for many of the issues affecting Native communities. Thank you again, Mr. Chairman for holding this important hearing.

The CHAIRMAN. Thank you so much, Senator Heitkamp.

We have four witnesses here today. I want to remind the witnesses that your full written testimony will be made part of the official hearing record, so please keep your statements to five minutes so that we may have time for questions. I look forward to hearing your testimony, beginning with Mr. Roberts.

STATEMENT OF LAWRENCE S. ROBERTS, PRINCINAL DEPUTY ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. ROBERTS. Thank you, Chairman Barrasso, Vice Chairman Tester, members of the Committee. I want to thank you for the opportunity to provide testimony on implementation of the Tribal Law and Order Act that was signed into law by President Obama in 2010.

With me today is our Office of Justice Services Director, Darren Cruzan. Mr. Chairman, he testified at your oversight hearing in Wind River. He and his members of his dedicated team are here. They deserve a great deal of recognition for the Department's work in this area.

My written testimony provides a lot of detail about the Office of Justice Service's work in Indian Country and across the Administration to implement TLOA. I want to take a few minutes just to highlight how TLOA has led to a renaissance of tribal criminal justice authorities and capabilities and how BIA has worked with Indian Country on tribal justice systems.

So I would ask the members to consider a hypothetical situation. A tribal police officer, trained at a tribal college, who holds a special law enforcement commission, which includes training taught by an AUSA on patrol in Indian Country. If that officer came into contact with an individual suspected of a crime, they would radio a dispatcher over a tribally-operated frequency to run a criminal history check from a national data base. Assuming that individual was arrested, charged and convicted, they could be sentenced for up to three years in jail and serve that sentence in a tribally-operated facility.

That unremarkable scenario that I just laid would have been impossible before TLOA. TLOA recognized the importance of cross-deputization agreements by providing for BIA special law enforce-

ment commissions to assist BIA with addressing crime in Indian Country. Prior to TLOA, this issue was a constant source of concern between tribes and the BIA.

Based on the good work of TLOA, BIA has developed policies and procedures in 2011, and today we have a system that works for tribes and there are more than 1,300 special law enforcement commission tribal, State and local officers.

TLOA has also fostered the sharing of information between BIA, DOJ and the tribes. Today tribes and BIA agencies electronically provide data to FBI's uniform crime report data collection process. Our OJS staff, Darren Cruzan and his team, they took the lead role in helping to provide multiple training sessions to tribes and BIA personnel to use this system.

The Sycuan Tribe in California is an example of the success that has occurred in information sharing under TLOA. Through the assistance of BIA, Sycuan now has access to California's law enforcement telecommunications system. In addition, OJS recently implemented a program where it will perform name-based emergency background checks for tribal social service entities via Federal criminal data bases. So if a tribe's social services entity needs to run a background check for somebody by name, for placement of a child in a home in an exigent circumstance, OJS will do that work.

TLOA has provided for Interior to issue a report on unmet staffing needs, Chairman Barrasso. You mentioned that in your opening statement, as did Vice Chairman Tester. In our 2013 report, we estimated the unmet needs at that time of $420 million. We are working very diligently, I want to share with this Committee, I wish we had gotten it out well in advance to this Committee. We want to make sure that the numbers are right, and we want to make sure that it is a comprehensive report. So in our last report, it looked at those tribes that had 638 contracts that we serviced directly. We are looking to provide a more comprehensive report and hope to get that to the Committee as soon as we can.

Under the act, we have promoted true intergovernmental and interagency collaboration and training. Today, law enforcement officers patrolling Indian Country can receive training through State or tribal police academies, State or tribal college or universities or other training academies that meet appropriate standards. We have also under TLOA developed a bridge program. For those State-trained law enforcement officers that want to serve in Indian Country, they can take advantage of this program. So far, this program has trained 108 State-certified law enforcement officers.

Finally, I just want to touch upon an initiative that I know was mentioned by many of you during your opening statements. That is the issue of high rates of alcohol and drug related offenses. Under Darren Cruzan's leadership, he started a recidivism project, a pilot project that looks at three reservations, the Ute Mountain Ute Reservation, the Red Lake Reservation and the Shoshone Paiutes of the Duck Valley Indian Reservation. We are pleased to report, as part of that pilot program over the last couple of years, that those three tribes are experiencing a double digit percentage reduction in recidivism under that targeted program.

So the results are largely due to the focus of what is challenging for these repeat offenders, what assistance they need. Obviously,

tribal leadership has been critical in the advances on that pilot project. We hope to do more, because it has been successful in the three locations where we have implemented it.

So much work remains to be done. I know I have gone over my time here, and I want to thank you for the opportunity to testify and am available to answer any questions of the Committee.

[The prepared statement of Mr. Roberts follows:]

PREPARED STATEMENT OF LAWRENCE S. ROBERTS, PRINCINAL DEPUTY ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee, my name is Lawrence Roberts and I am the Principal Deputy Assistant Secretary of Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to provide testimony before this Committee on the Tribal Law and Order Act (TLOA), Pub. L. No. 111–211 (2010). On July 29, 2010, President Obama signed TLOA into law with the goal of improving public safety in Indian Country. I am pleased to be here before this Committee today, more than five years after the law's enactment, to provide an update on the Bureau of Indian Affairs Office of Justice Services (BIA–OJS) work with Tribes to implement TLOA.

The health, welfare, and safety of our Tribal communities are priorities of the Obama Administration. TLOA has provided Tribes additional resources and has fostered greater self-determination and self-governance of their justice systems. Law enforcement and public safety in the United States is largely administered on a local level and TLOA has helped ensure that this is also the situation in Indian Country.

Indian Country still faces many public safety challenges. As the Committee knows, far too many tribal communities are experiencing the devastating effects of alcohol and drugs. However, the Administration is encouraged by the progress made and believes that public safety has and will continue to improve in Indian Country. Updates on implementation and other related services follow.

Law Enforcement Training Standards

TLOA promoted greater flexibility in training law enforcement officers patrolling Indian Country. TLOA provided that law enforcement training standards could be satisfied through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy that met appropriate standards. BIA–OJS has responded by permitting greater flexibility in training of police officers serving Indian Country. Five years later, training of law enforcement officers in Indian country is more flexible which results in a larger pool of eligible applicants and a better trained workforce.

The Indian Police Academy developed the three-week "Basic Police Officer Bridge Training Program" to meet relevant federal training standards for state-trained officers serving Indian Country. The bridge program offers federal law and BIA–OJS policy courses including training on jurisdiction in Indian Country and TLOA. State-trained officers submit a basic training waiver to the academy for review and approval for reciprocity of minimum training standards. Approved training allows applicants to attend the basic bridge program instead of the fifteen-week basic police program. To date, the Indian Police Academy has provided ten sessions of the three-week "Basic Police Officer Bridge Training Program" and has trained 108 law enforcement officers in the program. Overall, the program has an 89 percent graduation rate.

Section 231(b) of TLOA provided that BIA–OJS develop policies and procedures to enter into deputation agreements for the purpose of issuing BIA Special Law Enforcement Commissions (SLECs). SLECs allow full time certified Tribal, Federal, state, and local enforcement officers to assist BIA in the enforcement of Federal criminal statues in Indian Country. These policies and procedures were developed and enacted on January 25, 2011. Additionally in 2011, BIA–OJS and DOJ partnered to update the Criminal Jurisdiction in Indian Country (CJIC) training curriculum. The course was completely redesigned to provide current information on law enforcement, jurisdiction and legal topics; all of which are critical to the successful response, investigation and prosecution of federal crimes in Indian Country. The new two and half day CJIC training curriculum was piloted in Oklahoma in March 2012, followed by a subsequent pilot in California in April 2012 based on fine-tuning revisions. The standard CJIC curriculum was then rolled out nationwide.

The course is taught by Indian Country AUSAs and Tribal Liaisons from DOJ. This is consistent with TLOA's provisions regarding the duties of Assistant United States Attorney Tribal Liaisons, including: "Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes." The CJIC curriculum and materials were disseminated to the United States Attorney Offices with Indian Country in their jurisdiction for familiarization, since their personnel serve as the actual course instructors. DOJ also reviews the CJIC course curriculum and materials annually, updating legal issues and case law.

In 2015, BIA–OJS and DOJ collaborated to create and implement a CJIC Master Schedule approach by disseminating a CJIC training schedule for the upcoming year, including locations and dates. This allows for advance planning by all agencies involved, including law enforcement partners that require training and DOJ Indian Country AUSAs and Tribal Liaisons within the various districts.

BIA–OJS also assists Tribes with background checks during the hiring process of tribal law enforcement officers. Section 231(a)(4)(A) requires BIA–OJS, when requested by a Tribe, to conduct background checks for tribal law enforcement and correctional officials no later than 60 days after the date of receipt of the request. BIA–OJS has developed a new background policy and provided background and adjudication training throughout the country. During FY 2015 OJS provided a total of fifty-eight (58) background investigation for twenty-eight (28) tribes.

Data/Information Sharing

TLOA recognized that accurate data is essential for the development of effective public safety strategies. It also recognized that data is a fundamental tool of law enforcement and the need to share such data among law enforcement agencies. TLOA addressed this issue in a variety of ways. It provided for BIA–OJS to share with DOJ all relevant crime data received from tribal law enforcement agencies. BIA–OJS has accomplished this requirement. Today, Tribes and BIA agencies provide data to the FBI's Uniform Crime Report (UCR) data collection process through electronic submissions. BIA–OJS took a lead role in achieving a seamless transition for Indian Country. BIA–OJS coordinated multiple training sessions for tribes and BIA agencies on the FBI's UCR Program. Furthermore, BIA–OJS followed up with individual technical assistance and additional training to ensure that deployment of the electronic reporting was a success for Tribes.

Further, Section 211(b)(2)(D)(13) provided for BIA–OJS to provide technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases. BIA–OJS has been working with DOJ to identify needs in Indian Country regarding access to databases with the FBI's Criminal Justice Information Services (CJIS) Division. BIA–OJS has engaged directly with tribal leaders to discuss their needs and provide information on CJIS programs.

There have been a number of successes in implementing the TLOA information sharing provisions. For example, the Sycuan Tribal Police Department's officers, all of whom are commissioned by the Bureau of Indian Affairs-Office of Justice Services (BIA) as special deputy officers, were approved to access the state's robust law enforcement telecommunications system, CLETS—a first in the state of California. In FY 2015, BIA–OJS received authority to perform name-based, emergency background checks for tribal social service entities that require such information for child placement purposes, via federal criminal databases housed within the FBI's CJIS Division. BIA–OJS is piloting a project wherein tribes may contact BIA–OJS to obtain name based criminal history information in exigent circumstances where a fingerprint based check is not feasible.

Section 211(b)(2)(D)(10) provided for BIA–OJS to develop and provide dispatch and emergency and E–911 services. BIA–OJS has procured state of the art dispatch equipment to integrate communications systems and record radio and telephone traffic at 17 direct service agencies. Five agencies will be complete by calendar year end with remainder complete in calendar 2016. Technical assistance is also provided to tribes, when requested, for dispatch, coverage and equipment requirements. BIA–OJS also provides tribes with technical assistance in acquiring frequencies for tribally operated and owned systems.

Finally, section 211 of TLOA provided for BIA–OJS to develop an annual report of unmet staffing needs of the law enforcement, corrections, and tribal court programs. In April of 2013 BIA–OJS submitted a report to Congress detailing the allocation and expenditure of FY 2010 funds appropriated to the BIA for public safety and justice programs, as well as the estimated unmet needs for public safety and justice programs. The scope of the April 2013 report was limited to tribes providing public safety funding by BIA and agency office locations that expended public safety

and justice funds to provide direct services to tribes. The Department is providing a comprehensive update to the April 2013 report which is in the final stages of departmental review.

Section 211 also provided for BIA–OJS to report on: "the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Service." To address this part of TLOA, a description of the BIA–OJS funding methodology was incorporated into the FY 2016 President's Budget Request. Since the beginning of the Obama Administration in FY 2008, just over $100 million in BIA public safety appropriation increases have been allocated using this methodology and the resulting impact on violent crime in Indian Country shows that with increased resources Tribes are able to better protect their communities. Applying programmatic expertise and data-driven analysis, our distribution method enables BIA to target additional resources to reservations with higher violent crime rates and larger service populations, indicators of the severity of public safety needs. Additionally, BIA–OJS is currently discussing the viability of a tribal advisory group. The advisory group would focus on public safety and tribal justice funding, and seek tribal perspectives on current funding distribution methods.

Tribal Courts

BIA–OJS has focused on strengthening Tribal Courts through a number of different initiatives. TLOA amended the Tribal Justice Support Act which now identifies funding for specific tribal court personnel positions through Tribal Justice Systems appropriated funds. To date, BIA–OJS has provided funding for: 25 Tribal Judges, 20 Tribal Prosecutors, 15 Tribal Defenders, 5 Tribal Guardians ad-Litem and provided funding for training and technical assistance for tribal court support staff as well as training for litigators in tribal courts.

Based upon the need to eradicate illegal narcotics in Indian Country, BIA–OJS was tasked with the responsibility, in coordination with the Attorney General, to ensure that BIA–OJS and tribal law enforcement as well as judicial personnel have access to training regarding the investigation and prosecution of offenses relating to illegal narcotics and alcohol and substance abuse prevention treatment. Since 2011, BIA–OJS has conducted 20 Tribal Court Trial Advocacy Training sessions which provide hands-on mock trial court training by skilled litigators including: federal prosecutors (AUSAs), tribal prosecutors (including those cross designated as SAUSAs), as well as federal defenders and tribal defenders.

To date, over 600 tribal court personnel have been trained on illegal narcotics and domestic violence prosecution, as well as prosecution of sexual assault crimes as identified under TLOA in Section 241 and 262. These training sessions include discussions regarding the specific TLOA enhanced sentencing provisions. Moreover, BIA–OJS is working with the Department of Justice and the Administrative Office for U.S. Courts to better coordinate specialized training for those tribal court personnel ready to participate in the TLOA enhanced sentencing provisions under the Indian Civil Rights Act.

Since 2011, BIA–OJS has provided over 75 state of the art recording devices to tribal courts in an effort to comply with the requirement that all tribal courts implementing TLOA must record criminal proceedings. Further, BIA–OJS has provided funding allowing tribal courts to impose alternative sentences. For example, alcohol ankle bracelet monitoring programs have been used to reduce incarceration and address the severity of alcohol-related crimes. In 2012, the Lower Brule Sioux Tribe in South Dakota reported a 98 percent success rate against reoffending in instances where the devices were used. BIA–OJS is also coordinating with DOJ and IHS to work on providing training for tribal judges on alternative sentencing options.

Under TLOA, Tribes located in PL 280 states, where jurisdiction is the primary responsibility of the State, have the opportunity to request the federal government assume concurrent jurisdiction over certain crimes on the tribe's reservation. Some Tribes requesting concurrent jurisdiction have received tribal court assessments. The Department has provided funding to assist those tribal courts with addressing infrastructure stability which is essential for enhanced sentencing purposes, such as drafting criminal codes and rules of evidence, making rules of criminal procedures available to the public, providing qualified legal counsel to defendants, employing law trained judges and recording any criminal proceedings.

Corrections/Treatment

TLOA also sets forth requirements to address incarceration and substance use disorders in Indian Country. Section 211(b) of TLOA directed BIA–OJS to develop a long term plan for tribal detention programs.

To be responsive to this, the BIA published a plan for tribal detention programs in August 2011. Additionally, the BIA Corrections Handbook, First Edition, was developed and implemented in February of 2012. The handbook includes detailed policy and procedures that support the BIA Detention Guidelines and OJS has implemented these standards throughout the years. BIA–OJS continues to provide additional technical assistance to Tribes for the start-up and activation of newly constructed facilities, negotiating contracts with state and local jails for adult and juvenile bed space, inspection and certification processes, corrective action plan implementation, and assistance with grant applications.

Section 241 of TLOA identified the need for training on alcohol and substance use prevention and treatment and identified a mission of eradicating criminal acts caused by alcohol and substance use. In response, BIA–OJS created the Diversion and Re-entry Division (DRD) within the Tribal Justice Support Directorate. The purpose of the new Division was to transform current institutional practices and create alternatives to incarceration which build on existing treatment service continuums in tribal communities, as well as provide access to long-term detention-based treatment for all direct-service tribes at Hardin, Montana, Yuma, Arizona and Casper, Wyoming. These facilities are outstanding treatment and recovery resources for tribes that fill a critical need in Indian Country, expanding the overall continuum of services directly available to tribes.

The focus of the BIA–OJS initiative is to effectively braid opportunities and services of other federal agencies to address alcohol and substance use-related offenses. Importantly, BIA–OJS has worked with tribal courts and correctional facilities to administer a nationally recognized screening and assessment instrument (GAIN). The instrument is currently at three pilot sites and BIA–OJS has provided the training needed to administer the instrument. This instrument and new protocol for offender placement into service, service engagement and preparation for community re-entry services has the potential for serving as the cornerstone for linking all human service elements within tribal communities onto a common data infrastructure. BIA–OJS will generate a detailed analysis and year-end report of the Recidivism Reduction Initiative that includes a predictive analysis of the risk for offender recidivism, and will serve the need for a common data infrastructure within Indian Country.

Conclusion

Thank you for holding this hearing on the Tribal Law and Order Act and for providing the opportunity to discuss what we have done over the past five years since TLOA's enactment into law. We will continue to work closely with our Tribal, Federal, and State partners to address public safety issues in Indian Country and to further fulfill the goals of TLOA.

I am available to answer any questions the Committee may have.

The CHAIRMAN. Thank you very much, Mr. Roberts.

Next we will hear from Mirtha Beadle, who is the Director, Office of Tribal Affairs and Policy, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services. Thank you for joining us.

STATEMENT OF MIRTHA BEADLE, DIRECTOR, OFFICE OF TRIBAL AFFAIRS AND POLICY, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ms. BEADLE. Thank you, Chairman Barrasso. I also acknowledge Ranking Member Tester, who was here, and members of the Senate Committee on Indian Affairs. We appreciate the time to be here and talk about this very important issue. We agree with you that addressing alcohol and substance use is a priority.

I am honored to be here with the vice chairman of the Tulalip Tribes. Their community has gone through difficult times and we regret their painful losses.

I am also honored to be here with my colleagues from the Department of Interior and the Department of Justice. We have collaborated well over the past many years.

We have in coordination and consultation with tribal governments worked to implement the letter and spirit of the law focused on Indian alcohol and substance use. I would like to highlight a few of the coordinative actions that SAMHSA is responsible for and that each of our partner agencies has carried out over the past many years. In 2010, SAMHSA established the Office of Indian Alcohol and Substance Abuse which was subsequently realigned to the Office of Tribal Affairs and Policy, which I lead. Establishment of OTAP, as we call it, was a demonstration that SAMHSA believes that tribal affairs is very important. We are the point of contact for tribal governments, Federal agencies and others who want to work on Indian alcohol and substance use issues.

As a component of OTAP, the Office of Indian Alcohol and Substance Abuse has greater reach across SAMHSA's centers, which it did not have previously. OIASA has engaged on tribal policy and consultation efforts, which was more restricted under the prior structure.

OIASA has served as a very important engine for advancing collaboration across the Federal partners and sustaining those efforts to support TLOA. I want to acknowledge Dr. Marcella Ronyak, who is the OIASA director, and is here with me today.

One of the requirements under TLOA was to establish a framework for coordinating the Federal partners, which includes specifically SAMHSA, the Indian Health Service, the Bureau of Indian Affairs, Bureau of Indian Education and the Department of Justice. Our Federal partners created committees and work groups and identified 12 specific responsibilities to support the requirements of the Act.

I will give you a couple of examples of the responsibilities. They include assessing the scope of Indian alcohol and substance abuse problems and developing an inventory of resources. There was not an inventory of what tribes had available to support their activities such as supporting tribal action planning to coordinate activities at the local level; sharing exemplary programs that tribes could actually model in their communities; providing training where it didn't occur; compiling data, and lots of other activities.

I do want to highlight some of the progress that we have made in the coordinative efforts. The first is really critical to the work that is required under TLOA. That is, we have developed and are completing a multi-agency comprehensive report on the scope of Indian alcohol and substance abuse problems. What is tremendous about this effort is that we have eight Federal departments and agencies, the first time it has happened, that have come together and shared their data to provide an indication of the scope of the problems.

The data that we have gathered, that we are putting together, comes from SAMHSA, the Indian Health Service, Bureau of Indian Education, Bureau of Indian Affairs, the Centers for Disease Control and Prevention, the National Institutes of Health, the Centers for Medicare and Medicaid Services, and also the Department of Justice. So it is a massive piece of undertaking in terms of identifying all these data sets that will help us get a better sense of that. We expect to release a report in early 2016.

We have also provided tribes extensive amounts of support in technical assistance for planning, for community healing, for training, all the kinds of things that tribes need to be able to support the work. We also were required to develop opportunities for sharing information, so we have done that. We have an implementation website where we post a host of information around these issues.

One of the things we were required to do was to develop an inventory. The last inventory that we developed had over 70 federally-sponsored education and alcohol and substance prevention programs. Tribes now have access to information about programs that they did not have in the past.

TLOA also required sharing exemplary programs. We have developed what is called the Prevention and Recovery Newsletter that provides information on Federal programs and other programs. Over the past four years, we have published 14 different issues that have been downloaded over 200,000 times. In the past, we have also done a lot of training on tribal action planning. We have reached 44 tribes, almost 400 tribal participants and we have also made available data through the web and other means.

I have to say that SAMHSA is also trying to align its work with tribal communities through its programming. In fiscal year 2014, Congress appropriated $5 million to support the new Tribal Behavioral Health Grant, which is critical to the work of TLOA. In fiscal year 2016, in the President's budget there is $30 million for the Tribal Behavioral Health Grant program. That supports mental health promotion and substance abuse prevention for tribal youth and their families. It enhances early detection of mental health and substance abuse disorders and also increases referral to treatment, which is what we are looking to do.

So I want to thank you for the opportunity to share this information with you and look forward to your questions.

[The prepared statement of Ms. Beadle follows:]

PREPARED STATEMENT OF MIRTHA BEADLE, DIRECTOR, OFFICE OF TRIBAL AFFAIRS AND POLICY, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chairman Barrasso, Ranking Member Tester, and members of the Senate Committee on Indian Affairs, thank you for inviting me to testify at this important hearing on the implementation of the Tribal Law and Order Act of 2010 (TLOA). I am pleased to testify along with colleagues from the Department of Interior (DOI) and Department of Justice (DOJ). Substance use is one of the most severe public health and safety problems facing American Indian and Alaska Native (AI/AN) individuals, families, and communities, and we must continue to work together to diminish the devastating social, economic, physical, mental, and spiritual consequences.

TLOA amended the Indian Alcohol and Substance Abuse Treatment Act of 1986 (Pub. L. 99–570). The amendments called for the Substance Abuse and Mental Health Services Administration (SAMHSA) to establish an office tasked with improving coordination among the federal agencies and departments responsible for combating alcohol and substance use disorders among the AI/AN population. [1] TLOA also instructs the Department of Health and Human Services (HHS) to collaborate with DOI and DOJ on determining the scope of ongoing problems; identifying resources and programs that would be relevant to combating alcohol and substance use disorders in tribal communities; and coordinating existing agency programs. Today, I am pleased to share with you the myriad ways in which SAMHSA, along

[1] While the TLOA refers to alcohol and substance use among the AI/AN population, alcohol is a powerful substance itself. Given this distinction, this testimony will discuss this issue in terms of the prevention of alcohol and drug use and treatment of alcohol and substance use disorders.

with its federal partners and in coordination and consultation with tribal governments and organizations, is implementing the letter and spirit of the TLOA amendments.

Office of Indian Alcohol and Substance Abuse

As required by TLOA, SAMHSA established the Office of Indian Alcohol and Substance Abuse (OIASA) in 2010. OIASA was originally established within the Center for Substance Abuse Prevention, and in 2015 was realigned as a component of SAMHSA's new Office of Tribal Affairs and Policy (OTAP). SAMHSA's OTAP serves as the primary point of contact for tribal governments, tribal organizations, Federal departments and agencies, and other governments and agencies on behavioral health issues facing AI/AN populations. The creation of OTAP brought together SAMHSA's tribal affairs, tribal policy, tribal consultation, tribal advisory, and Tribal Law and Order Act (TLOA) responsibilities to improve agency coordination and achieve meaningful progress. As a component of OTAP, OIASA has greater reach across SAMHSA's centers and offices and is fully engaged in tribal policy and consultation efforts.

I'm pleased to mention that Marcella Ronyak, the OIASA Director, is at the hearing with me today. OIASA has three additional staff positions, including a permanent Indian Youth Programs Officer. To date, OIASA, along with our Federal partners—Indian Health Service (IHS), DOI, and DOJ—the Indian Alcohol and Substance Abuse Interdepartmental Coordinating Committee (IASA Committee) has served as a point of contact for Indian Tribes with respect to the implementation of TLOA and finalized the Indian Alcohol and Substance Abuse Memorandum of Agreement as a framework for coordinating the resources and programs of SAMHSA, IHS, DOI, and DOJ, as directed by TLOA.

IASA Committee

For the past four years, the IASA Committee has served as an interagency forum for Federal partners to collaboratively work to support AI/AN communities in achieving their goals in the prevention, intervention, and treatment of alcohol and substance use disorders. The committee is composed of representatives from Federal agencies with responsibilities for addressing the consequences of alcohol and drug use in Indian Country, including SAMHSA, IHS, DOI's Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE), and DOJ. The Director of OIASA serves as the Committee Chairperson. In addition, the Administration for Children and Families (ACF), Centers for Disease Control and Prevention (CDC), Centers for Medicare and Medicaid Services (CMS), Health Resources and Services Administration (HRSA), and National Institutes of Health (NIH)—all within HHS—and the White House Office of National Drug Control Policy (ONDCP) are invited to attend IASA Committee meetings.

The IASA Committee work has and continues to focus on: (1) determining the scope of Indian alcohol and substance use problems; (2) advancing development of comprehensive tribal action planning; (3) identifying opportunities and programs relevant to alcohol and drug use among Tribal communities; (4) sharing information on practices, programs, and resources through the Prevention and Recovery Newsletter; and (5) addressing issues of concern to Tribes related to alcohol and drug use. The IASA Committee includes seven workgroups: (1) Memorandum of Agreement (MOA); (2) Tribal Action Plan; (3) Inventory/Resources; (4) Communications; (5) Native Youth Educational Services; (6) Data; and (7) Minimum Program Standards. Recently, the IASA Committee voted to establish a Public Safety and Health Workgroup to further enhance collaborations and actions related to re-entry services specific to youth regional treatment and detention centers, model juvenile code, and implementation of law enforcement and judicial personnel training, among other MOA responsibilities. Each of the workgroups is chaired by a TLOA Federal partner agency.

Memorandum of Agreement (MOA)

In fiscal year (FY) 2015, the MOA Workgroup initiated a significant effort to unify the TLOA and Indian Health Care Improvement Act (IHCIA) MOAs. Both MOAs address Indian alcohol and substance use and engage similar Federal partners in accomplishing requirements. The purpose of the unification effort is to identify areas of overlap and similarity between the two agreements and pave the way for greater coordination across Federal agencies. The MOA Workgroup is co-chaired by DOJ and IHS. OTAP developed background documents and an initial draft of a unified TLOA and IHCIA MOA for consideration. MOA Workgroup representatives have provided important input and recommendations not only for unifying the TLOA and ICHIA MOAs but also for streamlining and clarifying existing processes. Moving for-

ward, the MOA Workgroup will provide leadership in the required annual review of the MOA.

Tribal Action Planning (TAP)

A primary focus of the IASA Committee is to advance comprehensive tribal action planning so that tribes can identify resources, priorities, and design a systems approach to treating alcohol and substance use disorders and their co-occurring conditions. The intent of coordinated Federal TAP is to provide guidance, direction, coordination, and improved access for tribes to appropriate Federal resources that may assist them in developing and implementing tribal action plans. The TAP Workgroup coordinates support for tribes that choose to develop a TAP to prevent and treat alcohol and substance use disorders. The Workgroup has established a protocol for tribal requests for assistance and works with partner agency regional staff to coordinate assistance and resources for tribes in their areas.

In FY 2015, Tribal Action Plan trainings were held in four different geographic areas, reaching 44 tribes and 372 tribal participants. SAMHSA is leading the effort, in collaboration with Federal partners, to develop a new TAP strategy to advance comprehensive tribal action planning.

Engagement and Outreach on Indian Alcohol and Substance Abuse Issues

Within SAMHSA, OIASA has actively engaged with staff from the Center for Substance Abuse Prevention, Center for Substance Abuse Treatment, the Center for Mental Health Services, and the Center for Behavioral Health Statistics and Quality. OIASA also has provided updates and sought advice from the SAMHSA Tribal Technical Advisory Committee, which is composed of 14 elected/appointed tribal leaders.

Reaching far and wide to the tribal community, OIASA staff and I, as the OTAP Director, have attended, presented, and participated in tribal consultations and meetings in partnership with DOI, DOJ and IHS staff and leadership. OIASA also conducted outreach to national AI/AN organizations, such as the National Indian Health Board (NIHB), the National Congress of American Indians (NCAI), and the National Council of Urban Indian Health (NCUIH). In addition, OIASA has engaged with AI/AN stakeholders including Tribal Epidemiology Centers and tribal behavioral health staff.

SAMHSA's efforts to address alcohol and substance use are supported through several technical assistance (TA) centers and providers. The TA centers most pertinent to supporting alcohol and substance use prevention in AI/AN communities include:

- The Tribal Training and Technical Assistance Center, which provides TA on an array of tribal behavioral health and wellness needs and is the primary TA provider for tribal action planning;
- The National AI/AN Addiction Technology Transfer Center, which supports substance use disorder and other training to behavioral health providers and individuals from tribal communities; and
- The National Native Children's Trauma Center, which provides trainings and consultations to community agencies, tribal programs, clinicians, school personnel, technicians, and families on the impacts and prevention of childhood traumatic stress.

OIASA and Federal partners have actively worked to share information about programs and resources on alcohol and substance use prevention, intervention, and treatment with tribes and tribal organizations. The primary modalities are published on the TLOA Implementation website (*http://www.samhsa.gov/tloa/*) and Prevention and Recovery Newsletter. The website includes resources for developing tribal action plans, addressing issues faced by Native youth, and an inventory of Federal resources that may benefit tribes. The inventory was specifically developed in response to TLOA and includes over 70 Federally-sponsored education and alcohol and substance use prevention support programs; funding opportunity interactive links subdivided by HHS, DOI, and DOJ agencies and TLOA-related topics (i.e., public safety, justice systems and alcohol and substance use, corrections and correctional alternatives, violence against women, juvenile justice); and, links to grant and contract resources. Over the past four years, Federal partners have published 14 issues of the *Prevention and Recovery* Newsletter, which has been downloaded over 200,000 times.

SAMHSA Grant Program Alignment with TLOA

SAMHSA has made addressing the behavioral health of American Indians and Alaska Natives a priority. In FY 2014, Congress appropriated $5 million to support

the new Tribal Behavioral Health Grant (TBHG) program. With this funding, SAMHSA funded 20 tribes or tribal organizations. Grantees such as the Selawik Village Council in Alaska, the Turtle Mountain Band of Chippewa Tribe in North Dakota, and the Pueblo of Nambe in New Mexico plan to incorporate evidence-based, culture-based, and practice-based strategies for tribal youth. Grantees are required to work across tribal suicide prevention, mental health, substance use prevention, and substance use disorder treatment programs to build positive behavioral health among youth. Grantees connect appropriate cultural practices, intervention services, care, and information with families, friends, schools, educational institutions, correctional systems, substance use programs, mental health programs, foster care systems, and other support organizations for tribal youth. Technical assistance is provided to grantees through SAMHSA's Tribal Technical Assistance Center to support their ability to achieve their goals.

The President's FY 2016 Budget for the TBHG program is $30 million, including $15 million in the Mental Health appropriation and $15 million in the Substance Abuse Prevention appropriation. This represents an increase over the FY 2015 Enacted Level of $10 million in the Mental Health appropriation and $15 million for a newly established line in the Substance Abuse Prevention appropriation. This funding supports Generation Indigenous, an initiative focused on removing possible barriers to success for Native youth. This initiative takes a comprehensive, culturally appropriate approach to help improve the lives and opportunities for Native youth. In addition to HHS, multiple departments, including the Departments of Interior, Education, Housing and Urban Development, Agriculture, Labor, and Justice, are working collaboratively with tribes to address issues facing Native youth. The FY 2016 Budget allows SAMHSA to expand activities that are critical to preventing substance use and promoting mental health and resiliency among youth in tribal communities.

The additional funding would expand the TBHG program to approximately 103 additional tribes and tribal entities. With the expansion of the TBHG program, SAMHSA aims to reduce substance use and the incidence of suicide attempts among tribal youth and to address behavioral health conditions which impact learning in Bureau of Indian Education-funded schools. The TBHG program will support mental health promotion and substance use prevention activities for high-risk tribal youth and their families, enhance early detection of mental and substance use disorders among tribal youth, and increase referral to treatment.

Conclusion

Thank you again for this opportunity to share with you the extensive efforts SAMHSA and its Federal partners are undertaking, in collaboration with the AI/AN community, in order to implement TLOA, and to reduce the impact of alcohol and drug use on AI/AN communities. I would be pleased to answer any questions that you may have.

The CHAIRMAN. Thank you so much for your testimony.

Next we will hear from Mr. Tracy Toulou, who is the Director of the Office of Tribal Justice, United States Department of Justice. Thanks for joining us.

STATEMENT OF TRACY TOULOU, DIRECTOR, OFFICE OF TRIBAL JUSTICE, U.S. DEPARTMENT OF JUSTICE

Mr. TOULOU. Thank you, Chairman Barrasso, members of the Committee. I am honored to appear before you to discuss the implementation efforts of the Department of Justice to fulfill our responsibilities as established in the Tribal Law and Order Act of 2010.

The Department of Justice views tribes as partners in ensuring public safety in Indian Country and is committed to maximizing tribal control over tribal affairs. It is our belief the challenges faced by tribes are generally best met by tribal solutions. In support of this commitment and our government-to-government relationship with tribes, the Department of Justice has worked to fulfill its responsibilities under the Tribal Law and Order Act in a way that will ultimately empower tribes to operate with more autonomy.

For example, in order to support law enforcement activity by tribal officials in Indian Country, tribes require access to law enforcement data bases. Under the Tribal Law and Order Act, the Department of Justice must ensure that tribal officials have access to national crime information data bases.

Recently, the Department launched a comprehensive access program based on feedback from tribes and lessons learned from our earlier efforts in this area. The DOJ Tribal Access Program for National Criminal Information Databases, which we often refer to as TAP, was announced in August of 2015. The TAP program has selected 10 tribal participants to help provide user feedback on the training, technical assistance and equipment associated with the program. One of those 10 tribes is the Tulalip Tribe.

Early responses have been very positive and it is our intention to eventually make this program available to any interested tribe.

The TAP program was a result of a 2014 working group which consisted of representatives from the Department of Justice and the Department of the Interior. From the same close collaboration, the Department partnered with Interior's Bureau of Indian Affairs in a second program entitled Purpose Code X, which gives tribal officials the ability to perform 24-hour immediate name-based criminal history record checks. This is a crucial capability for tribal officials seeking emergency placement of children in Indian Country.

The provision of high-quality training to tribal representatives has been an area of increased activity within the Department since passage of the Tribal Law and Order Act. For example, the FBI has partnered with BIA to provide joint training that will focus on the investigation of matters common to Indian Country, such as domestic violence, child abuse, violent crime, human trafficking and drug trafficking.

One of the most meaningful displays of the Department's commitment to the government-to-government relationship with tribes is our efforts to cross-deputize tribal law enforcement officials. The tribal Special Assistant U.S. Attorney program, the SAUSA program, enables tribal prosecutors to bring cases in Federal court. This program has grown considerably since passage of the Tribal Law and Order Act. To date, there are 25 SAUSAs representing 23 tribes.

In addition to the SAUSA program, DOJ investigative agencies have cross-deputized tribal law enforcement officers. For example, the FBI has deputized 85 tribal law enforcement officers as part of the Safe Trails task forces, working to combat violent crime, drugs and gangs in Indian Country.

Moving on to another section of the Tribal Law and Order Act, the Bureau of Prisons fulfilled the key provision to accept certain tribal offenders sentenced in tribal courts for placement in BOP facilities. In addition to increasing access to critical programs and treatment, the pilot program facilitated tribes' ability to exercise enhanced sentencing under the Tribal Law and Order Act. The pilot program was by all accounts a success, and both tribes and the Department would be supportive of necessary congressional action to reauthorize this program.

In parallel to our external efforts, the Department has made a number of internal changes to ensure our revamped presence in In-

dian Country is long-lived. For example, the U.S. Attorneys offices with Indian Country and the districts play a primary role in our interaction with tribes. Now every U.S. Attorney's office whose district includes Indian Country or a federally-recognized tribe has at least one tribal liaison, and some districts have more than one.

To further enhance communications with the tribes, U.S. Attorneys' offices are required now to hold annual consultations with all the tribes in their district. The Department of Justice has made progress over the past five years in bolstering our government-to-government relationships with tribes. We recognize that there is significant work still to be done to live up to our responsibilities in Indian Country and we are committed to seeing this work through.

We appreciate Congress' efforts to foster public safety and look forward to working closely with our partners in Indian Country to fulfill and honor our responsibilities. I will be happy to answer any questions you may have.

[The prepared statement of Mr. Toulou follows:]

PREPARED STATEMENT OF TRACY TOULOU, DIRECTOR, OFFICE OF TRIBAL JUSTICE, U.S. DEPARTMENT OF JUSTICE

Chairman Barrasso, Vice-Chairman Tester, and Members of the Committee:

I am honored to appear before you to discuss the implementation efforts of the Department of Justice (the Department, or DOJ) to fulfill our responsibilities as established in the Tribal Law and Order Act of 2010 (TLOA) and, ultimately, to improve public safety in Indian country. In introducing this Act in April 2009, Chairman Dorgan illuminated some of the hard realities faced by tribes in modern times, including: astonishingly high rates of violence, criminal exploitation of complex and sometimes confusing jurisdiction, and crippling limitations on the legal authorities of tribal governments to ensure safety on their lands. The introduction of TLOA included a charge to the federal government to provide tribal governments with the tools they need to better protect their communities, to live up to our treaty and trust obligations, and to be more accountable for our efforts to enhance public safety in Indian country. Thank you for the opportunity to provide an overview of the Department's efforts over the past five years to fulfill our responsibilities under this Act and honor our broader obligations to Indian country.

In October 2009, the Department held a listening session with tribal leaders to help guide and inform the Department's policies, programs, and activities affecting Indian country going forward. Our leadership recognized the need to swiftly and meaningfully improve our contributions to public safety in Indian country, and as a result of this listening session, launched a Department-wide initiative to enhance public safety in Indian country, which is ongoing. With the passage of TLOA in July 2010, the Department's initiative expanded to absorb new responsibilities and assumed a renewed sense of urgency. Our work to enhance public safety has been, and continues to be, shaped by our commitment to empower tribal governments; to improve coordination and collaboration at the federal, tribal, state, and local levels; and to be appropriately accountable for the work we do.

Empowering Tribal Governments

The Department views tribes as partners in ensuring public safety in Indian country and is committed to maximizing tribal control over tribal affairs. It is our belief, informed by experience, that challenges faced by tribes are generally best met by tribal solutions. In support of this commitment, and the government-to-government nature of our relationships with tribes, the Department has worked to fulfill its responsibilities under TLOA in a way that will ultimately empower tribes to operate with more autonomy.

In order to support law enforcement activity by tribal officials in Indian country, tribes require access to law enforcement databases. Under TLOA, the Department must ensure that tribal law enforcement officials have access to national crime information databases. The ability of tribes to fully engage in national criminal justice information sharing via state networks, which are the long-time conduit for such activities, has been dependent upon regulations, statutes, and policies of the states that may not consistently enable tribal participation. In order to improve access for tribes, the Department has established two new programs and partnered on a third.

First, the Justice Telecommunications System (JUST) program, which was launched in 2010, provided participating tribes with access to the National Crime Information Center (NCIC). This program is ongoing and currently serves 23 tribes. This program, as well as the other two programs to improve data base access, were the result of on-going, substantive dialog with tribal governments and law enforcement.

Second, the Department recently launched a more comprehensive access program based on feedback from tribes and lessons learned from the JUST program: the DOJ Tribal Access Program for National Crime Information (TAP). The TAP program, first announced in August 2015, is designed to provide access to CJIS services, including: Next Generation Identification (NGI); National Data Exchange (N–DEx); Law Enforcement Enterprise Portal (LEEP); National Crime Information Center (NCIC); National Instant Criminal Background Check System (NICS); and Nlets, the International Justice and Public Safety Network. Nlets is an interstate public safety network for the exchange of law enforcement, criminal justice, and public safety information owned by the states. Nlets supports inquiry into state databases, such as motor vehicle, driver's license, and criminal history, as well as inquiry into several federal databases, such as DEA's Drug Pointer Index, ICE's Law Enforcement Support Center, and FAA's Aircraft Registration, and Canada's Canadian Police Information Center. With funding from the Office of Justice Programs' (OJP) Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the TAP program has selected ten tribal participants to help provide user feedback on the training, technical assistance, equipment, and maintenance of this program. Early feedback has been very positive, and it is our intention to eventually make this program available to any interested tribe. We will continue to work with Congress for additional funding to more broadly deploy the program.

The TAP Program was the result of a 2014 working group, which consisted of representatives from the Departments of Justice and the Interior. From this same close collaboration, the Department partnered with Interior's Bureau of Indian Affairs Office of Justice Services (BIA–OJS) in a third program known as "BIA Purpose Code X," which gives tribes the ability through BIA–OJS to perform emergency name-based background checks for child placement purposes This is a crucial capability for tribal social service agencies seeking emergency placement of children in Indian country.

The Department of Justice has increased its efforts to support tribal governments that are exercising expanded sentencing authority rooted in TLOA. While TLOA properly does not require the Department to review or certify a tribe's use of enhanced felony sentencing authority or the status of a tribe's efforts to amend its codes and court processes to provide defendants with the due process protections described in TLOA, we have taken steps to help ensure that tribes interested in exercising enhanced sentencing authority have knowledge of and access to relevant resources. For example, OJP's Bureau of Justice Assistance's Tribal Civil and Criminal Legal Assistance Program has provided training and technical services to support tribal civil and criminal legal procedures, legal infrastructure enhancements, public education, and the development and enhancement of tribal justice systems. More specifically, training and technical services have included the following: indigent legal defense services; civil legal assistance; public defender services; and strategies for the development and enhancement of tribal court policies, procedures, and codes.

The provision of high-quality training to tribal representatives has been an area of increased activity within the Department since the passage of TLOA. The Department believes that ensuring access to quality training is a necessary element to bolstering tribal autonomy. In July 2010, the Executive Office of U.S. Attorneys (EOUSA) launched the National Indian Country Training Initiative (NICTI) to ensure that federal prosecutors and agents, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. Importantly, the Department covers the costs of travel and lodging for tribal attendees at classes sponsored by the NICTI. This allows many tribal criminal justice officials to receive cutting-edge training from national experts at no cost to the student or tribe. The NICTI has sponsored approximately 75 training courses, and reached over 200 tribal, federal, and state agencies.

Additionally, the Federal Bureau of Investigation (FBI) announced a forthcoming training course to be held at the FLETC campus in Artesia, New Mexico. Jointly taught by FBI and BIA "mentors" and FLETC common core instructors, the course will include instruction in forensic evidence collection and preparatory instruction on investigations common to Indian country, such as domestic violence, child abuse, violent crimes, human trafficking, and drug trafficking. This course will be held four

times each year, with a total of 24 students in each session. This course, the result of collaboration between FBI, BIA, and FLETC, was developed out of a recognized need to train federal and tribal law enforcement officers together. Another recent training was held by DOJ's Drug Enforcement Administration (DEA). In September 2015, the National Native American Law Enforcement Association held a collaborative training event where the DEA provided on-site training on clandestine lab awareness for first responders, emerging technologies, and money laundering. The training included federal, state, local, and tribal partners with Indian country responsibility.

One of the most meaningful displays of the Department's commitment to a government-to-government relationship with tribes is in our efforts to cross-deputize tribal law enforcement officials. In doing so, we not only expand their authorities, but we send an important message that we are partners and allies with tribes in our collective efforts to enhance public safety in Indian country. The Special Assistant U.S. Attorney (SAUSA) Program was developed prior to the passage of TLOA to train tribal prosecutors in federal criminal law, procedure, and investigative techniques to increase prosecutions in federal court, tribal court, or both. The program enables tribal prosecutors to bring cases in federal court and to serve as co-counsel with federal prosecutors on felony investigations and prosecutions of offenses originating in tribal communities. The program has grown considerably since the passage of TLOA. To date, there are 25 SAUSAs representing 23 tribes. In addition to the SAUSA program, DOJ investigative agencies have cross-deputized tribal law enforcement officers through joint task forces. For example, the FBI has deputized 85 tribal law enforcement officers as part of the Safe Trails Task Forces. There are currently 15 active Safe Trails Task Forces located around the country, working to combat violent crime, drugs, gangs, and gaming violations.

In 2014, the Bureau of Prisons (BOP) fulfilled a key provision of TLOA by accepting certain tribal offenders sentenced in tribal courts for placement in BOP institutions. The pilot program allowed any federally-recognized tribe to request that the BOP incarcerate a tribal member convicted of a violent crime under the terms of Section 234 of TLOA and authorized the BOP to house up to 100 tribal offenders at a time, nationwide.

A fundamental goal of the BOP is to reduce future criminal activity by encouraging inmates to participate in a range of programs that have been proven to help them adopt a crime-free lifestyle upon their return to the community. Through the pilot program, tribal offenders have access to the BOP's many self-improvement programs, including work in prison industries and other institution jobs, vocational training, education, treatment for substance use disorders, classes on parenting and anger management, counseling, religious observance opportunities and other programs that teach essential life skills. BOP has also ensured that there are culturally-appropriate offerings for native inmates. In addition to increasing access to critical programs and treatments, the pilot program facilitated tribes' ability to exercise enhanced sentencing authority under TLOA, which is an important indication of support for tribal sovereignty. The pilot program was, by all accounts, a success, and both tribes and the Department would be supportive of necessary Congressional action to reauthorize this program.

An important part of our support to tribes is necessarily tied to funds. The Department launched the Coordinated Tribal Assistance Solicitation (CTAS) in 2010, as a response to tribes' request for increased flexibility. Through CTAS, tribes and tribal consortia are able to submit a single application to apply for a broad range of DOJ tribal grant programs. Through CTAS, the Department has awarded over 1,400 grants totaling more than $620 million. Over time, we have refined this solicitation to enable tribes to take a truly comprehensive approach to improving public safety in tribal communities. Under TLOA, the Department was required to offer specific grants for delinquency prevention and response, and to include dedicated funding for regional information sharing. To date, we have awarded more than $44 million in support of tribal youth programs and more than $108 million to support regional information sharing systems. The Department continually seeks feedback from tribes on ways to improve CTAS, and each year with our solicitation announcement we also communicate steps we have taken during the previous year to improve the process. The most recent solicitation was released on November 19, 2015, with an application deadline of February 23, 2016. It incorporates a number of changes, including the elimination of certain eligibility requirements, broadening allowable activities, and extending the award period for certain grants. Each year, the intention is to increase the accessibility and usefulness of CTAS grants.

In parallel to our outward-facing efforts, the Department has made a number of internal structural changes to ensure our revamped presence in Indian country is long-lived.

Evolution of Agency Infrastructure

To ensure that the day-to-day operations at the Department are supportive of the policy and programmatic changes we have made since the passage of TLOA, we have made a number of internal adjustments across the Department, from headquarters to field offices. The intent in making these changes was to absorb the principles that drive the TLOA and our response to that Act, thus integrating them into the way we do business at the Department. Indeed, although not a direct response to TLOA, the Department issued Attorney General Guidelines Stating Principles for Working with Federally Recognized Tribes (Statement of Principles) in December 2014 to guide and inform all of the Department's interactions with federally-recognized tribes. This Statement of Principles serves as a point of reference for Department employees and, importantly, a standard to which tribes can hold the Department accountable.

In 1995, then-Attorney General Janet Reno established the Office of Tribal Justice (OTJ). OTJ has operated continuously since then, although it was not made permanent until the passage of TLOA. On November 17, 2010, less than four months after TLOA's enactment, the Department published in the *Federal Register* a final rule that established OTJ as a permanent, standalone component of the Department. My office serves as a principal point of contact in the Department for federally-recognized tribes, provides legal, policy, and programmatic advice to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes, promotes internal uniformity of Department policies and litigation positions relating to Indian country, and coordinates with other Federal agencies and with State and local governments on their initiatives in Indian country.

The U.S. Attorneys' Offices with Indian country in their districts play a primary role in our interactions with tribes. U.S. Attorneys' Offices often are the nexus of activity when federal involvement on reservations is necessary, from investigations to prosecutions to providing services to victims. Every U.S Attorney's Office, whose district includes Indian country or a federally-recognized tribe, has at least one Tribal Liaison, and some districts have more than one. Along with the TLOA-driven requirement that each relevant office appoint a Tribal Liaison, the U.S. Attorneys are required to hold annual consultations with tribes in their districts. In order to assist the U.S. Attorney's Offices and the Attorney General's Advisory Committee's Native American Issues Subcommittee, as well as to serve as a liaison to other DOJ components, the Executive Office for U.S. Attorneys formally established the position of Native American Issues Coordinator.

These changes to the structure of the Department were driven by the Department's support for and fulfillment of its responsibilities under TLOA. There have been a series of policy shifts that are not a direct response to the Act but are in keeping with the spirit of that legislation. For example, the issuance of the DOJ Statement of Principles, discussed earlier, marks an important shift in our approach at all levels of the Department to interacting with tribes. Similarly, the DOJ Consultation Policy is based on three guiding principles: that the Department must engage with tribal nations on a government-to-government basis; that tribal sovereignty and Indian self-determination are now, and must always be, the foundations of every policy or program; and that communication and coordination with our tribal partners, among federal agencies, and with our state and local counterparts are essential to accountability and to success.

Greater Accountability

Accountability is a critical element in a true partnership, and the Department has taken a number of steps to increase our accountability to tribes. The TLOA-mandated reports were intended to promote greater transparency of Department activities in Indian country, and the process of responding has been a useful exercise for our agency to scrutinize trends and patterns of activity. In some cases, the reports have revealed a need to expand our agency response to meet specific needs and organize our resources more effectively, such as those related to long-term detention. In other cases, the reporting process highlighted positive impacts that Department activity has had in Indian country over time and a need to perpetuate beneficial initiatives, such as the BOP pilot program report and the Office of Community Oriented Policing Services (COPS) Report. In tracking prosecutions and crime data, the Department has benefitted from taking a focused look at our response to trends in Indian country, and as a result is in a better position to adjust our resources internally to address emerging trends and issues.

The Department has made progress over the past five years in bolstering our government-to-government relationship with tribes and in honoring our treaty and trust obligations. We are all fully cognizant that there is significant work still to be done to live up to our responsibilities in Indian country, and we are committed

to seeing this work through. We appreciate Congress' efforts to foster public safety, and look forward to working closely with our partners in Indian country to fully honor our responsibilities. I will be happy to answer any questions you may have.

The CHAIRMAN. Thank you very much, Mr. Toulou. Next we are going to turn to the Honorable Glen Gobin, who is the Vice Chairman of the Tulalip tribes of Washington State. Thank you for joining us.

STATEMENT OF HON. GLEN GOBIN, VICE CHAIRMAN, TULALIP TRIBES OF WASHINGTON

Mr. GOBIN. Good afternoon, Chairman Barrasso. I would like to also recognize Vice Chairman Tester for his presence earlier, and also recognize our Senator, Senator Cantwell, and Committee members.

Again, my name is Glen Gobin. I am the Vice Chairman of Tulalip Tribes. I would like to thank you for the opportunity to testify on the Tribal Law and Order Act and its effects on the criminal justice system in Indian Country. First, we thank the Committee for supporting the Tribal Law and Order Act in 2010 in an effort to better address crime in Indian Country.

In the last decade, after Tulalip retroceded criminal jurisdiction from Washington State, our justice system has expanded into a comprehensive system which includes a full service police department, a court system with prosecutors, probation officers and public defenders. The tribal police department is the primary law enforcement within the reservation.

Incidents range from simple misdemeanors to major crimes. In 2015, thus far, tribal police have made a total of 835 arrests.

After the passage of the Act, Tulalip amended its criminal code to increase sentencing authority for major felony crimes. Under these guidelines, Tulalip has filed approximately 33 charges carrying a sentence of more than a year.

In 2014, Tulalip participated in the VAWA special domestic violence court jurisdiction pilot project. Today, we continue to prosecute non-Natives for domestic violent crimes. Since that time, we have had 11 cases, with 6 convictions, 2 dismissals, 1 transferred to U.S. Attorney's office and 2 pending. Domestic violent crimes are subject to the Act's enhanced sentencing guidelines.

Also under the Act, one of our tribal prosecutors is designated as a special assistant U.S. Attorney to prosecute reservation crimes in Federal court, resulting in improved collaboration and communication between our respective agencies.

There is no question that the Tribal Law and Order Act has enabled Tulalip to better protect its community. But with 835 arrests this year alone and 60 percent of those arrests being non-Indian, we still need legislation that will allow tribes to prosecute non-Indians for crimes committed on the reservation, in order to truly make our communities safe.

But there have been some significant gaps within the Act's legislation. For example, Tulalip could not fully participate in the National Criminal Justice information sharing via State networks, because this was dependent on Washington State Patrol's regulations and policies. This left open the possibility that an order does not get entered into the State system, and this did occur.

But just recently, Justice has instituted a pilot program in an attempt to deal with the issue through the development of a tribal access program. This will allow tribes to enter protection orders directly into the Criminal National Network. Appropriate funding is needed on the tribal side to fully utilize this program.

Unlike States and local governments who use tax revenues to fund their judicial system and still receive direct Federal funding, tribes are prevented from exercising their taxing authority because of the imposition of State and local taxes on Indian lands that lead to double taxation. Tribes lack parity in accessing Federal funds that are available.

As an example, in 1977, the BIA funded each tribal court in the Northwest Inter-Tribal Court System in the amount of approximately $37,000. Today, 30 years later, that funding is still at the same level.

The Bureau of Prison's tribal prisoner program should be reinstated under a more expansive and streamlined approach. Initially, this was a three and a half year program. However, it took a minimum of two years for many tribes to enact TLOA.

Also, this project limited tribal use to sentencing greater than two years and one day. And it was limited to violent crimes. Moving forward, the BOP program needs to be expanded so that tribes can utilize these jail facilities for sentencing of over one year and one day, as available for other criminal justice agencies. This program also needs to be expanded to include domestic violence and protection order violation convictions.

We have submitted detailed written comments. I would like to thank you for taking the time to listen to our comments, concerns and recommendations.

[The prepared statement of Mr. Gobin follows:]

PREPARED STATEMENT OF HON. GLEN GOBIN, VICE CHAIRMAN, TULALIP TRIBES OF WASHINGTON

Good afternoon Chairman Barrasso, Vice-Chairman Tester, and Committee Members, my name is Glen Gobin, Vice-Chairman of the Tulalip Tribes. I would like to thank you for the opportunity to testify on the Tribal Law and Order Act and its effect on criminal justice systems in Indian Country.

Introduction

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, Skykomish, and a number of allied bands, who have occupied the Puget Sound region in Washington State since time immemorial, and were signatory to the 1855 Treaty of Point Elliot. Under the terms of the treaty, these tribes moved to the Tulalip Indian Reservation and in 1934 under the Indian Reorganization Act, chose to use the name the "Tulalip Tribes" which is named for a bay on the Reservation.

We thank the Committee for supporting the Tribal Law and Order Act of 2010 in an effort to better address crime in Indian County. The purpose of the Tribal Law and Order Act (TLOA) is to make US Attorney and federal agencies more accountable for serving Native communities, to provide greater authority and autonomy to Tribal Nations to operate their own justice systems and protect their communities, and to enhance cooperation between federal and state officials in law enforcement training and access to criminal justice information. Although Tribal justice systems still face significant jurisdictional and funding obstacles, the TLOA is a positive, initial step forward in providing tribal justice systems with increased authority and tools needed to keep tribal communities safe.

Tulalip initially expanded its justice system in 2001 when it retroceded criminal jurisdiction from the State of Washington. In the last decade, the Tulalip justice system has made great strides, developing a full service police department and court system as well a strong support system of prosecutors, probation officers and public

defenders. During the same period, Tulalip incorporated Quil Ceda Village (Village) to promote Reservation based business development. The success of this economic development has created thousands of new jobs and brought in millions of new visitors to the Reservation. However, our government is still unable to collect the necessary taxes to support critical governmental functions that other state, federal and local governments enjoy. The imposition, assessment, and collection of taxes by the state and county undermine and prevent Tulalip and the Village from exercising its own sovereign taxing authority. As a direct result, the tribes must subsidize and finance, with millions of tribal hard dollars each year, the necessary governmental infrastructure and services to the Village businesses. The end result, is that the Tribes cannot devote those revenues to the needs of the tribal community, including its criminal justice system. Although it has been difficult to expand the justice system to cover these increased responsibilities with finite tribal resources, a strong public safety system is vital for the continued growth of the Tulalip community. Much of the recent success Tulalip has had would not have been possible without an effective tribal justice system that community members, visitors and businesses can rely on.

After the passage of the TLOA, Tulalip amended its criminal codes to increase sentencing authority for major felony crimes. As other tribes experienced, these amendments took time to expand the corresponding infrastructure needs. In 2014, Tulalip requested to participate and was chosen for the VAWA Special Domestic Violence Court Jurisdiction Pilot Project, and today we continue to prosecute non-natives for domestic violence crimes. Since that time we have had 11 cases, with 6 convictions, 2 dismissals, 1 transferred to the US Attorney's office and 2 pending. Under the VAWA tribal provisions, domestic violence crimes can be designated as crimes subject to TLOA enhanced sentencing guidelines. Furthermore, pursuant to the TLOA, with the support of the Executive U.S. Attorney's office and after many discussions with the Western District U.S. Attorney, one of our Tulalip tribal prosecutors is designated as a Special Assistant U.S. Attorney (SAUSA) to prosecute reservation crimes in federal court. This SAUSA appointment has improved collaboration and communication between our respective agencies, resulting in increased prosecutions of sexual predators.

Since Tulalip received retrocession and years prior to implementing greater criminal justice authority under the TLOA, it has been committed to protecting the rights of the accused. All of the Tulalip judges, prosecutors and criminal defense lawyers are highly qualified attorneys. Tulalip provides all indigent defendants with legal counsel without charge. All basic rights of defendants are recognized and codified into the Tulalip criminal justice codes. All defendants have the right to appeal to the Tulalip Court of Appeals. Just as important, the Tulalip court is best suited to address crime and impose sentences in a culturally appropriate way, which includes exploring alternatives that help offenders, victims and the community heal. As a result of this robust justice system and increased jurisdictional authority, we have seen an increase in victims coming forward to report crimes as they are seeing that their perpetrators will be held accountable.

There is no question that the Tribal Law and Order Act has enabled Tulalip to better protect its community. Although the TLOA still leaves the tribes reliant on federal prosecution for most serious crimes, even with the addition of another tribal liaison as TLOA authorized, the U.S. Attorney will still decline to prosecute some major offenses for a variety of reasons. In these situations, it is vital for the Tribal court to have the authority and capacity to appropriately sentence violent offenders. Under the TLOA enhanced sentencing guidelines, Tulalip has filed approximately 33 charges carrying a sentence of more than one year. Federal and state prosecutors are often unwilling to pursue domestic violence and sexual assault cases on the Reservation because they are time consuming and inherently difficult to prosecute. The TLOA enhanced sentencing guidelines have proven especially useful as a tool for addressing these crimes on the Tulalip Reservation. We have one person convicted of rape of a child and is serving three years (the max available) in federal prison, through the Bureau of Prisons Pilot Project.

The Tulalip Tribes values its relationship with the U.S. Attorney's Office, which has been an important partner in fighting crime on the Reservation. The provisions of the TLOA providing for better reporting and communication between the U.S. Attorney's Office and Indian tribes have proved helpful in improving this relationship. Since the passage of the TLOA, Tulalip prosecutors have developed a better working relationship with the Assistant U.S. Attorneys in the Seattle Office, and the Tulalip Police Department has forged a better relationship with federal law enforcement.

While in the Tribal Law and Order Act of 2010 Congress required the Attorney General to ensure that tribal agencies that met applicable requirements be permitted access to national crime information databases, the ability of tribes to fully

participate in national criminal justice information sharing via state networks has been dependent upon various regulations, statutes and policies of the states in which a tribe's land is located. The Washington State Patrol is the CSA for the state, and it is also the administrator for the state database. Under Washington law, the Tulalip Tribes access to the national crime information databases has been limited that at times endangers officer safety and our community at large. For example our tribal court domestic violence protection orders were not directly entered into the database. Instead we had to through a state intermediary, which introduced extra layers of bureaucracy that introduced delays, errors, and sometimes prevented orders from being entered into NCIC–POF. Earlier this year, we began participation in the JUST pilot project and last month we were notified that we will be included in the User face of the Tribal Access Program (TAP).

Despite the recent progress, Indian Country continues to face a crisis of violent crime. A Bureau of Justice Statistics Report covering the period 1992–2002 found that American Indians are victims of violent crime a rate more than twice that of the national population. *"American Indians and Crime." (U.S. DOJ Publication No. NCJ 203097).Washington, DC: U.S. Department of Justice (2004).* According to the DOJ–BJS report, American Indians experienced an estimated 1 violent crime for every 10 residents over age 12. The figures are even worse for Native American women, who are the victims of rape or sexual assault at a rate more than 2.5 times that of American women in general. The DOJ–BJS study concluded that 34.1 percent of American Indian and Alaska Native women—more than one in three—will be raped in their lifetime. The enactment of the Tribal Law and Order Act was an important step toward dealing with crime in Indian country, but much still needs to be done. Checkerboard jurisdiction and lack of tribal criminal justice authority over most non-Indian offenders create unnecessary obstacles to addressing Reservation crime. The need to build upon TLOA and the VAWA tribal provisions is critical as we move forward. For example, in 6 of our 11 SDVCJ cases, children were present and victims of crime. Other Pilot Project tribes experienced the same phenomena; even where the law has been implemented, tribal prosecutors are limited in their authority and cannot charge an offender who simultaneously abuses or endangers his children, commits a drug or alcohol offense or property crime, interferes with the reporting of the domestic violence, or who physically or sexually assaults someone other than an intimate partner. Of our six child victims only one will have its crime redressed because the case is in the federal system.

Criminal cases are best handled by local law enforcement, which is tribal law enforcement on the Indian reservation. Tulalip police officers all possess both tribal and Washington State general peace officer commissions with authority to arrest under tribal and state laws. At Tulalip, the Tribal police department responds to all police calls on the Reservation, from both the Indian and non-Indian community. Incidents range from simple misdemeanors to major crimes such as murder and rape. In 2015, Tribal law enforcement has made a total of 835 arrests. Roughly 60 percent of the arrestees were non-Indian. Tribal criminal justice systems need full jurisdiction, with federal assistance, to prosecute persons arrested by local law enforcement in order to truly keep their communities safe.

The Tulalip Tribes remain committed to operating an excellent and effective justice system. The same principles of accountability and fairness recognized in the United States justice system are equally important in the Tribal justice systems. However, criminal justice requires substantial and reliable sources of revenues to operate effectively.

The increased responsibility Tulalip has taken on in addressing crime has strained tribal budgets. Police, courts, indigent defense and probation all require significant levels of funding. The expense of incarceration is one of the highest hurdles for Tribes to implement the enhanced sentencing authority under the TLOA. Furthermore, prosecuting cases in which a defendant may face up to three years in custody carries higher costs, as there will be greater prosecution and defense expenses, as well as longer trials. In addition, these defendants have a higher need for appropriate re-entry programs as these crimes are more severe and the perpetrator needs more reeducation and treatment to return to the tribal community. Tribal governments must balance these needs with other important unmet needs such as housing, education and health care for the Indian community.

Providing tribal courts with greater authority will not be effective unless the Federal Government steps up and supports Indian tribes with equal funding and removes limitations to our authority to generate new revenues. States and other local governments have greater direct access to federal funding resources that tribes either cannot access, or the barriers are so great to access, that attempt to obtain the funding is pointless because of barriers or conditions that a state places on tribes. A prime example of unequal funding is the recent increase that states are receiving

from the Victims of Crime Act, in which the state of Washington funding is increased from around 3 million to over 35 million for this year. There is no mandated tribal set aside or formal system for meaningful consultation for tribes to benefit from this funding. VOCA provides no meaningful tribal set aside. We have been encouraged by the introduction of the SURVIVE Act, but passage is still uncertain. Increased federal funding is necessary for Tribes to build capacity and operate justice systems effectively. We call upon the federal government to actively support Tribal governments in their efforts to gain greater authority to raise revenues through tribal taxation in order to meet criminal justice and other important tribal government responsibilities. We also call for equality in access to all justice system funding programs with a mandated tribal set-aside that goes directly through to the tribes.

Specific Amendments Needed to TLOA

- *The Bureau of Prison program.* The Bureau of Prisons Tribal Prisoner Program should be expanded, streamlined, and made permanent to include other non-violent TLOA and VAWA crimes that qualify for enhanced sentencing. The Bureau of Prison project was a 3.5 year program; however, it took a minimum of 2 years for many tribes to enact TLOA. Furthermore, use of the BOP project was limited to sentencing of 2 years and 1 day, and limited to violent crimes. Thus, few tribes were able to utilize the BOP project and it soon went away. The BOP program needs to be expanded so that tribes can utilize these jail facilities for sentencing of over 1 year and 1 day similar to other criminal justice agencies. In addition, Defendants convicted on Special Domestic Violence Court Jurisdiction (SDVCJ) should be included as eligible defendants as well as repeat violators of DV protection orders and stalking crimes. As the process currently exists, violations of protection orders and stalking crimes are not characterized as violent crimes for purposes of BOP Pilot Project participation criteria. Such a narrow view does not recognize that these types of crimes can be just as lethal or impactful as "violent" crimes. The process could be streamlined and less burdensome than the past application process.

  The value of this program goes beyond the obvious one of not having the tribe bear the expense of longer-term incarceration. In addition, use of this program can be used as a prosecutor tool. There are times when we have a case that could possibly be filed by the USAO, but that we feel is more appropriately addressed in Tribal Court. One circumstance is when we feel it's important to the community, for a variety of reasons, to have justice done here at Tulalip. Sometimes the conduct is egregious enough that two, three, or more years seems called for, but if filed in federal court could result in 30 years—essentially life in prison in some cases. In addition, we might have a case that really should be prosecuted by the USAO, but for some reason they are not willing to take the case. In those instances we can offer a significant sentence, but the financial burden on the Tribes would be extreme. Perhaps the most important benefit to the Tribes is that a sentence served in federal prison removes the defendant from the community. Inmates have much less influence on community members and vice-versa. You can see how a person operating a criminal enterprise of some kind could continue to do so if s/he had regular contact with people on the outside. Similarly, DV victims would be more easily intimidated and manipulated if visitation were possible. Furthermore, a county jail such as the one utilized by our Tribe is really intended for much shorter-term incarceration, and offers much less in the way of rehabilitative services to inmates that might affect future behavior and reduce recidivism. Our Tribe only became TLOA-qualified and VAWA-qualified in the last two years. It is anticipated that as this enhanced jurisdiction is asserted more and more over time, the option of sending our prisoners to federal prison could be utilized more and more.
- *NCIC/criminal databases and Tribal Access.* The Tulalip Tribes urges the appropriation of financial resources towards fully implementing the Tribal Access Program (TAP) to Federal Databases. The TAP program will need to be fully funded as a permanent program in partnership with Indian Tribes to enhance delivery to tribal governments and provide ongoing improvements while keeping all interested tribes informed of the delivery of this program. The Tulalip Tribes is honored to be selected as a Pilot project tribe for TAP, but it is potentially already encountering unnecessary limitations because there is insufficient funding for our defined need to fully utilize the program thus databases, as other non-tribal governments are able to do.

Conclusion

Thank you for taking the time to listen to our concerns, the voices and needs of our tribe, and for considering our recommendations. We believe in the continuation of building alliances to enhance and promote the needs of tribal justice agencies. By working together we stand stronger in our advocacy efforts for equal access to justice, local based solutions to local problems, and access to services and advocacy designed by and for Native communities.

The CHAIRMAN. Thank you so much for your testimony. I appreciate all the witnesses being here for your testimony.

I would like to turn to questions from the Committee. We will start with Senator Hoeven.

STATEMENT OF HON. JOHN HOEVEN, U.S. SENATOR FROM NORTH DAKOTA

Senator HOEVEN. Thank you, Mr. Chairman. I would like to thank all the witnesses for being here today.

I will start with Secretary Roberts. The Tribal Law and Order Act has now been in effect for five years. Let's start with, what are the biggest challenges that you have in terms of reducing crime on the reservation?

Mr. ROBERTS. I think we have made a lot of progress on collaboration with State and local governments. But I think we could do more. So I think one area where it is working, what staff tells us is where it is working really well is in Oklahoma, where Oklahoma has passed State laws recognizing tribal and Federal law enforcement officers as peace officers. So I think if there is anything we have learned since TLOA was passed and as we are implementing it, it is that TLOA was a great step forward in collaboration, really opened up lines of communication both among the Federal family and among tribes and local governments. But I think we can do more there in that respect.

Senator HOEVEN. Is there a special initiative in Oklahoma that led to that legislation? Is there something you can recommend to other States?

Mr. ROBERTS. My understanding from talking with staff is that that is an Oklahoma State law. I don't know the history as to why the State of Oklahoma passed that legislation. But we can certainly ask our staff to provide some more information to your staff, to provide background on that.

Senator HOEVEN. I would appreciate that. Thank you.

Ms. Beadle, what are the top three things we can do to reduce substance abuse on the reservations?

Ms. BEADLE. I think there are a number of challenges that we need to address. First, I would say specifically with regard to Indian alcohol and substance abuse, tribes have said to us that they need some local planning. One of the things that TLOA does do is it provides the ability for tribes to develop these local tribal action plans.

One of the challenges in doing that is the funding the tribes don't have to do this. They have told us that it takes funding to be able to create these plans, it takes funding to be able to implement these plans. And there isn't constant funding to be able to do that. So I think that is one of the things that would be helpful to help support tribes' ability to develop these tribal action plans.

I think a second area is focus on prevention among Native youth. We hear all the time, in fact, we had the Secretary's Tribal Advisor Committee meeting this morning where we had tribal leaders come in. We had a very robust conversation about alcohol and substance abuse. The challenges are around supporting programs after school. These young people don't have places to go. How do we support those programs if those programs are not in place? We do need to figure out how to do more of that.

I would say a third piece is around the youth themselves and helping these youth get a better understanding of the issues that are happening in their communities. Last year, SAMHSA had a native youth conference where we had over 125 youth. What they told us is they can actually fix some of the problems themselves. They recognize that these problems don't have to exist. They just don't have the information. They want to be able to be more informed and more active, so SAMHSA is trying to help them become more engaged through some national leadership activities.

So funding, after school program activities and getting youth more engaged in the solution.

Senator HOEVEN. Thank you.

Mr. Toulou, from an enforcement standpoint, what are the top three things we can do to reduce crime on reservations?

Mr. TOULOU. I think one of the first things we can do is, which is something we are doing as a result of the Tribal Law and Order Act, is to work better with all of our partners. That is one of the things we have been able to do better.

Senator HOEVEN. That kind of goes back to what Secretary Roberts was talking about.

Mr. TOULOU. Right, exactly. And that is State and local as well as Federal. It is, as I think one of you mentioned, a complex jurisdictional scheme in Indian Country, particularly in your State, with some of the oil development that is going on there. There is a lot going on, and we have to work together better. And we are at this point in time. That is a challenge and that is something we will continue to pursue.

Apart from that, I think one of the other things we need to do and are doing and has been again facilitated by the Act is to assist tribal law enforcement and tribal judicial systems to be able to better handle the issues that occur on the reservations. That is something we have done with the data base access, we provide grants to tribal courts to better build what they are doing.

The Violence Against Women Act, which really helped tribal courts enhance their entire system, has been incredibly successful. I want to just for a second talk about one of the things that has happened as a result of the Violence Against Women Act. It has been a very nice development that we didn't foresee. Initially in introducing the act and getting it up and running on the initial five reservations, we put together a group that is called the Inter-Tribal Technical Assistance Working Group. That is 40 different tribes that have come together. We convened the group, but the group is the 40 tribal leaders and representatives. They share information with each other. Tulalip has been a leader in that group. They work through the problems they see in the reservation in a trib-

ally-specific way. So we think that kind of enhanced communication and sharing is crucial and ongoing.

Senator HOEVEN. Thank you.

The CHAIRMAN. Thank you, Senator Hoeven. Senator Cantwell?

Senator CANTWELL. Thank you, Mr. Chairman.

Mr. Toulou, I would like to follow up on that. Obviously we want to see continued progress made and coordination and working together. Mr. Gobin brought up a very painful example, not in detail, but I am assuming you are referring to what happened in a case of someone having a domestic violence order filed against them and yet still getting access to a firearm.

So this issue of coordination is very important. Part of the issue is that under the coordination grants, the Tulalip has been a recipient of that in the past. But this year, I think they have gotten nothing. I'm trying to understand how you think this coordination works. I would say, I had a chance to travel with Senator Murkowski to Alaska and look at some examples of tribal justice in her neck of the woods. I would say the Tulalips are way ahead, just by the nature of being in a very large urban area. The numbers Mr. Gobin responded with proves how much he has issues to deal with.

So my question is, I would assume that you would want some continuity in the development of this system working with tribes as opposed to having a grant one year and the next year being gone. I am trying to understand how we build on some of the best examples right now of tribal justice. There is a lot to learn here in the coordination, a lot to get through, I should say.

Mr. TOULOU. We recognize the funding issues. Particularly with the tribes who were the initial leaders in the Tribal Law and Order Act, they put a lot of their own resources into those programs. Grants aren't always the best way to fund ongoing, in fact, they are not the best way to fund ongoing needs to tribes. But they are the means we have. We have done our best to spread them around.

One of the things we have been talking to tribes about generally as we plan our grant-making programs, and we talk to tribes as we set up our grants, was the issue of direct funding for the tribes who were implementing the Violence Against Women Act. Unfortunately, we don't have a consensus with tribes right now, how they would like to see that happen. We will continue to explore opportunities with Tulalip and Pascua Yaqui, Umatilla, Fort Peck and Sisseton-Wahpeton, to figure out better ways of providing them funds. We go forward with the limited grant funds we do have.

Senator CANTWELL. Mr. Gobin, did you want to comment on that? And did you say there was something, some State regulation that prohibited you from sharing that data?

Mr. GOBIN. It is not a State regulation, it is an economic fact that double taxation in any economic region means you are going to have no development. If the State will not forgo taxing on tribal lands, then the tribe cannot economically impose its taxes. So the State collects it, yet no services come back onto the reservation.

Senator CANTWELL. So how do you build the continuity in the system? Is there some point you wanted to make about that? You were able to use some of the grants so far to improve the system? But now there will be a gap?

Mr. GOBIN. It is inconsistent funding. We have applied for grants. Sometimes we have received grants. Sometimes not. Sometimes the grants are diminishing three-year grants that start out at a certain level and expire after three years. Then the tribe is supposed to pick up and carry on with that program.

We had some of those early on, I think it was a juvenile justice grant. It helped grow our police department. But after three years, the tribe incurred the expense to carry that on. Without the collection of taxes to fund that governmental service, they come directly out of our economic development dollars that come in.

Senator CANTWELL. Mr. Roberts, what is the vision of the agency about how we move forward here?

Mr. ROBERTS. Moving forward with implementation of TLOA?

Senator CANTWELL. Yes. Well, let me just say, I feel like we are a vast representation on the membership that is here right now on what the needs are for Indian Country and coordination. I think we represent all sorts of different areas. I would assume that what we would want to do is get best practices established and then try to continue to push them out as far as we can push them out.

So what I am saying is, put a little money on the table. I am not even sure what lessons we have learned correctly and how much more we need to build capacity and scale. But every one of us can tell you of a tragic story that has happened in Indian Country, in our State that basically has broken our hearts and devastated us. We want to make sure we are taking steps forward for best practices and then scaling it and having an understanding of what it is going to take to scale it. That is what we want to know.

Mr. ROBERTS. A couple of things that the Department has done along those lines is, we had a pilot project that we implemented on I believe it was four reservations addressing violent crime in Indian Country. One of the was Chairman Barrasso's home State tribes at the Wind River Reservation. We implemented that pilot program in a number of other locations as well. What we have seen is, as part of that program, where we provide resources and assistance to a tribe to combat violent crime that they are very successful in lowering those crime rates.

There was a period I believe of over three to four years of this pilot program. What we saw in the initial years was that crime rates went up. The reason crime rates went up is because people had more confidence that action was going to be taken. So before the pilot program, folks may not have gone to law enforcement because they didn't see results. In these pilot programs, when they were being implemented, they saw results that were happening. Crime rates went up, but then they went significantly down because of the increased presence.

The other thing we are doing is implementing the recidivism project that I talked about in my opening statement. That is at three reservations. We are trying to build data there to see, okay, if we focus on recidivism and we know from talking with law enforcement that the majority of offenders in Indian Country, they are not violent criminals. They are committing crimes because they have a drug abuse or alcohol related issue. So we focus on recidivism and a pilot project to build data that the Committee can use to see how we scale that out, how we develop best practices.

We have been at that for a couple of years. The results over a couple of years, I think folks will tell you, a couple of years isn't long enough to track recidivism right now, but over the couple of years, we have seen a decrease in the double digits, over 40 percent, in recidivism. So at the Red Lake Reservation, and the chairman of Red Lake, hopefully he can help educate the Committee, but at Red Lake, for example, they had 31 juveniles in that pilot project for recidivism. They have since aged out, but not a one of them has gotten back into the system under that pilot project.

So I think there are some real successes, and that is sort of what we are trying to build on.

Senator CANTWELL. My time is expired, Mr. Chairman, thank you.

The CHAIRMAN. Thank you. Senator Murkowski?

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Roberts, thank you for your testimony. I thank all of you.

This week, Secretary Washburn is in the State. He is at the BIA providers conference up there. He has indicated that DOI is prepared to consider land-into-trust applications from the State as soon as this litigation that I mentioned earlier is resolved. The Department has represented to us that there will be public safety advantages to our villages if we see land taken into trust.

We have jurisdictional issues to resolve out there, but what I am curious to know more about is the resources that might follow. Our villages rely 100 percent on the Federal Government to fund their governments.

So are you prepared to fund, is the Department prepared to fund public safety improvements in Alaska if we were to see an increase in our trust lands?

Mr. ROBERTS. Senator, thank you for the question. One of the things that we do look at when we are considering fee-to-trust application is our ability to deliver services to that land. That fits into the nexus.

Senator MURKOWSKI. Right.

Mr. ROBERTS. So if we take land into trust, then we would obviously be prepared to take on that responsibility. I think what Secretary Washburn has mentioned though, and I think it is an important point for everyone to bear in mind is that if we take land into trust in Alaska, the State will still have jurisdiction, but it brings another partner to the table for those crimes that would happen on that trust land. Right now, tribes are limited in their ability.

But if the land is in trust, then it would be like other trust land and Public Law 280 States, where tribes would have authority to prosecute members as well as the State.

Senator MURKOWSKI. Let me ask specifically then because we have BIA police here behind you this afternoon. Would you anticipate that we would see heightened BIA police presence within the state if we move to land-into-trust in the State?

Mr. ROBERTS. I think we would address it the same as we address other Public Law 280 States in that support. So I think there would be increased services available. I can provide more information on that.

Senator MURKOWSKI. I think it would be helpful to have more information and more understanding. As you may know, I have been

trying to get funding for P.L. 280 States for our tribal courts. So through the appropriations process this year, we have for the first time ever a small amount. It gets our foot in the door.

But as a P.L. 280 State, it has been one of those issues where we are looking at it and we are saying, we would like to be able to do more, but the funding has not come to us. So if there is going to be representation that if you put forth your application for land into trust that resources will then follow, I think you are going to see perhaps more interest. But it is not going to be real if there isn't something concrete behind that. I think we need to know that going into it.

And again, these discussions are very much underway in Alaska right now.

Mr. ROBERTS. And like I said, it would be commensurate with how we deal with law enforcement in other P.L. 280 States. For example, California is a P.L. 280 State. I mentioned in my testimony about BIA working with Cabazon to get better access to that California data base, to work more collaboratively.

Will there be officers on the ground? I don't know off the top of my head, but that is something that we can certainly follow up with your office, Senator. The other thing I wanted to quickly mention is that Tricia Tingle from Director Cruzan's office is in Alaska this week providing tribal court training in Alaska. I know there are a number of assessments there. So thank you for your support on that work.

Senator MURKOWSKI. We will keep pushing on that.

Let me ask you, Mr. Toulou, from DOJ's perspective what resources could be brought to bear if Alaska were to move, if some of our tribes were to move toward land-into-trust?

Mr. TOULOU. I think it's some of the existing resources that tribes are accessing now. It would be a better justification for them when they are putting their grants in. That would be the COPS program, we currently provide COPS funding which provides for officers. We also provide funding regarding detention facilities and their construction in Alaska. We provide money for tribal courts, for re-entry. So all those programs, Office of Victims of Crime has victim services money that would be available, we have police officers working in the villages. That would certainly be something we would want to factor in. And the Office of Violence Against Women has resources.

So all those resources would be available. But I think it becomes a more urgent need if you have the jurisdiction of the land that you have the officers in.

Senator MURKOWSKI. I would be remiss if I did not take the opportunity to remind you that the Attorney General has been invited on numerous occasions to come visit the State of Alaska. I don't know whether she has publicly made promises, but I know there are great hopes that she would have an opportunity to visit some of our Alaska Native villages some time in this next year. So if you could convey that outstanding invitation to her, it would be appreciated.

Mr. TOULOU. I will do so. I had the opportunity to visit Alaska last year and I will convey that. It is a great place.

Senator MURKOWSKI. Thank you. I appreciate that. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Murkowski, thank you very much. Senator Heitkamp?

Senator HEITKAMP. Thank you, Mr. Chairman.

I want to focus most of my comments on substance abuse and the work that SAMHSA is doing, which I think is great, a little late, but we are glad you have been included on this panel.

Mr. Toulou, how many law enforcement officers should we have on Mandan, Hidatsa and Arikara Nation?

Mr. TOULOU. Ma'am, I could not tell you a number, but I can certainly look into it.

Senator HEITKAMP. I don't think anyone has those numbers. So you can look into it, but you aren't going to find those numbers. I think you know my point. My point is that we have large land tribes. We have isolated rural tribes. And we have no law enforcement presence. We have no cop on the beat. And when you have no cop on the beat, and you have heard Mr. Roberts talk about increased presence and what that does, increased attention to recidivism and re-entry from Federal prisons, which I know you guys are working on and I applaud that.

But we don't know how many cops we need in Indian Country and where we are going to get them. And when you say, let's do memoranda of understanding in this collaboration, I am pretty sure I am the only person in this room, at least this half of the room, who has ever tried to negotiate an MOU. I spent six years and got nothing done. And I am not used to spending that amount of time and getting nothing done.

But it was a pilot project, and it relies on trust, which we don't have between State and local authorities and Federal authorities. We have Federal authorities who have jurisdiction but don't have a presence. So we don't have a cop on the beat. This is an issue I raised with the FBI director, invited the FBI director to come out. I think we cannot begin to solve all these other problems until we get a true law enforcement presence. This is an age-old problem.

I want to focus on substance abuse because as Mr. Roberts has said, and I think anyone who does this work, we know that we have a crisis in this country of substance abuse. But it is amplified in Indian Country. I want to tell you, I am very much looking forward to your 2016 report. I think that will be very enlightening.

But during your testimony, you said there are 70 programs, and you are going to educate on where those 70 programs are. Did you ever think, boy, that is a lot of programs and maybe we ought to streamline this and adopt the kinds of programs that are best practices that we actually have seen things work?

Ms. BEADLE. Those programs include a whole range of things. Some of those are Federal programs. Others are programs that are exemplary, that are important for tribal communities. These are not all funded programs from the Federal Government. We were asked through TLOA to identify the various resources that would be helpful to tribes.

So these educational programs include substance abuse.

Senator HEITKAMP. But just exercising your personal judgment, do you think giving somebody a list of 70 programs, and some are this and some are that, that that is really——

Ms. BEADLE. It doesn't end there. I appreciate and respect your question. What we do a lot is, in addition to letting tribes know what is out there, we do a significant amount of technical assistance. We literally can do onsite technical assistance with tribes to help them understand how to bring those programs together that might be useful to their communities.

Senator HEITKAMP. I have a little experience in tobacco control from my time as attorney general. I would tell you, CDC put together best practices on tobacco control. Didn't mean one size fit all. But it was a foundation and a framework piece. Then if you look at almost any good public health program, domestic violence programs started with the Duluth Initiative and we were able to build on that and actually come up with a plan that really led to better outcomes.

But with my small time remaining, I want to talk about trauma-informed and trauma-based therapies. The things we have been doing in the past to deal with addiction and to deal with some of the issues, I think the more we are learning about the effects of trauma, adverse childhood experiences on children, the more we know that we could approach this differently. What is SAMHSA doing to bring trauma-informed and trauma-based initiatives to the discussion?

Ms. BEADLE. One of SAMHSA's primary strategic initiatives is actually trauma. We have done a significant amount of work across the Country, including the tribal communities. We have issued guidance on trauma-informed care, established trauma-informed care. We have also worked with multiple sectors on implementing these guidelines. We specifically now are looking at trauma from a community perspective, from an historical trauma perspective and supporting a number of tribal programs that include those types of efforts to support historical trauma within Indian communities.

Just about every single SAMHSA program that is in a tribal community includes those trauma concepts.

Senator HEITKAMP. And I applaud the Office of Juvenile Justice that has been a leader in this area as well, and something this Committee has tried to educate ourselves on. We had a trauma panel about a year and a half ago. This could be a path forward for a different program that could lead to better and best practices. So I just want to raise that issue.

Ms. BEADLE. Thank you.

The CHAIRMAN. Thank you. Senator Murkowski, any additional questions?

Senator MURKOWSKI. Just very briefly on the issue of substance abuse. I don't think Alaska is unique in that we are seeing unprecedented amounts of heroin coming into our State, getting out to our small villages. We are also seeing levels of spice, particularly in our urban areas, in Anchorage. It is having a horrible impact on not only our homeless population there, but many of our Native residents as well.

What specific initiatives are focusing on what we are seeing with this heroin epidemic in Indian Country, up in Alaska? I know that we had, not too many years ago, it was all eyes were on meth. And by gosh, we had an effort to get on the reservations and wipe it out. In fact, just within the past couple of months we saw a grant program, a grant being awarded to Alaska on the issue of meth. I am like, wait a minute, that was last year's drug that has hit us. What are we doing? Heroin, spice, and meth really hasn't gone away either.

Ms. BEADLE. I am going to quote the Indian Health Service Deputy Director who says, there is always a drug of the month. So the issue is not necessarily about do we have one single program for meth, one single program for spice. The issue is whether we have sufficient programming in Indian Country to address any drug or issue.

So SAMHSA does have a range of programs that support any drug that a tribe is having an issue with. We have programs that focus on youth and drug use, alcohol use. We have programs that focus on court systems and providing treatment for individuals who do enter the criminal justice system.

So there are a range of programs. I think the question is, how are we coming together across the various Federal departments to address that issue. And in response to the concerns in Alaska, we are having a very deliberate Federal dialogue around spice, how can we be more proactive around that. We are looking at that as we speak.

Senator MURKOWSKI. From Justice's perspective, one of the things we are seeing in Alaska is we can't go out, we can't prosecute because the definition of what spice is is just one formula off of what we have been able to file charges on. So how we stay ahead of that, ahead of the bad guys that are going to try to trip us up at every turn, what we are doing within the Department of Justice?

Mr. TOULOU. It is a challenge. These drugs change, as you pointed out, and there is always a flavor of the month. Prior to this hearing, we reached out to the FBI to see what the issues were in Alaska. Spice was, not surprisingly, one of the issues that they raised. They told us that they are working with DEA, State and locals and tribal officials, along with the State AG's office and the U.S. Attorney's office to try to come up with a mechanism for targeting. They have had law enforcement actions against some of the places that are selling spice. They will continue to work with their partners to try to come up with strategies to hit the new and emerging markets.

Senator MURKOWSKI. I think we are somewhat unique in that, because so many of our communities are isolated, 80 percent of the communities in the State are not connected by road. So how do these drugs get in? They come in by airplane. And they come in through the U.S. Postal Service. They come in through the mail. So to me, this ought to be the easy one to address. It is not like down in North Dakota where you have a reservation that you know the road coming in or the road going out, or you can fly in. But it is tougher, it is more porous.

Here we have one way in. The fact that we have not been able to see the reduction in the import of whether it is spice or heroin

or meth, it continues to confound and disturb me that we are not doing better. It does really require a very collaborative effort. We don't have the resources on the ground that we need. And utilizing everybody is an effort that we simply must continue to pursue.

So not only within the folks at SAMHSA, but those of you over at DOJ, this is something that is a huge priority for us.

Thank you, Mr. Chairman, for the extra time.

The CHAIRMAN. Thank you, Senator Murkowski. Senator Heitkamp?

Senator HEITKAMP. I just want to ask the vice chairman, and thank him for the work that his tribe has done. I think we are looking for models all across the Country that can be adopted in Indian Country to better protect Indian people.

As part of your system, do you have drug courts?

Mr. GOBIN. We absolutely do.

Senator HEITKAMP. Do you have difficulty basically getting wrap-around services? Because the theory behind drug courts is treatment and the opportunity for treatment is critical.

Mr. GOBIN. That is kind of a long answered question. But I did want to comment that sitting here is not unlike sitting in a tribal council chamber as leadership trying to deal with all of these issues. I find it a very similar discussion.

We contribute millions of dollars toward drug prevention. It comes in many ways. It comes through supporting our education programs, early childhood development programs, our treatment programs, our court programs, alternative sentencing programs, trying to find creative ways to deal with the ever-changing issues around drugs and addiction and what it is doing to our society. It is our society as a whole. In Indian Country, it seems more magnified. I often think it is because I know the victims, we know them. They are family members, they are friends. They are people that you grew up with, they could be your aunts, your uncles, your brothers, your grandparents. And you see this, and you take an active interest in trying to deal with it.

But it all takes money. It takes dollars to do this. Fortunately, my tribe is in a position, we have grown economically, we are able to contribute those dollars toward the membership. But funding that comes through the Federal Government needs to have specific set asides that tribes can access. Oftentimes it comes down through States and tribes see little to none of those dollars. It all depends on the relationship that you have with the State.

You have issues that deal with how you go to deal with violators, the VAWA Act. It gives us provisions to deal with domestic violence of a non-Indian on a reservation against a Native American woman. If that violence also included children, the tribes have no ability to charge that person. It would have to go to Federal court.

If that violator also included children, and had drugs involved in it, the tribes have no ability to charge that person for the drug violation. So unless the Federal prosecutor picks that up, they go uncharged and they get away with that.

So some of those things need to be addressed. Six of our cases dealt with minor children. Only one has seen justice because of that. Those types of things are what I think need to be addressed within the Act. How do we do this? How do we put the faith in the

tribal court systems that are fully trained and in our case, our police department is Washington State police officer certification, certified, been through academies, been through training. Our chief of police has been through the FBI academy, a tribal member.

So we have built a very strong police force. Yet do not have full exercising of our judicial sovereignty that we should have within the lands of our reservation.

Senator MURKOWSKI. Thank you, Mr. Chairman, and thank you, Vice Chairman. Continue your good work, and we hope that the lessons that you are learning and the loopholes that you are exposing here continue to inform our decisions as we move forward. Good luck to you and your tribe.

Mr. GOBIN. Thank you.

The CHAIRMAN. Thank you, Senator Heitkamp.

Mr. Roberts, your written testimony highlights the flexibility in training programs, the BIA in providing tribal law enforcement officers. Training is intended to lead to a larger pool of applicants. I am wanting to get a little follow-up on that on how the agency determines the effectiveness of this training once these officers are now placed in the field.

Mr. ROBERTS. Thank you, Chairman, for the question. I do know that with regard to that enhanced training that there has been a larger pool. I don't know if we have the data in terms of how that correlates to on the ground filling of vacancies. But I do know, talking with Director Cruzan, that that flexibility has been critical.

The CHAIRMAN. The Tribal Law and Order Act required BIA to develop and provide dispatch emergency 9-1-1 services in Indian communities. I am just wondering, because you talked a little bit about it in the written testimony, that you had been able to procure equipment and integrate some of the communications systems, I think at 17 different agency locations. Can you just elaborate a little bit on what capabilities are now available in these communities and how things are going?

Mr. ROBERTS. I believe, Senator, that the Director is saying that at Sycuan, that is one of our primary areas where we have implemented those capabilities. I can certainly provide additional information for you on that.

The CHAIRMAN. During that field hearing in Wyoming that we talked about a little earlier, the lack of law enforcement within Indian Country was discussed. I just want to know about improvements that the Department has made to ensure that law enforcement is fully staffed.

Mr. ROBERTS. Full staffing is, I think, unfortunately given the difficult budget times, is more of an ideal than a reality in Indian Country. I think we all know that.

But we are trying, and I think that is why I wanted to highlight the collaboration between tribal, State and Federal law enforcement officers as part of TLOA, because that collaboration can help fill some of those gaps, in our preparations for this hearing, Mr. Chairman, we talked a lot about the SLEC positions. Director Cruzan said, before TLOA, that was a huge issue for tribes in getting those memorandums of agreement working with the SLEC, with BIA. HE said, because of TLOA, we don't hear about that any

more. It is working well. So that is one of the areas where I think we are trying to do more with limited resources, finite resources.

The CHAIRMAN. Ms. Beadle, I want to talk a little bit about the fact that the Tribal Law and Order Act provides that alcohol and substance abuse issues in Indian communities be coordinated under your agency. According to Rick Brennan, my friend who I have worked with many, many years as I practiced medicine in Wyoming, he is a council member of the Northern Arapahoe Tribe in Wyoming, you have been helpful, he says, in responding to and implementing the tribe's substance abuse action plan. As I am sure you know, alcohol is a significant contributor to too many premature deaths on the Wind River Reservation in Wyoming where the Northern Arapahoe and Eastern Shoshone Tribes both reside.

What more do you think can be done by your agency, by the Department of Health and Human Services, to reverse the trend that we are seeing nationally and help specifically the tribes on the Wind River Reservation? Do you have sufficient authority and resources to fully implement the Tribal Law and Order Act?

Ms. BEADLE. Thank you, Mr. Chairman. When Senator Hoeven asked me about the challenges, I was talking about what tribes are always saying to us. Those were the tribal communities' points.

This is a point that I think SAMHSA, as the lead agency in this country, is concerned about. That is, we haven't talked about mental health at all today. The big issue is that most people who have substance use problems and have alcohol problems, mental health is an issue. We are really working on elevating that issue for tribal communities. I can tell you that while we have national numbers, alcohol clearly is still a problem. Substance abuse is still a problem, but we do know that over time, those issues are slightly better.

It doesn't mean that in particular tribal communities it still isn't really, really bad. But overall as a Nation, we are actually a little bit better on those two issues.

Mental health, however, is not happening in the same way in tribal communities. So what we have been trying to do is to elevate not only the concerns around substance use and alcohol, but we have been trying to talk with tribal leaders, tribal communities about mental health. I do believe that if there is a great focus in tribal communities around mental health, we will start seeing differences in terms of what is happening in those communities.

The CHAIRMAN. I am always curious on how we measure and determine the effectiveness of any of these activities, in terms of mental health, in terms of alcohol and substance abuse. How do you work in terms of performance measurements, in trying to determine the effectiveness of some of these programs?

Ms. BEADLE. Thank you for that. In our programs, all of our funded tribal grantees do their local evaluation. We also have a national evaluation that we have the grantees participate in. Those evaluations are showing us very important things. That is where we get some of our more qualitative information from.

The CHAIRMAN. Thanks. Mr. Toulou, if I could talk about the written testimony of Vice Chairman Gobin, he stated that despite the additional of tribal liaison and U.S. Attorney's office, we are still seeing people declining to prosecute major crimes still occur-

ring. This kind of declining to prosecute, which occurs for a variety of reasons, may still leave the victim without recourse of justice.

So the Tribal Law and Order Act authorized several tools to improve the potential for prosecutors and prosecutions of crimes in Indian communities. Can you explain what else may need to be done, that we ought to be looking at to improve the chances of prosecuting these crimes in Indian Country?

Mr. TOULOU. I think it is a preliminary matter. Part of the reason we see, so you look at these statistics, and they don't always tell the whole story, is that many U.S. Attorneys' offices are charging more cases than they ever had before. They are talking to their tribal partners and they are making determinations on where those cases should be. We see in some districts those cases are now going to tribal courts. In other cases, we are looking at cases we probably wouldn't have looked at before, but we want to give them a fair shot. Those cases may not be as strong as ones we have had in the past.

So just because the declination numbers remain high doesn't necessarily mean we aren't getting the cases we need to get.

That said, I think one of the important things that the Tribal Law and Order Act has done is improved our communication with tribes on the local level. As a former AUSA in Montana, there is nothing like being on the ground and talking with the people who are experiencing the crime and seeing the crime scene to help you understand what is happening. Unfortunately, you can't always be out there.

So working with tribal SAUSAs, special assistant U.S. Attorneys are prosecutors, not only allows us to have those individuals in to prosecute in tribal court, but it has developed this relationship. We have seen many cases, particularly in the domestic violence arena, where the Federal Government is picking up cases they may not have seen before because of that close relationship.

So I think there are a lot of things that might help. But just continuing to build on that communication is critical.

The CHAIRMAN. Thank you.

Vice Chairman Gobin, your written testimony noted the increased funding for crime victim services would help build capacity to operate justice systems more effectively. You specifically noted that your tribe was encouraged by the introduction of the SURVIVE Act in this Committee. Can you describe in a little more detail how the SURVIVE Act would help your justice system?

Mr. GOBIN. I apologize, I am not fully aware of that. But we can send in additional testimony in regard to that question.

The CHAIRMAN. Thank you very much. I do appreciate and t hank all of you for being here today. The hearing record will be open for two additional weeks. Some other members may want to supply you with some written questions. I hope you would get the answers back to us quickly, if you could. Thank you all for being here today. Thank you for your testimony.

The hearing is adjourned.

[Whereupon, at 3:48, the hearing was adjourned.]

A P P E N D I X

JOINT PREPARED STATEMENT OF M. BRENT LEONHARD, ATTORNEY, OFFICE OF LEGAL COUNSEL, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION AND BILL BOYUM, CHIEF JUSTICE, CHEROKEE SUPREME COURT

Thank you for the invitation to provide written testimony to the Senate Committee on Indian Affairs. We thank Chairman Barrasso and Vice-Chairman Tester for your leadership on Indian country issues and desire to improve public safety in Indian country. This brief written testimony specifically addresses the Bureau of Prisons (BOP) TLOA Pilot Program and the need to make the program permanent based on the experiences of both the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Eastern Band of Cherokee Indians tribal court (EBCI).

The CTUIR implemented felony sentencing under TLOA in March of 2011. EB Cherokee implemented in October of 2012. We were likely the first tribes in the nation to do so. It has been a real success for both.

Many people at the CTUIR have been charged and convicted of felonies since adoption of TLOA. It has proven to be both a vehicle for ensuring defendants are held accountable for serious crimes when the federal government declines to prosecute cases, as well as an appropriate vehicle for holding people accountable by the local community when both the tribal nation and the U.S. Attorney's Office conclude that a particular case can be best dealt with in tribal court rather than federal court.

A key aspect of TLOA's felony sentencing authority was the associated BOP TLOA Pilot Program. Section 234(c) of TLOA required the Director of the Bureau of Prisons to establish a four-year pilot program to accept certain qualifying tribal convicts free of charge. That program was implemented on November 29, 2010 and ended on November 24, 2014. It was critical for the CTUIR. We house prisoners in the local county jail through a contract agreement with Umatilla county. Currently, the CTUIR has 5 jail beds available to house criminal defendants both pre and post-conviction. Once those are full there is no other place to house tribal convicts.

To qualify for being housed in the BOP Pilot Program a tribal convict must have been sentenced to a term of imprisonment of two or more years and have two or more years left to serve at the time of transfer to the BOP. The underlying offense must also be a violent crime substantially similar to a crime listed in the Major Crimes Act. The BOP has established a process whereby tribes can submit all of the necessary information for the BOP to determine if a convict qualifies, and where best to house the convict in the federal system to ensure both the convict's safety and the safety of other inmates. Attempts are made to house the convict in a facility close to the tribe's community.

During the duration of the BOP Pilot Program 6 people were placed in federal prison: three from the CTUIR, two from the Eastern Band of the Cherokee Indians, and one from Tulalip. While the BOP in their March 7, 2014 report on the TLOA program indicated they were uncertain why so few tribal offenders had been referred under the pilot program, it is assuredly because only a handful of tribes have been able to implement TLOA felony sentencing authority in that amount of time. After all, it wasn't until 4 months after the BOP started the program that the first tribe was able to implement felony sentencing. To date there are 10 tribes that have implemented felony sentencing authority. Unfortunately, the Pilot Program did not last long enough for more offenders to be housed in federal prison.

At the CTUIR the BOP Pilot Program has proved essential to exercising felony sentencing authority. The three defendants housed under the BOP Pilot Program would have taken up 60 percent of the CTUIR detention budget. This amounts to a cost of $85,200 per year under the CTUIR current agreement with Umatilla county. That would leave only 2 beds available for all the other tribal defendants—pre and post-conviction. In addition, those 3 convicts would not have had the various services available under the federal prison system that can be critical in reducing recidivism.

Without the BOP Pilot Program, the CTUIR is left having to focus heavily on the impact imprisonment will have on the tribe's overall detention resources rather than focusing on what the appropriate sentence would be for the underlying conviction. While all systems have detention resource concerns to consider, tribal nations like the CTUIR have much more serious resource constraints. In absence of additional funding from the federal government for detention purposes, the BOP Pilot Program was the only viable option available for multiple serious felony convicts and had the added bonus of providing important programing that could help the defendants deal with underlying issues.

The first person transferred under the program was sentenced in CTUIR court on November 20, 2012 and transferred to the BOP in January of 2013. He was convicted of felony assault that resulted in serious physical injury as well as felony conspiracy to commit an assault that resulted in serious physical injury. In that incident the defendant knocked the victim unconscious and fractured the victim's skull. He also agreed with another person to cause serious injury to a second victim who ended up getting a broken nose. He was sentenced to 1,095 days in jail with 275 days suspended, and 820 days to serve. The CTUIR and U.S. Attorney's Office worked together and determined that the tribal court was best suited to handle the matter rather than federal court. He was represented in tribal court by his federal defense attorney.

The second convict transferred to the BOP from the CTUIR was convicted after trial of one count of felony domestic violence, two counts of domestic violence menacing, three counts of domestic violence misdemeanor assault, and three counts of endangering the welfare of a minor. These offenses arose from the same event. He was also convicted of one count of Harassment and one count of Criminal mischief for a separate incident. The U.S. Attorney's Office declined to prosecute his case and it was left to the CTUIR to ensure he was held accountable for his serious criminal conduct. The underlying facts of the felony assault conviction involved using a firearm to strike his significant other in front of their minor child. He was sentenced to 26 months in jail and referred to the BOP Pilot Program.

In the third case the defendant was convicted of felony assault by plea for stabbing his cousin 22 times. The U.S. Attorney's Office declined to prosecute the case. He was sentenced to 910 days in jail with 788 suspended, or 122 days in jail with credit for time served. The defendant later violated his conditions of probation and had 786 days in jail imposed. At that point he was transferred to the BOP Pilot Program in September of 2014. The defendant requested to be transferred to the BOP. He did not want to serve the full sentence in county jail.

Since the BOP Pilot Program has ended the CTUIR has not sentenced a defendant to more than one year in jail. This, despite there being several sentences with more than 24 months suspended. It is the belief of the Prosecutor's Office that this is due in fair part to the limitations on available jail space and the absence of the BOP Pilot Program.

The Eastern Band of Cherokee Indians has also found the BOP Pilot Program to be essential. At the time of sentencing under the BOP Pilot Program, they were housing inmates in a county jail for $40 per inmate per night, not including medical care. The county jail did not provide work release, drug treatment, educational training or any kind of meaningful rehabilitation program. In fact, the second defendant at EBCI, like the third at CTUIR, requested that he be allowed to serve his time with the BOP to allow him to take advantage of their drug treatment program. While EBCI now has a detention facility on their reservation, they have not been open long enough to compile sufficient statistical data to determine their inmate costs but it is estimated to run in the $75 per night range. Their new facility is designed to hold inmates through the adjudicative process and to house them for a short to medium term of incarceration. It was not designed to house inmates for multiple years, although it provides more services and training than their local county jail.

Federal prosecution at EBCI was contemplated for both defendants housed in the BOP Program but it was determined by their tribal prosecutor/SAUSA that they should both be prosecuted in the EBCI court system. The first defendant was sentenced to a 4 year term of imprisonment on November 16, 2012 and was subsequently accepted by the program. He is currently serving the 4 year term and is scheduled to be released sometime in late 2016. He entered a guilty plea in which, among other charges, he pleaded guilty to Assault on a Female and Failure to Obey a Lawful Court Order. He violated the terms of a domestic violence protective order. He assaulted the victim by punching her and pulling her hair out which led to the assault charge and conviction. He later made direct contact with the protected party at the courthouse resulting in a protection order violation. The cost of housing this

inmate would be approximately $58,400 in county custody or more if housed in tribal custody.

The second defendant at EBCI was sentenced to a 3 year term of imprisonment on May 6, 2013 and was subsequently accepted into the BOP Program. He has just been released from their custody and is serving the remaining period of his active sentence under electronic home confinement through the EBCI tribal court probation department. The defendant entered a plea in which, among other charges, he pled guilty to Assault with a Deadly Weapon and Assault Inflicting Serious Bodily Injury. The judgment was consolidated into a 3 year term of imprisonment. Defendant stabbed the victim with a knife in the back of the head causing 3 wounds. Defendant also cut the victim on the left cheek. The blade was broken off at the handle and the victim had to be transported to the nearest trauma center in Asheville, North Carolina. The total cost of the 3 years of incarceration would have been $43,800 in a county facility or more if housed in a tribal facility.

Currently, the EBCI have one additional inmate who would have been eligible for the Pilot Program as he received a sentence of more than 2 years for a domestic violence conviction. He is serving a 3 year active sentence. This defendant has requested that he be allowed to serve his sentence in a federal facility instead of the tribe's detention facility. Additional, they have an inmate servicing a 7 year sentence for numerous property crimes.

In conclusion we want to extend our gratitude and appreciation to Chairman Barrasso, Vice Chairman Tester, and all members of the Senate Committee on Indian Affairs who are looking at the impact TLOA has had over the past 5 years. TLOA has many significant provisions and seeks not only increased resources to combat crime in Indian Country, but most notably, systemic changes that are necessary to help fix a clearly broken system. Unfortunately, one critical piece of TLOA has ended and needs to be reinstated and made permanent. The BOP itself has recommended in its May 7, 2014 report to make the BOP TLOA Pilot Program permanent so that it remains available as a resource for tribes. We urge you to pass legislation that will accomplish this uncontroversial bi-partisan program. Thank you for your efforts in this matter.

PREPARED STATEMENT OF RYAN P. JACKSON, CHAIRMAN, HOOPA VALLEY TRIBAL COUNCIL

Thank you for the opportunity to present written testimony on behalf of the Hoopa Valley Indian Tribe concerning implementation of TLOA. I ask that the Committee consider our testimony carefully in determining whether to take remedial action regarding TLOA.

1. Introduction and Interest of the Hoopa Valley Tribe

The Hoopa Valley Indian Reservation is the largest land based Indian reservation in California,[1] comprising approximately 100,000 acres in Humboldt County. Approximately 4,000 people live on the Reservation of whom about 51 percent are enrolled members of the Tribe. Most of the population lives in the valley of the Trinity River but some people live in the hills outside the valley. The Hoopa Valley Reservation is located in the heart of the Tribe's aboriginal lands, lands the Tribe has occupied since time immemorial. The federal government established the Hoopa Valley Reservation in 1864.

Hoopa Valley is an isolated location about 50 miles from the nearest coastal cities of Eureka, California and Arcata, California and separated from them by two mountain passes which are often impassable because of snow or other weather conditions.

2. Hoopa Has Shouldered the Burden of Providing Policing Within the Hoopa Valley Reservation

Congress required California to assume criminal jurisdiction of the Hoopa Valley Reservation in 1953. However, the State of California and Humboldt County lack the resources, or the will, or both to provide adequate law enforcement services. As a result, for many years the Tribe has undertaken that responsibility at tribal ex-

[1] The Klamath River runs through the northern part of our Reservation, and the Trinity River, the largest tributary of the Klamath, bisects our Reservation running south to north. The Hoopa Valley Tribe has critically important enforcement responsibilities for fishing and water rights in the Klamath Basin,, as recognized by the United States in the Memorandum from Solicitor of the Department of the Interior to the Secretary of the Interior (Oct. 4, 1993); and the Memorandum from Regional Solicitor, Pacific Southwest Region to the Regional Director, Bureau of Reclamation, Mid-Pacific Region (July 22, 1995) (collectively, "Solicitors' Opinions"); and by federal courts in, for example, *Parravano v. Babbitt,* 70 F.3d 539 (9th Cir. 1995).

pense. The unique culture and history of the Tribe, the geographic remoteness of the Reservation, and the structure of tribal and federal Indian laws mean that having tribal police officers authorized to enforce state, federal and tribal laws will enhance law enforcement services and public safety.

In 1995, the Tribe and Humboldt County negotiated a joint powers agreement under which both entities would acquire data, plan public outreach, and the Sheriff would deputize Hoopa tribal police officers to enforce state criminal laws upon completing a training course for deputy sheriffs as prescribed by the Commission on Peace Officers Standards and Training. However, in January 1996, the California Department of Justice determined that Indian tribal police were not within the definitions of the California Penal Code as being authorized to obtain criminal offender record information or otherwise recognized as peace officers under state law. Accordingly, the Hoopa Valley Tribe and Humboldt County Sheriff Dennis Lewis approached the state legislature for relief. Senator Mike Thompson introduced S.B. 1797 to provide county sheriffs and chiefs of police with clear authority to deputize tribal police officers as peace officers. Governor Wilson signed that bill into law in late 1996 and the sheriff's authority to deputize tribal police officers is now codified in California Penal Code § 830.6 (b).

Having tribal police officers deputized as county sheriffs minimizes the difficulty of enforcing state criminal laws against non-tribal members on the Reservation though it exposes the officers to liability while acting under state law. However, that procedure works only with the cooperation of the duly elected Sheriff of Humboldt County. Shortly after his election in 2010, the new Sheriff for Humboldt County, Michael Downey, terminated the Deputization Agreement that has existed between the Tribe and Humboldt County since 1995. After a dangerous four-month hiatus in law enforcement services, the Sheriff realized his mistake and reinstated the agreement in April 2011. However, the Sheriff again terminated the agreement on September 23, 2015 and thus, through the present day, our qualified tribal police officers are unable to exercise arrest powers in most circumstances or to enforce state criminal laws.

The enactment of TLOA in 2010 appeared to provide a solution to problems caused by the political whims of elected county sheriffs who may decline to deputize qualified tribal police officers. Section 221 of TLOA authorizes the United States to reassume concurrent criminal jurisdiction upon the request of the Tribe. With full criminal jurisdiction tribal police officers to whom Special Law Enforcement Commissions have been issued by the Bureau of Indian Affairs Office of Justice Services are authorized to enforce the full panoply of applicable federal law. Further, California Penal Code § 830.8 authorizes such federal law enforcement officers, when engaged in the enforcement of federal criminal laws, to exercise arrest powers under state law also. Unfortunately, the potential solution offered by TLOA has proven to be unavailable.

3. Tribal Requests for the United States to Accept Concurrent Jurisdiction Are Being Ignored

In 2011, after our Deputization Agreement with Humboldt County had been terminated, the Hoopa Valley Tribe requested that the United States reassume concurrent criminal jurisdiction on the Reservation pursuant to § 221 of TLOA. That request has lain dormant for nearly five years, receiving neither approval, nor rejection.

On December 6, 2011 the Justice Department adopted regulations concerning assumption of concurrent federal criminal jurisdiction in certain areas of Indian Country, found at 28 CFR § 50.25. The regulation prescribes the requirements for tribal requests and the procedure for handling them. Upon receipt of a tribal request the Office of Tribal Justice must promptly publish a notice in the Federal Register seeking comments from the general public. Requests received by February 28 of each calendar year will be "prioritized for decision by July 31," of the same calendar year. After receiving written recommendations from the Office of Tribal Justice, the Executive Office of the United States Attorneys, and the Federal Bureau of Investigation, the Deputy Attorney General of the United States will consent to the request, deny it, or request further information. The Deputy Attorney General will also explain the basis of the decision and appropriate technical assistance will be offered for renewed request.

The Justice Department has approved a total of one application under § 221 of TLOA, the application of the White Earth Reservation in Minnesota, approved March 15, 2013. Four other applications have awaited consideration for three or more years including the Elk Valley Rancheria of California (noticed June 4, 2012), the Table Mountain Rancheria of California (noticed October 22, 2012), our application (noticed for the second time on October 22, 2012), and the Mille Lacs Band of

Ojibwe of Minnesota (noticed March 19, 2013). To the best of our knowledge, all comments concerning our request have been fully addressed but no action has been forthcoming.

4. TLOA's Promise of Better Public Safety Is Not Being Realized

The assumption of concurrent federal criminal jurisdiction will allow most criminal prosecutions to occur in California state court, rather than federal court. While federal criminal law is not comprehensive, the Indian Country Crimes Act, 18 U.S.C § 1152, allows the Assimilative Crimes Act, 18 U.S.C. § 13, to apply to Indian Country. The Assimilative Crimes Act fills any void in federal criminal law by using state criminal law. But without federal reassumption of concurrent criminal jurisdiction at Hoopa, the Assimilative Crimes Act does not apply.

The 9th Circuit Court of Appeals recently ruled in *Los Coyotes Band v. Jewell*, 729 F.3d 1025 (9th Cir. 2013) that despite pressing need, the lack of existing BIA law enforcement programs in Public Law 280 states such as California denies the tribes the opportunity to use the Indian Self Determination Act to carry out those services. The court said:

> It is hard to dispute that Indian Country may be one of the most dangerous places in the United States. Statistics tell only part of the story, and they are saddening: American Indians are victims of violent crime at a rate twice the national average. The Department of Justice estimates that American Indians experience rates of violent crime higher than most racial and ethnic groups.
>
> Violence against women is particularly prevalent; in some American Indian communities women are murdered at a rate 10 times the national average. 30–4 percent of American Indian women will be raped during their lifetime, compared to less than 1 in 5 women nationwide.
>
> *Los Coyotes Band* at 1028–29.

In our view, TLOA has failed because the Department of Justice has not carried it out. Deputy Attorney General Sally Quillian Yates should act promptly to approve the Hoopa Valley Tribe's request. We thank the Committee for holding an Oversight Hearing concerning implementation of TLOA.

PREPARED STATEMENT OF CAROL WILD SCOTT, LEGISLATIVE DIRECTOR, VETERANS AND MILITARY LAW SECTION, FEDERAL BAR ASSOCIATION

Veterans Treatment Courts: Proposed Implementation Within the Purview of the TLOA

At the heart of the burgeoning Veterans Treatment Court movement nationwide is the recognition that the returning Warrior frequently finds himself or herself unable to either understand or control the internal psychological and physiological changes resulting from the wounds of war—seen and unseen. Beyond that the "Warrior Mentality" prevents acknowledgement of the need for assistance. These forces all too frequently result in behaviors that bring the veteran into conflict with the rules and expectations of society, thus becoming defendants in the criminal justice system. The views expressed within this proposal are those of the Veterans & Military Law Section of the Federal Bar Association and not necessarily those of the FBA membership at large

There is a place within the criminal justice system in Indian country for Veterans Treatment Courts, particularly with the implementation of the Tribal Law and Order Act. More than 190,000 American Indian/Alaska Native and Hawaiian Natives are currently in uniform. Among the American Armed Forces in general, over (9) years, 2.1 million American troops have served more than 3 million tours of duty. Of those returning from deployment an estimated 37–50 percent are diagnosed with PTSD or other serious mental issues and Traumatic Brain Injury (TBI), which frequently have overlapping symptoms. All these injuries have significant behavioral and psychological consequences which affect nearly 70 percent of those deployed, including Indian military members. These consequences then all too frequently include criminal offenses involving polysubstance abuse (self-medication), domestic violence and assault (the result of anger management issues) and petty theft, which correlate with polysubstance abuse. High rates of unemployment and unemployability also result from PTSD, TBI and other catastrophic physical trauma.

Veterans Treatment Courts, integrated into the implementation of the Tribal Law and Order Act, which provides for alternatives to incarceration, would provide the best restorative and rehabilitative resource for veterans as well as their families in Indian country who are caught up in the criminal justice system. Veterans Treat-

ment Courts (or a docket within the tribal court designated as such) would benefit the tribal communities by minimizing the expenditure of tribal resources for incarceration and economic assistance to the families of incarcerated veterans. This would be accomplished through a cooperative structure within the tribal community involving the tribal courts, prosecution and defense bars, DOJ, and the Department of Veterans Affairs (through the medical centers and the Criminal Justice Outreach Coordinators now assigned to each VAMC). A formal agreement, usually an MOU, would memorialize the structure and provide the operating procedure. Also involved would be Tribal Veterans Service Officers (TVSOs), tribal social services and the veterans community (which provide mentoring to each justice-involved veteran).

Structure:

Traditionally, Veterans Treatment Courts are a cooperative effort between criminal trial courts on the state and local level, prosecutors, defense counsel and the Department of Veterans Affairs. These entities are all signatories of an MOU that establishes the parameters of the Veterans Treatment Court Program for that jurisdiction. In Indian country the participation of the Department of Veterans Affairs would have the added advantage of the MOUs between VA and IHS and those between VA and independent tribal health care systems would enter into an operational MOU for Veterans Treatment Courts pursuant to those agreements. The provisions of the TLOA would allow participation by DOJ, which on a case by case basis would cede jurisdiction to tribal courts where necessary and appropriate, dismissing charges *without prejudice* pending completion of the program by the veteran. Upon successful completion of the treatment program, charges would, ideally, be dismissed with prejudice. Provisions within the TLOA that provide for grants funding defense counsel, administrative costs, judicial training and other costs of implementation should be amended to include those associated with the establishment of Veterans Treatment Courts.

Process:

1) Upon intake or at first appearance, the veteran would be offered the opportunity to participate in the Treatment Court Program provided he or she has an honorable or general discharge under honorable conditions. While VA treatment may not be available for those with other than honorable discharges, this prohibition would not affect treatment through IHS.

2) If the veteran accepts the offer, he or she would be assessed for medical, psychological and economic needs by VA and where appropriate, IHS.

3) If admission to the Treatment Court Program is appropriate, the veteran would then enter into the standard contract for that Veterans Treatment Court Program, individually modified to meet the assessed needs and setting out the "Rules of the Road." Non-compliance with the terms of the contract could mean expulsion and reentry into the criminal justice system. During the course of the contract the veteran would appear before the tribal judge at given intervals for progress assessment. In most VTCs, each participant must be present weekly for this purpose.

4) Treatment begins; if substance abuse is an issue, then treatment may include in-patient treatment at a VA Medical Center, PTSD program or Substance Abuse facility, including family counseling where appropriate. This would also include programs designed for families both in the tribal community and through VA. In Indian country, traditional healing should be an integral part of the Treatment Court Program, providing strong tribal peer support through warrior societies, sweats and the assignment of individual "quests." Treatment would of necessity include programs designed for families.

5) At the initiation of the program a peer mentor would be paired with the veteran. Mentoring is a crucial aspect of the Veterans Treatment Court program. The mentors, all volunteers, are usually combat veterans with similar experiential histories and from all walks of life. Within the tribal community, elders with combat experience are very desirable. The crucial aspects are commitment to the mentee; being available 24/7 to assist the veteran to cope with various aspects of integration (or reintegration) into community and family; insuring that appointments are kept; assisting with search for employment and providing a highly personal relationship and emotional support. Training and orientation is important for the mentors, and is best accomplished by the VA or a mentor court such as the Tulsa, OK, Veterans Treatment Court.

6) Assessment of benefit needs and eligibility would be provided through either Tribal Veterans Service Officers trained as advocates and certified by VA or non-Indian VSO's where TVSOs's are unavailable. Claims should be filed for compensation and pension benefits for which the veteran is eligible. Additionally, application to other VA programs geared to economic and educational benefits as well as voca-

tional rehabilitation, independent living and where appropriate, entrepreneurial opportunities would be considered. Traditional Tribal Veterans Centers, if established would provide the focal point for all services provided through the Veterans Court.

7) In the interim, criminal charges would remain pending, monitored by all parties and overseen by the tribal court. Transgressions would be promptly addressed and adjustments made as needed. If the veteran successfully completes the Treatment Court Program, the charges would be dropped. The mentoring relationship would be encouraged to continue and to be available to the veteran for an indefinite period of time to provide a greater degree of stability for the veteran and the family. Ongoing treatment would also remain available. Within the tribal community, consistent with traditional healing practices, involvement of tribal elders would be a distinct asset.

8) In the instance of federal charges of a nature outside of the tribal court jurisdiction, there should be, under the cooperative provisions of the TLOA, and any MOU among the parties, the opportunity of ceded jurisdiction, with dismissal of federal charges *without prejudice* pending completion of the Veterans Treatment Court Program. This application would only be available on a case by case basis.

Benefits to the Tribal Community:

1) Expense of incarceration is avoided. Treatment modalities are under VA/IHS MOU. The veteran is put on track for compensation or pension benefits from VA and any other available benefits, such as Social Security. Assessment, treatment and benefits are all VA budget items. Those budget items which would be tribal could, with minor adjustments, fall within the ranges contemplated by the grants provisions of the TLOA.

2) The veteran and family become assets to the community, both sociologically and economically, as compensation is tax free, and the rehabilitated veteran may provide mentoring for others in like circumstances.

3) There are a wide range of economic and educational programs and benefits available to these families in terms of educational programs for dependents of 100 percent disabled veterans, educational and vocational training benefits as well as independent living programs. Additionally, small business, employment and other entrepreneurial opportunities are available from VA, SBA, Department of Labor, etc. The most substantial benefit is the successful re-integration of a warrior into the tribal community as an integral part of the tribal community.

Conclusion:

Veterans Treatment Courts can provide resources for reclaiming the lives of veterans who have lost an integral part of their stability and future on the field of battle. Over 27 percent of the entire population of American Indian/Alaska Native and Hawaiian Natives are either members or veterans of the US Armed Forces. Veterans Treatment Courts are provided for every generation of veteran. Had they been available after Vietnam, there would be far fewer veterans incarcerated in state and federal prisons.

The economic contributions to the community cannot be underestimated. Communities which have instituted Veterans Treatment Courts have experienced an extremely low recidivism rate and have had the advantage of families leaving the social services safety net and becoming more financially independent either through increased employment rates or through the influx of VA and Social Security Disability benefits.

The ultimate costs to the tribe are predominantly administrative, and are far outweighed by the cost of maintaining inmates with the collateral expense of dealing with broken homes and needy families. It is essential to understand that in nearly all instances veterans appearing before these courts served their country well and are carrying on their shoulders the weight of multiple deployments in a counter-insurgency environment (that is far more dangerous than any in our history) with short periods of respite and with little opportunity for R&R. This is one way for the tribal community to bring its Warriors home, with the opportunity for the individual restoration of honor.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AL FRANKEN TO MIRTHA BEADLE

Opioids present both a law enforcement challenge and public health crisis in Minnesota. Indian reservations in my state have been on the frontline of this crisis. In fact, 28 percent of babies born addicted to opioids in Minnesota are Indian.

I've met with tribal leaders, and what's clear from these meetings is that we need a multi-pronged approach to the opioid crisis in Indian Country. We need more research, less over-prescription, and better treatment.

Question. How can SAMHSA help address the opioid crisis, in particular the need for more research that is focused on reducing opioid use in the Native American Population?

Answer. SAMHSA shares your concerns regarding the impact of opioids on American Indian and Alaska Native communities and has been working on a number of activities over the past two years. SAMHSA believes that a coordinated, multi-system approach best serves the needs of all American Indian and Alaskan Native peoples including pregnant women on opioid pain medicine, misusing prescription opioids or who have opioid use disorders and, because of these factors, may be at risk for giving birth to an opioid exposed infant.

Collaborative planning and implementation of services that reflect best practices for treating opioid use disorders during pregnancy require thoughtful planning because so many different professionals are charged with meeting the needs of the mother and child along the continuum from pregnancy, birth, and during the post-partum period. Advance planning for the treatment of pregnant women with opioid use disorders that addresses safe care for mothers and their newborns can help prevent unexpected crises at the time of delivery. Any response to the many barriers facing the families of pregnant women with opioid use disorders must be grounded in solutions within the community that reflect best practices (e.g., evidence-based practices) as well as values, resources, and policies that address the needs of the community.

In September 2014, SAMHSA's National Center on Substance Abuse and Child Welfare (NCSACW) began work with six states, including Minnesota, to provide technical assistance (TA) to advance the capacity of tribes, state and local jurisdictions to improve the safety, health, permanency and well-being of infants exposed to maternal alcohol and other drug use, particularly opioids, during pregnancy, and the recovery of pregnant and parenting women and their families. The TA is strengthening the collaboration and linkages across child welfare, substance use and mental health treatment, medical communities, early intervention and early care and education systems, family courts and other key stakeholders to improve outcomes for pregnant and parenting women, their infants and their families.

Each state organizes an extensive Stakeholder Coordinating Committee that receives ongoing facilitation and support to assist the state in meeting its identified goals and objectives within this initiative. Minnesota has formed three primary workgroups that are associated with each of the following three primary objectives:

1. *Screening and Assessment*—Pregnant women, substance exposed infants and their families are identified in a consistent, uniform, and timely manner across all systems.

2. *Joint Accountability and Shared Outcomes*—Partners have developed a collaborative practice approach to serving substance exposed infants and their families that intersect each of their systems.

3. *Services for pregnant women, substance exposed infants and their family*—Partners have agreed upon evidence-based practices and programs that meet the needs of the target populations and have processes in place for monitoring use and effectiveness of these programs.

Minnesota Partners

The partners involved in the Minnesota initiative include:

- Minnesota Department of Human Services (Alcohol and Drug Abuse Division—American Indian Section, Legislative Communications, and State Methadone Authority)
- Minnesota Department of Human Services (ICWA Consultant)
- Minnesota Department of Health
- Tribes and Tribal Organizations (American Indian Mental Health Advisory Council, Boise Forte Band of Chippewa, Fond du Lac Band of Chippewa, Leech Lake Band of Ojibwe, Mille Lacs Band of Ojibwe, Red Lake Nation, White Earth Nation)

The intent of the partners is to increase the number of women that are screened during pregnancy, linked to treatment and supportive services, and have substance-free, healthy births. The partners also seek to decrease the number of pregnant women that use substances, including tobacco, during pregnancy; the number of infants that suffer from NAS/withdrawal symptoms; and, the stigma associated with

needing and seeking help. The partners are working to develop a State/Tribe Oversight Committee that will commit to mobilizing resources and policy to support sustainability of the initiative.

Resources

SAMHSA will be releasing a new publication entitled "A Collaborative Approach to the Treatment of Pregnant Women with Opioid Use Disorders." The publication includes a guide for collaborative planning with system-specific guides to assess practices and policies used across systems in working with pregnant women with opioid use disorders, including a cross system guide as well as guides for the mother's medical providers, the infant's medical providers, substance use treatment and medication-assisted treatment providers, child welfare providers, and dependency and family drug court professionals.

Another SAMHSA resource is the *Residential Treatment for Pregnant and Postpartum Women (PPW) Program* that expands the availability of comprehensive, residential substance abuse treatment, prevention, and recovery support services for PPW and their minor children, including services for non-residential family members of both the women and children. The PPW program supports evidence-based treatment models including trauma-specific services which will:

- Decrease the use and/or abuse of prescription drugs, alcohol, tobacco, illicit and other harmful drugs (e.g., inhalants) among pregnant and postpartum women;
- Increase safe and healthy pregnancies;
- Improve birth outcomes;
- Reduce perinatal and environmentally related effects of maternal and/or paternal drug abuse on infants and children; and
- Improve physical health of the women and children.

While PPW grantees may not specifically address Neonatal Abstinence Syndrome (NAS), the withdrawal symptom some babies experience after being exposed to maternal opioid use prior to birth, SAMHSA is aware that many of the women in the PPW program have disorders related to the use of opioids and that PPW grantees serve infants who experience NAS.

The Wayside Whole Family Treatment Project, near Minneapolis, receives PPW Program funding to provide evidence-based residential family treatment services to assist women, their children, and their families recover from addiction, reunify, and build stable lives. The project prioritizes women who are pregnant, intravenous drug users with minor children, and women involved with child protection. There are other PPW grantees across the nation and the Volunteers of America, Dakotas (VOAD) in South Dakota is specifically working with the American Indian community. This PPW project serves women and their families who reside throughout the state and in Southwest Minnesota and Northwest Iowa. An estimated 95 percent of women are diagnosed with co-occurring disorders, including mental health disorders primarily consisting of depression, anxiety, bi-polar disorder, borderline personality disorder, and anti-social personality disorder.

Research

SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ) currently conducts research on the epidemiology of and factors contributing to opioid use and misuse among American Indians and Alaska Natives. CBHSQ collects data through the National Survey on Drug Use and Health (NSDUH) on substance use and mental health, including opioid use and misuse, as well as associated demographic and risk and protective factors. Data are also collected through the Treatment Episode Dataset (TEDS) on treatment admissions and discharges, as well as associated demographic factors. CBHSQ frequently reports on analyses by demographic characteristics, including for the American Indian and Alaska Native population. CBHSQ is developing a Public Health Research and Surveillance Agenda for the American Indian and Alaska Native (AI/AN) population that will include a description of what is known and questions that remain regarding the behavioral health epidemiology of the AI/AN population. Recent CBHSQ publications include:

- 2014 National Survey on Drug Use and Health: Detailed Tables (2015)
- The NSDUH Report: Need for and Receipt of Substance Use Treatment among American Indians or Alaska Natives (November 2014)
- The TEDS Report: American Indian and Alaska Native Substance Abuse Treatment Admissions Are More Likely Than Other Admissions to Report Alcohol Abuse (November 2014)

- Treatment Episode Data Set (TEDS): 2002–2013. National Admissions to Substance Abuse Treatment Services (2015)
- Data Spotlight: Almost Half of American Indian and Alaska Native Adult Substance Abuse Treatment Admissions Are Referred through the Criminal Justice System (November 2012)

The National Institute on Drug Abuse (NIDA), within the National Institutes of Health, also funds research on opioid misuse. Since 1975, NIDA has funded the Monitoring The Future (MTF) survey, which measures drug, alcohol, and cigarette use and related attitudes among adolescent students nationwide. Survey participants report their drug use behaviors (including prescription opioid misuse) across three time periods: lifetime, past year, and past month. Overall, 44,892 students from 382 public and private schools participated in this year's MTF survey. NIDA has also funded research comparing MTF survey results with survey data specific to the AI/AN population.

WRITTEN QUESTION SUBMITTED BY HON. AL FRANKEN TO TRACY TOULOU*

Tragically, Native American women are sexually assaulted at four times the national rate. For years, jurisdictional problems have often allowed non-Indians to commit crimes of sexual violence on reservations with impunity. The 2013 VAWA reauthorization restored tribes' criminal jurisdiction over non-Indians who commit acts of domestic or dating violence and increased the amount of VAWA funding for tribal programs. That provision took effect earlier this year. In addition, the Tribal Law and Order Act authorized new guidelines for handling sexual assault and domestic violence crimes.

Question. What effect have these two bills had so far in addressing sexual assault and domestic violence?

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*Response to the following question was not available at the time this hearing went to print.