


Addressing Tribal Victims of Crime

March 30, 2016



National Indigenous Women's Resource Center
National Indigenous Women's Resource Center

Agenda

- Overview
 - Jacqueline Agtuca
 - Legal & Public Policy Consultant
 - National Indigenous Women's Resource Center
- Update Office Victims of Crime
 - Allison Turkel, Deputy Director
 - Office for Victims of Crime, Office of Justice Programs, USDOJ
- Update NCAI Efforts to Address VOCA Tribal Disparity
 - Virginia Davis
 - Senior Policy Advisor, National Congress of American Indians
- Recommendations NCAI Task Force on Violence Against Women
 - Terri Henry & Juana Majel
 - Co-Chairs, NCAI Task Force on Violence Against Women

VOCA Overview

- Victims of Crime Act authorized in 1984
- Federal legislation to assist crime victims beyond punishment of criminal
- Crime Victims Fund (the Fund) established by VOCA as dedicated funding source

The Fund

- Serves as major federal funding source throughout the U.S. for state government
 - Victim Assistance
 - Crime Victim Compensation
- Financed by fines/penalties from convicted federal offenders, no taxpayer dollars

The Fund

- Every year Congress decides how much will be distributed from the Crime Victims Fund.
- Congress significantly increased distributions in FY 2015 (\$2.6B) and FY 2016 (\$3B)


VOCA Formula Grants

- Based on 1984 legislation, states & territories are eligible to receive annual VOCA formula funding
- Indian tribes were not included in the 1984 legislation and are not eligible to receive annual VOCA formula funding like states & territories

Tribal VOCA Disparity

VOCA does not contain a tribal allocation for Indian tribes as provided under Violence Against Women Act (10%) and Family Violence and Prevention Services Act (10%).

Allison Turkel
Deputy Director
Office for
Victims of Crime
Office of Justice Programs



**Office for Victim's Of Crime
Tribal Initiatives**

Through CTAS:

- Comprehensive Tribal Victim Assistance Program-PA-7 (Tripled in 2015 and 2016)
- Children's Justice Act Partnerships for Indian Communities Grant Program-PA-6
- TTA for OVC Tribal Grantees

Additional Tribal Programs


- FY 2014 – Vision 21-Tribal Community Wellness Centers/Fla nd rea u Indian School Project
- FY 2015 – Vision 21: Tribal Victim Services Resources Mapping Project
- Funding to BIA for victim services
- Funding to BIA to create a tribal specific victim services academy
- FY 2016 – Trafficking Grants/New Program for Urban Indian Health Centers

OJP FY 2017 Budget Request

1. OJP Tribal 7% Set-Aside
 - \$111 million in discretionary resources for Indian country
 - Building on foundation of CTAS through providing consistent, significant and flexible funding for tribes' most important priorities.
2. Vision 21 Tribal Assistance
 - \$25 million from Crime Victims' Fund
 - Would further expand OVC's efforts to develop evidence based, culturally appropriate victims' services programs for tribal communities.

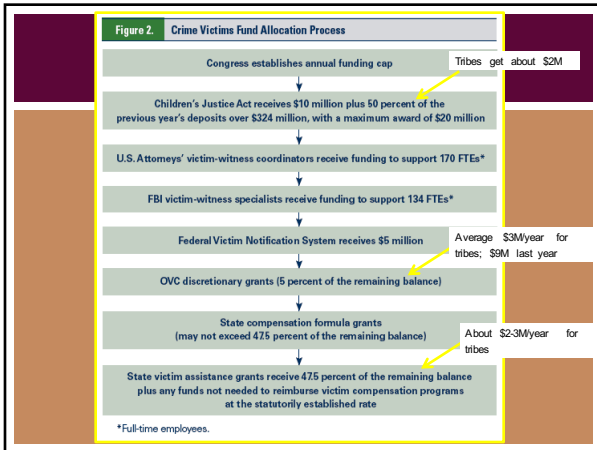
Update NCAI Efforts to
Address
VOCA Tribal Disparity

Virginia Davis
Senior Policy Advisor
NCAI



**NCAI Resolution Supports
Creation of a Tribal Allocation**

NCAI adopted in October 2014 a resolution to support creation of an "above-the-cap" reserve in the Victims of Crime Act or a 10% tribal set-aside that would fund tribes and tribal government programs and non-profit/non-governmental tribal organizations on Indian reservations or Alaska Native Villages providing services to Native women victimized by domestic violence/sexual assault



How Tribes Currently Access VOCA is Inappropriate

- 1. Pass-through grant from the state**
 - From 2010–2014, states passed through 0.5% of available funds to programs serving tribal victims, less than \$2.5 million annually.
 - In 2013, nearly 60% of the states with Indian tribes did not make a single subgrant to a tribal program
- 2. Competitive grant from OVC's Tribal Victim Assistance Program**
 - Limited funding available ~ \$3M per year (increased to \$9M last year)
 - 3-year grant period, renewal not guaranteed
 - Fewer than 10 tribes each year (increased to 24 last year)

Two Prong Approach to Addressing VOCA Tribal Disparity

- Permanent Fix - Create a Tribal VOCA Program**
 - Amend the VOCA statute to establish a separate VOCA tribal program similar to FVPSA tribal program but on much larger scale
 - SCIA passed a bill, S. 1704, the SURVIVE Act in July 2015
- Short Term – Address Through Appropriations Process**
 - The appropriations bill could direct funds from the CVF to tribal governments
 - POTUS Budget request asked for \$25M

SCIA VOCA Bill – SURVIVE Act

- Would direct 5% of VOCA disbursements to Indian tribes – last year that would have been around \$150M
- Creates a new competitive grant program in the BIA Office of Justice Support for 10 years
- Tribes and tribal nonprofits could use the funds for a wide range of purposes including:
 - Victim compensation
 - Victim assistance
 - Enhancing investigation & prosecution
- To access funds tribes would have to:
 - Submit an application
 - Certify that they protect victims' rights

Appropriations Update


- Last year the Senate included \$52M for tribes from the Crime Victim Fund, but the House did not include anything and nothing was included in the final bill
- This year the President has proposed \$25M for tribes from the CVF

Appropriations Recent Developments

Senate	House
<ul style="list-style-type: none"> • Senator Leahy and Senator Crapo included the need for a tribal funding stream in a Senate Dear Colleague 	<ul style="list-style-type: none"> • Congressman Issa and Congresswoman Slaughter developed a Dear Colleague letter with over 30 signatures • Congressman Honda, Ranking Member of the CJS Appropriations Subcommittee has committed to championing this issue

Recommendations
NCAI Task Force on
Violence Against Women

Terri Henry & Juana Majel
 Co-Chairs,
 NCAI Task Force on Violence
 Against Women



NCAI
Action Recommendations

Inform and Educate Your Members of Congress:

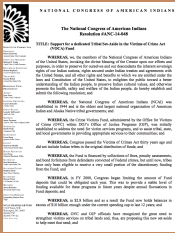
- Indian tribes experience the highest crime victimization rates in the country.
- Many crime victims on tribal lands do not have access to the assistance and compensation that they need and deserve because tribal governments have not had the same access to the Crime Victims Fund as state and territorial governments.
- With the recent increased disbursements from the Crime Victim Fund, the NCAI Task Force on Violence Against Women urges Congress act to make sure that tribal governments have direct access to these life-saving funds.

NCAI
Action Recommendations

- Ask your Senators to co-sponsor the SURVIVE Act, S. 1704.
- Ask your Senators and Representatives to support appropriations language that would give tribal governments access to the Crime Victims Fund this year.

**NCAI Resources to Address
VOCA Tribal Disparity**

- NCAI Resolution: Support for a VOCA Dedicated Tribal Allocation #ANC-14-048
- NCAI Resource Paper: Supporting Tribal Victims of Crime Resource Paper
- NCAI Sample Tribal Resolution
- NCAI Sample Outreach Letter



Feel Free To Contact Us!

- Virginia Davis, Senior Policy Advisor, NCAI
• Vdavis@NCAI.org
- Allison Turkel, Deputy Director, Office for Victims of Crime, OJP
• Allison.Turkel@USDJO.gov
- Jacqueline Agtuca, Legal & Public Policy Consultant, NIWRC
• JAgtuca@NIWRC.org
- Rose Quilt, Policy Director, NIWRC
• RQuilt@NIWRC.org

National Indigenous Women's Resource Center
515 Lame Deer Ave | PO Box 99 (mailing)
Lame Deer, MT 59043
(406) 477-3896 | Toll-Free: (855) 649-7299
NIWRC.org
