



U.S. Department of Justice

Office of Justice Programs

Office for Victims of Crime

Washington, D.C. 20531

**INFORMATION RELATED TO THE 3% TRIBAL SET-ASIDE
FROM THE CRIME VICTIMS FUND**

The Department of Justice (the Department) has a long-standing commitment to improve services for victims of crime in Indian country. On June 12 and 14, 2018, the Department will speak with Indian tribes about the Crime Victims Fund (CVF) 3% tribal set-aside included in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018. The Department presents this paper to help guide the conversation by outlining issues for discussion. This paper includes background information on crime victim services grant award programs for tribal communities and explains how the set-aside creates an opportunity for tribal governments, their designees, and tribal consortia to obtain funding for victim services in FY 2018.

This paper is not a statement of official Department policy. It is intended to provide information and suggest questions to be considered by tribal leaders and representatives as they prepare to participate in the discussion. The Department welcomes all input from tribes on this and other matters that are of concern to tribal communities.

**BACKGROUND: THE CRIME VICTIMS FUND &
FEDERAL VICTIMS OF CRIME ACT (VOCA) FUNDING**

A 1988 amendment to the Victims of Crime Act of 1984 (VOCA) created the Office for Victims of Crime (OVC) as part of the Department's Office of Justice Programs (OJP). An important part of OVC's mission is to administer grant award programs that are funded by the federal CVF, which is financed primarily by federal criminal fines, special assessments, and bond forfeitures paid by convicted federal offenders. Each year Congress provides the authority to OVC to use the CVF to support various grant award programs, including OVC's discretionary grant award program.

Since 1988, OVC has used a portion of its non-formula grant award funds to support victim services programs in tribal communities. Known as the Comprehensive Tribal Victims Assistance Program (CTVA) since FY 2010, it is currently administered as Purpose Area 7 of the Department's Coordinated Tribal Assistance Solicitation (CTAS). Between FY 2013 and FY 2017, OVC distributed more than \$41.8 million to 96 tribes as part of the CTVA Program.

OVC also currently administers another tribal-specific grant program funded by the CVF, the Children's Justice Act Partnership for Tribal Communities Program (CJA Program: CTAS Purpose Area 6).

The authority for the CJA Program is derived from the Children’s Justice Act of 1986, which provided grant funds for state governments to improve their handling of child abuse cases. OVC provides the funds for state governments to the U.S. Department of Health and Human Services, and administers the tribal set-aside funds as the CJA Tribal Program. Between FY 2013 and FY 2017, the CJA Tribal Program awarded more than \$17.3 million to 42 tribes as part of CTAS.

Currently tribes may receive 36-month awards of up to \$450,000 under the CTVA and CJA Tribal Programs.

BACKGROUND: COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018, sec. 510

On March 23, 2018, President Donald Trump signed the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018, (the Act) into law. In the Act, Congress provided for \$4.436 billion in CVF receipts to be used by OVC to support its grant programs. The language in the Act also specified that “...3 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime,”¹ creating a CVF tribal set-aside for the first time. Accordingly, the set-aside totals \$133 million. OJP must obligate FY 2018 CVF grant funds no later than September 30, 2018.

BACKGROUND: THE DEPARTMENT’S PROPOSED PLAN FOR ADMINISTERING THE TRIBAL SET-ASIDE FUNDING AND CONSULTING WITH TRIBES

The Department received useful information on a potential CVF set-aside from the OJP Tribal Consultation held in February 2018 – where the set-aside was a specific item raised by OJP to get feedback – as well as from prior OVC and OVW Listening Sessions and Consultations. The Department has been exploring and continues to explore avenues to decrease the complexity and difficulty of the grant application process to make it possible for a greater number of tribes to apply. The Department has also explored ways to make the allowable activities as expansive as possible so the funding can be responsive to the needs of each tribal community.

In addition to phone calls with tribal leaders and stakeholders in June 2018 about the FY 2018 tribal set-aside funding, the Department plans to hold future Consultations with tribal leaders and stakeholders regarding tribal needs, including a Consultation in conjunction with the National Indian Nations Conference in December 2018 and Consultations via other venues.

By statute, OVC must obligate the funds from the FY 2018 tribal set-aside by September 30, 2018. Thus, the Department is developing a two-part, streamlined process in which applicants will submit a relatively short program narrative describing their tribe and service area, the current victim assistance needs, and their plan to address the identified victim assistance needs.

Applicants will be able to request funding for a wide-range of programs, activities, and tangible items that are allowable under VOCA to develop, enhance, sustain, or procure victim assistance/services. These include, but are not limited to:

¹ Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018, sec. 510

- assessing the victim assistance needs of the community;
- developing a strategic plan to create a victim assistance program;
- developing a victim assistance program;
- expanding services provided to victims (such as crisis intervention, allowable legal support, forensic medical services, court-based advocacy, law enforcement- or prosecution-based victim services, bi-lingual/multi-lingual advocacy, healing/cultural practices, mental health services, victim advocacy, forensic interviewing of children, transportation services for victims of crime, emergency services, etc.);
- expanding the populations served (such as children, older victims, individuals with disabilities, male victims of assault, sexual assault and/or domestic violence, victims with disabilities, adults who were victimized as children/adolescents); and/or
- expanding the types of crime topics addressed (such as human trafficking, victimization as a result of the opioid/drug crisis, financial crimes, child physical and sexual abuse & exploitation, sexual assault, homicide, cyber-crimes, etc.).

Tribal set-aside funds must be used to support programmatic activities that are consistent with the purpose and intent of VOCA. While these funds can be used to provide a wide range of services to victims of crime, there are some statutory limitations on how the funds can be used. VOCA funds cannot be used to pay for costs associated with:

- crime prevention activities;
- services for criminal offenders; and
- costs associated with law enforcement or prosecution personnel or activities.

In addition to administering the tribal set-aside grants, the Department will make training and technical assistance (TTA) available to the field. Both financial management and programmatic TTA will be available to help build the capacity of tribal communities to support and provide assistance to victims of crime.

The Department welcomes comments from tribal leaders and stakeholders regarding the administration of the 3% set-aside from tribal leaders and stakeholders, and is particularly interested in receiving feedback on the following questions:

- 1) The \$133 million set-aside in FY 2018 is the largest ever tribal set-aside for crime victims that the Department has been directed to administer. Historically, the Department has had difficulty attracting a large pool of eligible tribal applicants for its crime victim services programs. Given the shortened timeframe for obligating the funding, the Department recognizes the need to share information about the funding quickly and widely. What can the Department do to ensure that information about the funding is available to all eligible potential applicants?
- 2) What can the Department do to encourage eligible entities (tribes, their designees, and tribal consortia) – especially those that have not recently or have never applied for funding from the Department – to apply for this funding?

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