



**FEDERAL RESOURCES
FOR
TRIBAL CRIMINAL
DEFENSE &
JUVENILE DELINQUENCY
REPRESENTATION**

The Access to Justice Initiative of the U.S. Department of Justice has compiled this resource publication to provide an overview of grants, training, technical assistance, and other resources provided by the federal government that may be of particular interest to tribal criminal defense and delinquency representation providers. Please contact the issuing entity for more information about any of the resources provided here.

More information about the U.S. Department of Justice can be found at www.justice.gov/.

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SELECTED FUNDING OPPORTUNITIES

U.S. Department of Justice

Note: Grant solicitation season is open generally from November – April, based on annual appropriations.

Selected Discretionary Grants

Discretionary grants are awarded directly by the Department of Justice's Office of Justice Programs to eligible recipients, most often on a competitive basis. Applications undergo a preliminary review process to ensure that they are complete and meet the eligibility requirements. Eligible applications are then reviewed and scored by a panel of subject matter experts. Strengths and weaknesses are noted based on the selection criteria outlined in the grant solicitation.

Tribal Civil and Criminal Legal Assistance (TCCLA)

Administered by the Bureau of Justice Assistance (BJA), the Tribal Civil and Criminal Legal Assistance (TCCLA) Program is authorized by 25 U.S.C. 3651, et seq. (Public Law 106-559) to strengthen and improve the representation of indigent defendants in criminal cases and indigent respondents in civil causes of action under the jurisdiction of Indian tribes, with the goal of enhancing the operations of tribal justice systems and improving access to those systems by tribal citizens. TCCLA also funds training and technical assistance (TTA) partners to collaborate with BJA to develop and enhance justice system personnel and practices within tribal justice systems.

CATEGORY 1: TRIBAL CIVIL LEGAL ASSISTANCE GRANTS

Category 1 is limited to non-profit organizations (tribal and non-tribal), as defined by Internal Revenue Code § 501(c)(3)) that provide legal assistance services for federally recognized Indian tribes, members of federally recognized Indian tribes, or tribal justice systems pursuant to federal poverty guidelines. Services include civil legal assistance services for Indian tribes, members of Indian tribes, and tribal justice systems, pursuant to the federal poverty guidelines. These services may include guardian ad-litem appointments, court-appointed special advocates, and development and enhancement of tribal court policies, procedures, and code.

CATEGORY 2: TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS

Category 2 is limited to non-profit organizations (tribal and non-tribal), as defined by (Internal Revenue Code § 501(c)(3)) that provide legal assistance services for federally recognized Indian tribes, members of federally recognized Indian tribes, or tribal justice systems pursuant to federal poverty guidelines. Services are to provide criminal legal assistance services for Indian tribes, members of Indian tribes, and tribal justice systems, pursuant to the federal poverty guidelines. Criminal legal assistance services to tribal members may include adult criminal actions, juvenile delinquency actions, and guardian *ad-litem* appointments arising out of criminal delinquency acts or development. Legal support to tribal governments and tribal justice systems may include, but is not limited to, the enhancement of tribal court policies, procedures, and code.

BJA launched TCCLA in 2010, when Congress appropriated \$3 million in funding for the program. Similar funding levels have supported the program in FY 2011, 2012, and 2013, with small reductions taken agency-wide based on BJA funding levels.

For more information, visit: https://www.bja.gov/ProgramDetails.aspx?Program_ID=102 and for a helpful resource guide: https://www.bja.gov/Publications/TCCLA_Overview.pdf.

Coordinated Tribal Assistance Solicitation (CTAS)

The Coordinated Tribal Assistance Solicitation (CTAS) provides federally-recognized Tribes and Tribal consortia an opportunity to develop a comprehensive and coordinated approach to public safety and victimization issues. This program is an effort on the part of the Department to combine all of the Department's existing Tribal government-specific competitive solicitations into one solicitation. Eligibility is limited to federally-recognized Indian Tribal governments, as determined by the Secretary of the Interior. This includes Alaska Native villages and Tribal consortia consisting of two or more federally-recognized Indian tribes. Applicants may apply for funding under purpose areas that best address Tribes' concerns related to the public safety, criminal and juvenile justice, and the needs of victims/survivors of domestic violence, sexual assault, and other forms of violence.

The CTAS purpose areas that support indigent defense are:

- **Purpose Area 3: Justice Systems and Indian Alcohol and Substance Abuse**
This purpose area provides funding and TTA that tribes can use to develop, enhance, and continue tribal justice systems that respond to and prevent alcohol- and substance abuse-related crimes and to implement enhanced authorities and provisions under the Tribal Law and Order Act of 2010. These include alcohol and substance abuse prevention, law enforcement, pretrial services, risk and needs assessment development and implementation, diversion programming, tribal court services, healing to wellness courts, intervention and/or treatment, detention programming, community corrections, electronic monitoring, reentry planning and programming, justice system infrastructure enhancement, justice system information sharing, and other areas.
- **Purpose Area 8: Juvenile Justice - Tribal Juvenile Accountability Discretionary Program**
The Office of Juvenile Justice and Delinquency Prevention (OJJDP) awards funds to federally recognized tribes under the Tribal Juvenile Accountability Discretionary Program. The purpose of the program is to strengthen the juvenile justice system and it may be used for any of 17 purpose areas including hiring court appointed defenders and special advocates.
- **Purpose Area 9: Tribal Youth Program**
OJJDP awards funds to support and enhance Tribal efforts to prevent and control juvenile delinquency and strengthen the juvenile justice system for American Indian/Alaska Native youth. Funds under this program can be used for defense of indigent tribal youth.

For more information, visit: <http://www.justice.gov/tribal/grants.html>.

Selected Formula Grants

Formula grants are funding programs that are based on established eligibility and formulas. These applicants must submit an application and meet other specified requirements. They ensure that designated recipients will receive funds.

Exactly how funds are distributed is most often governed by statutes or congressional appropriations that specify which factors are used to determine eligibility, how the funds will be allocated among eligible recipients, as well as the method by which an applicant must demonstrate its eligibility for that funding. Each grant award amount is calculated by a formula, and actual funding amounts vary. Award calculations may consider factors such as population, census data, violent crimes reported to the Federal Bureau of Investigation, and the annual appropriation provided by Congress.

Byrne Justice Assistance Grants (JAG)

The Edward Byrne Memorial Justice Assistance Grant (JAG) program is the primary provider of federal criminal justice funding to state and local jurisdictions, including tribal jurisdictions. This formula grant program provides states, units of local governments, and Indian tribes with critical funding necessary to support a range of program areas

JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

In FY 2013, the JAG solicitation identified indigent defense as one of the priority areas for maximizing the effectiveness of JAG funding at the state and local level. State and local jurisdictions are encouraged to bring all system stakeholders together in a strategic criminal justice planning process to guide JAG funding, and the Department notes that “our recommended guidelines are that at a minimum, the strategic planning process includes law enforcement, courts, prosecutors, indigent defense providers, victim advocates, and corrections officials.” The solicitation incorporates application requirements to help the Department “assess” the extent to which states are engaged in strategic planning in making allocation decisions about JAG funds, and the extent to which the recommendation that these efforts include all criminal justice stakeholders, including indigent defense, are being followed to ensure fairness in the criminal justice system.”

Through the FY 2013 JAG Local Solicitation, twenty-one Indian tribes were eligible to receive a direct allocation, totaling \$404,317, based on voluntary reporting of Part 1, violent crime to the Federal Bureau of Investigations.

For more information, visit: https://www.bja.gov/ProgramDetails.aspx?Program_ID=59.

The National Criminal Justice Association has produced the following helpful webinars that provide an overview of JAG funding and indigent defense:

Strengthening Indigent Defense: Understanding State and Federal Resources, January 22, 2013, accessible here: <http://www.ncja.org/webinars-events/ncjabia-webinar-series/webinar-archives>.

Expanding Stakeholder Involvement: Promoting Inclusive System Planning, May 22, 2013, accessible here: <https://www.bjatrainng.org/media/event/ncja-webinar-expanding-stakeholder-involvement-promoting-inclusive-system-planning>.

John R. Justice Student Loan Repayment Program

Interested prosecutors employed by a tribal government and public defenders employed by tribal government or non-profit organization operating under a contract with a tribal, state or unit local government should identify and contact their John R. Justice (JRJ) Governor-designated State Agencies to seek an application and answer questions. See the “Funding/Availability” tab of the JRJ program website, link below.

Under this formula program, BJA administers resources to state designated agencies that provide loan repayment assistance for public defenders and prosecutors, including individuals employed by tribal governments, who agree to remain employed as public defenders and prosecutors for at least three years.

For each state and territory that is eligible for funding under the John R. Justice Grant Program, BJA will make awards to agencies designated by the Governor of those states or territories (or in the case of D.C., by the Mayor) to administer the JRJ Grant Program within the state or territory. These Governor-designated agencies shall establish and maintain a statewide JRJ Grant Program consistent with the guidance contained in the solicitation and the Act.

Solicitations for this funding have been offered since 2010.

For more information, visit: https://www.bja.gov/ProgramDetails.aspx?Program_ID=65.

Juvenile Accountability Incentive Block Grants (JABG)

The Juvenile Accountability Block Grants (JABG) program supports states and units of local government, including tribal governments, in their efforts to strengthen juvenile justice systems. The program’s goal is to help communities implement accountability-based programs that focus on both offenders and the juvenile justice system while supporting both state and local efforts in those same areas. Some of the 17 “JABG purpose areas” include hiring juvenile court judges, court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders; establishing and maintaining restorative justice programs; and establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful re-entry of juvenile offenders from state and local custody in the community. For more information, visit:

<http://www.ojjdp.gov/jabg/>.

Juvenile Title II Formula Grant Program

The Juvenile Title II Formula Grant Program supports state and local efforts to plan, establish, operate, coordinate, and evaluate projects directly or through grants and contracts with public and private agencies for the development of more effective education, training research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. The program's goal is to increase the availability and types of prevention and intervention programs and juvenile justice system improvements. Program areas include Youth or Teen Courts, Court Services, and Indigent Defense.

For more information, visit: <http://www.ojdp.gov/programs/ProgSummary.asp?pi=52>.

Application to Peer Review

BJA seek peer reviewers with American Indian and Alaska Native policy and practitioner expertise to review grant applications. If you are interested in becoming a peer reviewer, please submit an up-to-date resume or curriculum vitae, including a valid e-mail address, to: Byrne.Discretionary@usdoj.gov. Please put "Peer Reviewer Candidate Resume" in the subject line.

[U.S. Department of the Interior – Bureau of Indian Affairs](#)

Public Law 638 Contracts

The Bureau of Indian Affairs funds 184 Tribal Courts through Public Law 638 Contracts. Tribes may use this funding to support defender services, which many do.

One-Time Funding to Tribal Courts

The Bureau of Indian Affairs also provides one-time funding for tribal courts that receive funding under the Public Law 638 contracting and competing process at the end of each fiscal year. Requests for funding under this mechanism must be submitted as a direct request by the tribe to fund costs associated with the defense function. Some tribes have requested and successfully received funding to support defender services in years past.

Tribal Court Review Strategic Plan

The Bureau of Indian Affairs provides specific funding to tribes who have gone through the tribal court review process. In the event that there is a strategic plan developed, the Bureau provides financial assistance and training and technical assistance to the reviewed tribal court to the extent funding is available. If deficiencies in tribal defense are identified, additional resources might be available in this way.

To learn more about these opportunities, please contact the Bureau of Indian Affairs Office of Justice Services – Tribal Justice Support:

<http://www.bia.gov/WhoWeAre/BIA/OJS/ojs-services/ojs-tjs/index.htm>.

SELECTED TRAINING & TECHNICAL ASSISTANCE

DOJ Tribal Training and Technical Assistance Opportunities

The Department maintains the following page on its website of training and technical assistance (TTA) opportunities (including announcement of training sessions) that are specifically geared toward tribes and across broader topic areas:

<http://www.justice.gov/tribal/tta.html>.

Tribal Civil and Criminal Legal Assistance Program (TCCLA)

The Tribal Civil and Criminal Legal Assistance (TCCLA) Program provides grants, policy leadership, and TTA to support federally recognized tribes in enhancing their justice systems and improving access to those systems. The grants are targeted to nonprofit organizations and serve to strengthen and improve the representation of indigent defendants in criminal cases and indigent respondents in civil causes of action under the jurisdiction of Indian tribes. For more information, visit:

www.bja.gov/ProgramDetails.aspx?Program_ID=102.

The National Tribal Justice Resource Center (Resource Center) of the National American Indian Court Judges Association (NAICJA) serves as BJA's TTA provider to FY 2010 – 2013 TCCLA grantees, tribal justice systems personnel, indigent defense services, tribal leaders, and those organizations seeking to provide civil legal assistance or public defender services for tribal communities and Alaska native villages. The Resource Center will conduct two national/regional trainings and three onsite TTA visits, host webinars, and provide office-based technical assistance. For more information, visit: www.naicja.org.

Webinar Series on Tribal Law and Order Act Enhanced Sentencing Authority

Webinar – Key Provisions for Implementing Enhanced Sentencing Authority Under the Tribal Law & Order Act of 2010, November 26, 2013

Webinar – Considerations for Implementing Enhanced Sentencing Authority, December 18, 2013.

Recordings will be accessible at the American Probation and Parole Association website, www.appa-net.org, and the National Congress of American Indians' Tribal Law and Order Act Resource Center website, www.tloa.ncai.org.

Gideon's Promise Defender Training Opportunities

Funded by BJA, Gideon's Promise offers a three-year training program for new public defenders to acquire the "skills and knowledge necessary to become excellent advocates for those they represent, as well as strategies to overcome the many challenges that make it hard for public defenders to live up to their constitutional obligations to each client." Each new class of public defenders attends a two-week summer institute and meets every six months for the remainder of the program. Other features of the training model are mentorship by current and former defenders and an internet-based community for sharing resources and information. The program is open to tribal public defenders. Visit <http://gideonspromise.org/training/core-101/> to learn more about the program and to download the application to participate, which is due on April 1, 2013.

Tribal Courts Assistance Program

The Tribal Courts Assistance Program, as described above under CTAS Purpose Area 3, provides TTA to support the development, implementation, enhancement, and continuing operation of tribal judicial systems. Funded by BJA, the TTA is provided by the National Tribal Judicial Center at the National Judicial College and the Tribal Judicial Institute of the University of North Dakota School of Law. For more information about these opportunities, visit <http://www.justice.gov/tribal/tta.html>.

Tribal Access to Justice Innovation Project

Funded by BJA, the Center for Court Innovation has launched the Tribal Access to Justice Innovation Project to enhance the ability of tribal justice practitioners to access information about innovative, culturally informed tribal court practices being used by other tribes across the country. The project will disseminate practical, practitioner-friendly information about promising practices in tribal justice systems. For more information, visit: <http://www.courtinnovation.org/topic/tribal-justice>.

Tribal – State Collaboration Project

The National Criminal Justice Association (NCJA) and the National Congress of American Indians (NCAI) have established an intergovernmental collaborative TTA project that recognizes the importance of interrelationships among criminal and juvenile justice agencies and between these agencies and the community, as well as the strong, steady advocacy necessary to achieve comprehensive planning and policy coordination goals. This project will conduct regional training and webinar sessions using a tribal-state team approach and provide on-site/office based technical assistance.

The trainings will target teams from state and local governments and tribes, with the aim of enhancing collaboration on law enforcement and other criminal justice issues specific to each state and tribes in the region. States and tribes may indicate indigent defense as one of their priorities. The selection of sites will be done in consultation with BJA, tribes, states, and the NCJA-NCAI project team. TTA is not limited to tribes that have been awarded federal grants, such as CTAS. For more information, visit the www.ncja.org.

2013 Tribal – State Intergovernmental Collaboration on Criminal Justice Webinar Series

Webinar - Defender Initiatives in Indian Country, June 11, 2013, accessible here: <https://www.bjatrain.org/media/event/ncja-state-tribal-webinar-defender-initiatives-indian-country>

National Training and Technical Assistance Center (NTTAC)

Both BJA and OJJDP support National Training and Technical Assistance Centers (NTTAC) to support their programs. These centers accept requests for and provide TTA to state and local criminal justice stakeholders, including tribal justice communities.

For more information on BJA's NTTAC, visit: <https://bjatrain.org/>.

For more information on OJJDP's NTTAC, visit: <https://www.nttac.org/>.

Office of Juvenile Justice & Delinquency Prevention State Training & Technical Assistance Center (STTAC)

The OJJDP State Training & Technical Assistance Center (STTAC) receives and responds to requests for TTA from states, territories, tribes and local communities that receive funding from OJJDP either through the Title II Formula Grants program or through the Juvenile Accountability Block Grant Program.

For more information, visit: <http://juvenilejustice-tta.org/>.

Tribal Court Trial Advocacy Training Program

The Department of the Interior's Bureau of Indian Affairs' Office of Justice Services – Tribal Justice Support, with the support of the Department of Justice's Access to Justice Initiative, organizes free trial advocacy courses designed specifically for tribal courts. The Tribal Court Trial Advocacy Training Program is designed to enhance the trial advocacy skills for tribal court defenders, tribal court prosecutors, and tribal court judges. The program endeavors to strengthen tribal courts in furtherance of the Tribal Law and Order Act of 2010 by enhancing the skills of those who appear in tribal courts so that tribes can exercise greater sovereignty in criminal justice matters that occur on their lands. All trainings are free, with CLE available, and open to judges, public defenders, and prosecutors who appear in tribal courts.

For more information, visit: <http://www.bia.gov/WhoWeAre/BIA/OJS/ojs-services/ojs-tjs/index.htm>.

Juvenile Indigent Defense Special Initiative

OJJDP has launched the Juvenile Indigent Defense Special Initiative to begin to fully develop the field of juvenile indigent defense across the country and to conduct a series of transformative engagement activities that will drive reform forward. Part of this work will include TTA efforts through the National Juvenile Defender Center (NJDC), designed to improve juvenile indigent defense in America, including in tribal lands. For details on training events or to learn more about efforts to improve juvenile indigent defense, please contact NJDC at 202-452-0010 or inquiries@njdc.info or visit www.njdc.info.

GRANTS MANAGEMENT RESOURCES

DOJ's Online Guide - Preparing for the Coordinated Tribal Assistance Solicitation

Provides guidance to Tribes as they prepare for, write, and submit their applications for complex grants such as the Coordinated Tribal Assistant Solicitation (CTAS).

http://tribaljustice.edc.org/CTAS_Guide/story.html

Office of Justice Programs, Grants 101

Provides an overview of the process for the Office of Justice Programs grant review and award process.

<http://www.ojp.gov/grants101/>

Office of Justice Programs, Grants Management System Computer Based Training

Provides computer based training that teaches trainees how to use the grant management system to search, apply, accept, manage, and report progress of funding opportunities from the Office of Justice Programs.

<http://www.ojp.gov/gmscbt/>

Bureau of Justice Assistance, Center for Program Evaluation and Performance Measurement

Provides useful resources for state and local agencies for planning and implementing program evaluations and for developing and collecting program performance measures required by BJA to measure program performance.

<https://www.bja.gov/evaluation/index.html>

Bureau of Justice Assistance, Grant Writing and Management Academy

Provides an overview of project planning, management, administration, and assessment of federally funded programs.

<http://bj.ncjrs.gov/gwma/index.html>

[Links to DOJ Grants' Pages](#)

DOJ Tribal Grants

<http://www.justice.gov/tribal/grants.html>

Bureau of Justice Assistance Grants

<https://www.bja.gov/funding.aspx>

You can also subscribe to BJA's monthly e-newsletter, *Justice Today*, which includes information about initiatives and programs, new publications, funding opportunities, and other resources

www.bja.gov/JusticeToday/index.html.

Grant Information from the Access to Justice Initiative

<http://www.justice.gov/atj/grant-info.html>

National Institutes of Justice Grants

<http://www.nij.gov/funding/welcome.htm>

Office of Justice Programs (OJP)

E-mail Subscription Service

<http://www.ojp.usdoj.gov/govdelivery/subscribe.htm>

Office of Juvenile Justice and Delinquency Prevention Grants

<http://www.ojjdp.gov/funding/Funding.html>

For a comprehensive listing of all Department of Justice and other agency grants, please visit:

<http://www07.grants.gov/>

OTHER RESOURCES

Access to Justice Initiative Courts and Indigent Defense Resource Guide

<http://www.justice.gov/atj/providers.pdf>

Bronx Defenders' Center for Holistic Defense

<http://www.bronxdefenders.org/our-work/>

Bureau of Justice Statistics 2012 National Survey of Tribal Court Systems

<https://www.tribalcourtsurvey.org/>

Bureau of Justice Statistics Indian Country Statistics

<http://www.bjs.gov/index.cfm?ty=tp&tid=200000>

DOJ Funded Indigent Defense Publications

<http://www.justice.gov/atj/idp/>

Federal Interagency Reentry Council

<http://www.nationalreentryresourcecenter.org/reentry-council>

GAO Survey of Public Defender Offices & Agencies on Indigent Defense Funding

<http://www.gao.gov/special.pubs/gao-12-661sp/pdo/index.htm>

GAO Report, Tribal Law and Order Act: None of the Surveyed Tribes Reported Exercising the New Sentencing Authority, and the Department of Justice Could Clarify Tribal Eligibility for Certain Grant Funds GAO-12-658R, May 30, 2012

<http://gao.gov/assets/600/591213.pdf>

National Criminal Justice Reference Service - Indian Country Research

<https://www.ncjrs.gov/justiceinindiancountry/>

National Juvenile Defender Center

<http://www.njdc.info/>

National Institute of Justice/Access to Justice Initiative Expert Working Group Report: International Perspectives on Indigent Defense

<https://ncjrs.gov/pdffiles1/nij/236022.pdf>

National Institute of Justice Tribal Crime and Justice

<http://www.nij.gov/nij/topics/tribal-justice/welcome.htm>

Office of Justice Programs American Indian and Alaska Native Affairs Page

<http://www.ojp.gov/programs/aiana.htm>

Tribal Law and Policy Institute's Tribal Court Clearinghouse

<http://www.tribal-institute.org/>

U.S. Department of Justice Tribal Justice and Safety Website

<http://www.justice.gov/tribal/>

[Access to Justice Initiative](#)

About the Access to Justice Initiative

Since its launch in 2010, the Access to Justice Initiative has worked to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. The Initiative's staff works within the Department of Justice, across federal agencies, and with state, local and tribal justice system stakeholders to increase access to counsel and legal assistance, and to improve the justice delivery systems that serve people who are unable to afford lawyers. To support the development of quality indigent defense delivery systems, the ATJ resource page provides information identifying open grants, training and technical assistance that may be of particular interest to the defender and court communities: <http://www.justice.gov/atj/grant-info.html>.

If you would like to learn more about the Access to Justice Initiative, please visit www.justice.gov/atj.

[ATJ Selected Blogs](#)

Trial Advocacy Training for Tribal Court Judges, Prosecutors, and Defenders

<http://blogs.justice.gov/main/archives/3436>

Bringing All Criminal Justice Stakeholders to the Table

<http://blogs.justice.gov/main/archives/2055>

Addressing Juvenile Justice Concerns in Response to Shelby County

<http://blogs.justice.gov/main/archives/2423>

Department of Justice Prioritizes Improving Legal Representation for Indigent Defense

<http://blogs.justice.gov/main/archives/1822>

Public Service Careers & Student Loan Debt: What You Should know

<http://blogs.justice.gov/main/archives/2189>

Adoption of First International Principles and Guidelines on Indigent Defense

<http://blogs.justice.gov/main/archives/2236>

Constructive Alternatives to Criminalization

<http://blogs.justice.gov/main/archives/1822>