



# Law Enforcement Budget Increases Explained

April 2023 T/IBC




## Key Issue:

Why are Tribes not seeing larger law enforcement budget increases?

- FY 2022
- FY 2023
- FY 2024 Request

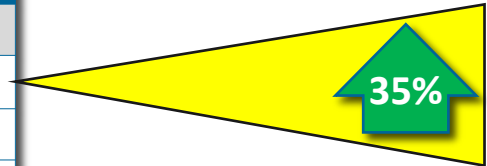


- All tribal law enforcement programs are funded in the Criminal Investigations & Police (CI&P) budget line.
- In FY 2022, CI&P is the single largest budget line within the OIP, Construction, and Contract Support appropriations, and supports nearly 200 Tribes/locations. 
- Therefore, to achieve an impact proportional to other BIA program increases, CI&P budget increases must be larger.

(Dollars in Thousands)	2021 Enacted	2022 Enacted	Change From 2021
Law Enforcement	408,133	501,479	93,346
<b>Criminal Investigations &amp; Police Services</b>	<b>221,058</b>	<b>297,676</b>	<b>76,618</b>
Detention/Corrections	106,407	113,369	6,962
Inspections/Internal Affairs	3,590	3,666	76
Law Enforcement Special Initiatives	19,783	24,898	5,115
Indian Police Academy	4,985	5,056	71
Tribal Justice Support	26,785	30,809	4,024
Law Enforcement Program Management	6,732	7,092	360
Facilities Operations & Maintenance	18,793	18,913	120
Tribal Courts (TPA)	38,980	43,169	4,189
Fire Protection (TPA)	1,609	1,632	23
<b>Total PS&amp;J Budget – Operation of Indian Programs</b>	<b>448,722</b>	<b>546,280</b>	<b>97,558</b>

- FY 2022 appropriation included significant budget increases for Public Safety & Justice.
- The CI&P budget line received a 35% increase over the prior year. 👍
- This is the public information visible to Tribes:

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- However, the 35% CI&P budget increase was comprised of several components.
- Appropriation language constrains the purpose of budget increase components.
- The only discretionary component was a 3% general program increase.

Change From 2021
93,346
<b>76,618</b>
6,962
76
5,115
71

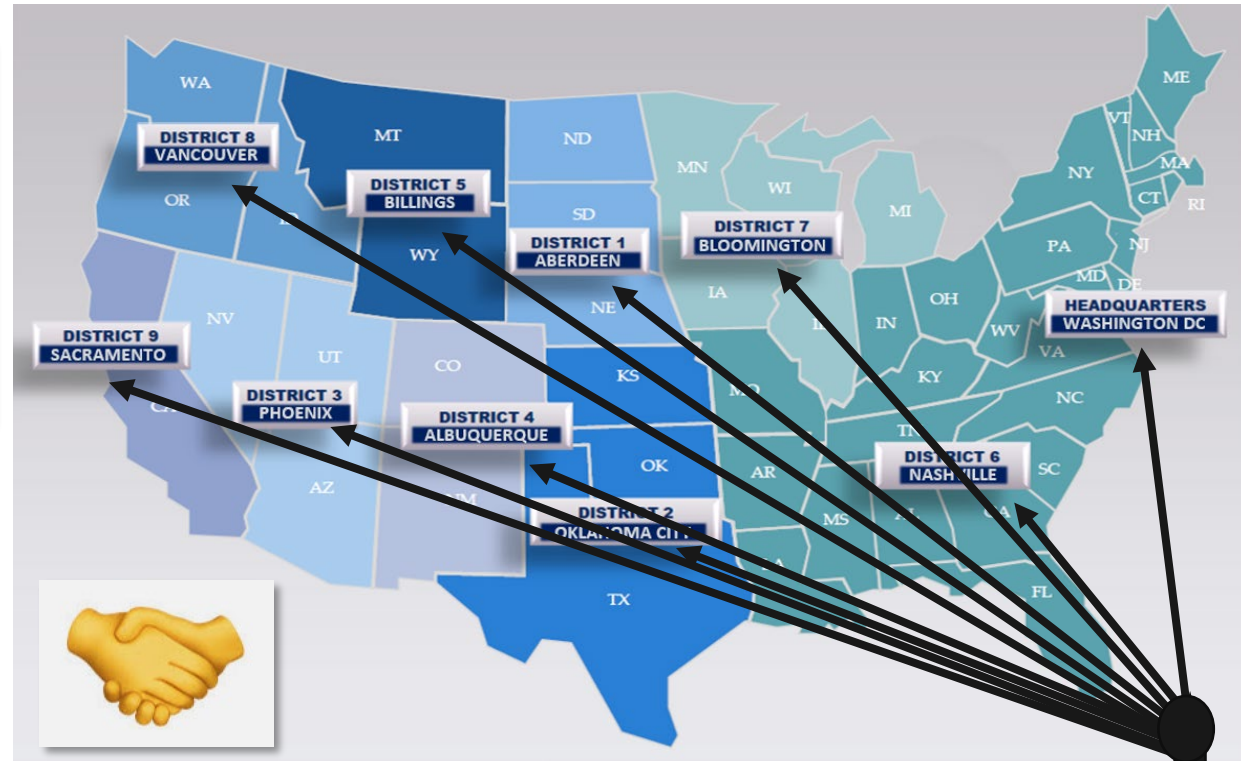


## 2022 Appropriated Increases:

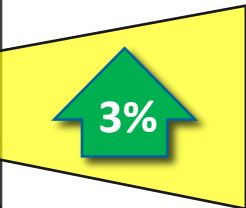
Increase Component	Criminal Investigations & Police Services	
	Specified Increases	Enacted Funding
<b>2021 Enacted</b>		<b>221,058</b>
+\$62M: McGirt Oklahoma	62,000	
+\$4M: Bodyworn Camera System	4,000	
Fixed Cost Increase - Direct Service	1,473	
Fixed Cost Increase - 638 Tribal	1,645	
General Increase	<b>7,500</b>	
<b>Overall Increase</b>	<b>76,618</b>	<b>76,618</b>
<b>2022 Enacted</b>		<b>297,676</b>



- Within the 3%, OJS must maintain critical regional & headquarters functions to serve 196 tribes/locations on the ground.
- Remaining \$6.5 M into OJS methodology.



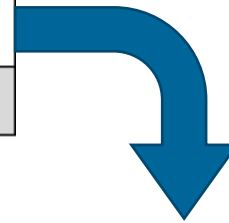
Criminal Investigations & Police Services	
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62,000	
4,000	
1,473	
1,645	
<b>7,500</b>	
<b>76,618</b>	<b>76,618</b>
	<b>297,676</b>



	(\$000)
Allocation of \$1 M to headquarters/district level infrastructure	1,000
Allocation to 196 local-level programs using <b>OJS methodology</b>	6,500
<b>Total General Increase</b>	<b>7,500</b>

- Methodology uses objective criteria to align increase with greatest need.
- Also spreads budget increase among 196 Tribes/locations nationwide.

	(\$000)
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**FY 2022 Base LE Increase - Dist. July 2022**  
**Example Use of Funding Methodology - Results Analysis**

35%	20%	15%	20%	10%	100%	\$ 6,500,000		
Ranked on Violent Crime Rate	Ranked on Unfunded *Amount* (Staffing) Need	Ranked on Unfunded *Percent* (Staffing) Need	Ranked on Land Base	Ranked on Pro-Rata Existing Base \$\$	Weighted Overall Rank	Subtotals of Base Increase Amounts	Number of Programs/Tribes	Average Distribution Amount
GROUP 1 - High Violent Crime (Above U.S. Nat Avg of 368)					0.591	3,843,993	75	\$ 51,253
GROUP 2 - Avg/Low Violent Crime (Below U.S. Nat Avg of 368)					0.331	2,169,461	85	\$ 25,523
GROUP 3 - No Violent Crime Reported					0.078	486,546	36	\$ 13,515
<b>Totals - Eligible Programs/Tribes</b>					<b>1.000</b>	<b>6,500,000</b>	<b>196</b>	

- Result = Methodology allocates 82% of increase to 168 tribally-run LE programs.

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	(\$000)	
Tribal (638 and Self-Governance) programs	5,332	82%
Direct Service programs	1,168	18%
<b>Total General Increase</b>	<b>6,500</b>	



- For FY 2023, there is a 5% CI&P budget increase also comprised of several components.
- Appropriation language again constrains the purpose of each component.
- The only discretionary component is a 1% general program increase.

### 2023 Appropriated Increases:

#### Criminal Investigations & Police Services

Increase Component	Specified Increases	Enacted Funding
<b>2022 Enacted</b>		<b>297,676</b>
- McGirt Reprogram to Detention/Courts		(38,887)
+\$7M: Tribes not Receiving LE Funds	7,000	
Fixed Cost Increase - Direct Service	2,123	
Fixed Cost Increase - 638 Tribal	2,240	
General Increase	4,000	
<b>Overall Increase</b>	<b>15,363</b>	<b>15,363</b>
<b>2023 Enacted</b>		<b>274,152</b>

Change From 2022
28,152
<b>15,363</b>
7,409
85
196
107



## ***Key Take-aways:***



- 1. No allocation method can give a 3% budget increase the same impact as a 35% increase.**
- 2. While more PS&J funding in BIA's budget is good, constraining its purpose with appropriation language often does not benefit the majority of Tribes.**
- 3. Less appropriation report language is better, and allows more increase \$\$ into methodology.**

## ***Looking Forward (2024):***

**The FY 2024 President's Budget prioritizes a \$33.5 million “general” program increase for CI&P funding to minimize potential appropriation language constraints, and to *maximize*:**



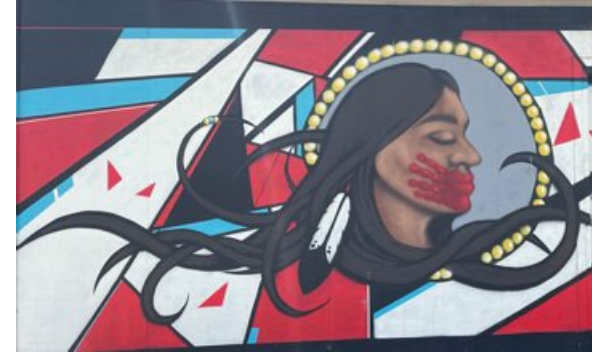
**The impact of the increase on each Tribe, and**



**The overall number of Tribes that will benefit from the increase.**

# FY 2024 Budget Request

# Protect and Support Safe Tribal Communities



- ❖ **+\$35.5M or +15%, +87 FTE, Criminal Investigations & Police Services** – Increase of +\$33.5 for additional boots on the ground and +\$2.0M for new OJS Professional Standards Directorate. (\$316.3M)
- ❖ **+\$14.0M or +13%, Detention/Corrections** – Operational needs, +40 federal FTE and 80 Tribal positions. (\$154.6M)
- ❖ **+\$1.9M or +5%, Tribal Justice Support** – Expands Tiwahe Healing to Wellness courts program. (\$36.7M)
- ❖ **+\$1.0M or +20%, Law Enforcement Program Management** – Expands Emergency Management Program, adds +5 Regional Emergency Managers and +3 Crisis Communications Managers in field operations. (\$8.9M)
- ❖ **+\$2.0M or +12%, Facilities O&M** – Addresses the rising cost of operating PS&J facilities. (\$21.9M)
- ❖ **+\$18.9M, Tribal Courts (TPA)** – Increase of +\$3.0M addresses Courts Operations and Maintenance rising costs; +\$15.0M funds Navajo Nation v. US court finding; +\$0.9M addresses operational needs of Tribal courts. (\$67M)

# Maintain Safe Structures



- *The 2024 budget request proposes \$199.8M for the **Construction** account.*
  - ❖ *+\$15.0M or +15%, PS&J, Facilities Replacement/New Construction - Supports construction of additional replacement facilities, which are currently experiencing rapidly growing costs due to nationwide industry factors. (\$48.5M)*
  - ❖ *+\$2.8M or +58%, PS&J, Employee Housing - Enables construction of additional housing units; Strengthens ability to construct affordable and habitable housing, which is a primary incentive for recruitment and retention of PS&J personnel in Indian country. (\$7.5M)*
  - ❖ *+\$6.0M or +61%, PS&J, Facilities Improvement & Repair - Deferred maintenance; SA-CI. (\$15.9M)*

# 2024 PS&J Request

(Dollars in Thousands)	2022 Enacted	2023 Enacted	2024 Request	Change From 2023
Law Enforcement	501,479	506,290	573,138	66,848
Criminal Investigations & Police Services	297,676	274,152	316,338	42,186
Detention/Corrections	113,369	136,324	154,598	18,274
Inspections/Internal Affairs	3,666	3,751	3,897	146
Law Enforcement Special Initiatives	24,898	25,094	25,454	360
Indian Police Academy	5,056	5,163	5,339	176
Tribal Justice Support	30,809	34,836	36,721	1,885
Law Enforcement Program Management	7,092	7,391	8,883	1,492
Facilities Operations & Maintenance	18,913	19,579	21,908	2,329
Tribal Courts (TPA)	43,169	71,770	66,966	-4,804
Fire Protection (TPA)	1,632	1,665	1,680	15
<b>Total PS&amp;J Budget – Operation of Indian Programs</b>	<b>546,280</b>	<b>579,725</b>	<b>641,784</b>	<b>62,059</b>
Facilities Replacement / New Construction	30,500	33,500	48,500	15,000
Employee Housing	4,494	4,744	7,494	2,750
Facilities Improvement & Repair (FI&R)	9,372	9,872	15,872	6,000
Fire Safety Coordination & Fire Protection	3,445	3,445	3,445	0
<b>Total PS&amp;J Budget – Construction</b>	<b>47,811</b>	<b>51,561</b>	<b>75,311</b>	<b>23,750</b>

# BIA Office of Justice Services Updates:



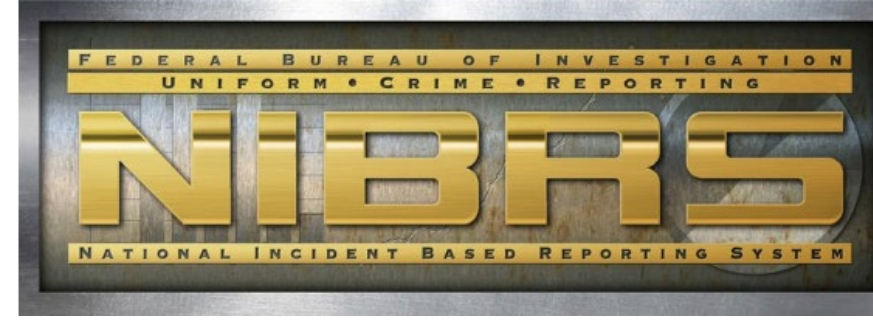
- **Change to OJS funding methodology**
- **Violent crime reporting status**
- **MMIW/P Initiative**
- **Drug Enforcement**



# Change to OJS Funding Methodology

- **Recommendation made at December 2022 TIBC meeting:**
  - For the funding methodology, replace the 2013 AILFR population data with the Tribe-certified enrollment populations collected by OIS in 2021.
- This represented the **first specific** proposal to alter our funding methodology received from TIBC/PS&J Sub. tribal representatives in **more than a decade**.
- OJS immediately secured IA leadership approval and implemented the change within 30 days – in time to use for allocation of 2023 base funding increases.

# Violent Crime Reporting



Since NIBRS transition during 2021, the number of violent crimes reported throughout Indian Country has decreased significantly (56%).

- Total violent crimes reported by all OJS-funded programs in **2020: 7,191.**
- Total violent crimes reported by all OJS-funded programs in **2022: 3,172**

**2022 Reporting problem appears to be consistency rather than capability. Of 230 Originating Agency Identifiers (ORIs) in Indian Country:**

- **194** were/are NIBRS capable
- **151** reported consistently throughout the year
- **20** reported less than six months of the year
- **23** did not submit any reporting.

# Missing & Murdered Initiative

- **Adding investigative and analytical capacity to IC** - 63 MMU positions nationwide.
  - Since inception in 2021, MMU has: **investigated 707** missing and murdered cases; **solved or closed 217** missing person cases; **solved 8** murder cases.
- **Formalizing partnerships:**
  - Developing agreements with states (MT, SD, WA, NM, ND, and OK) on investigating M&M cases.
  - Building on relationships with federal partners such as the U.S. Attorneys' Offices, FBI, and DHS Human Trafficking and Smuggling Center.
- **Advancing capabilities of IC law enforcement:**
  - Search & Recovery resources – Coordinate personnel and equipment: ATVs/watercraft/ground-penetrating radar now available for immediate deployment throughout IC.
  - Investigation equipment– Evidence recovery trucks/teams, crime scene mapping software, DNA testing.
  - Establishing robust training presence in ND with advanced Investigative techniques and tools for Tribes/BIA.

# Drug Enforcement Division

## ■ Drug investigation cases during 2022:

- **187** cases opened during the year
- **58** cases closed by arrest/indictment
- **129** cases remained open/under investigation

## ■ Drug seizures during first half of 2023:

- **1,389** lbs marijuana
- **570** lbs meth
- **37** lbs fentanyl powder
- **338,558** fentanyl pills.
- **188** oxycodone pills
- **3.2** lbs crack cocaine
- **22.8** lbs cocaine powder
- **208** unauthorized Rx pills
- **5,169** THC pills
- **86** grams MDMA
- **9.3** lbs heroin
- **\$461,450** in cash
- **76** firearms





THANK  
YOU!

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