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# National Institute of Justice

## S O L I C I T A T I O N

*Julie E. Samuels, Acting Director*

*January 2001*

### Crime and Justice Research and Evaluation: American Indian and Alaska Native Issues

**APPLICATION DEADLINE:**

March 15, 2001

**U.S. Department of Justice**  
**Office of Justice Programs**  
810 Seventh Street N.W.  
Washington, DC 20531

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For grant and funding information, contact:  
**Department of Justice Response Center**  
800-421-6770

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**Office of Justice Programs**  
**World Wide Web Site:**  
*<http://www.ojp.usdoj.gov>*

**National Institute of Justice**  
**World Wide Web Site:**  
*<http://www.ojp.usdoj.gov/nij>*

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**Office of American Indians and Alaska Native Affairs, OJP**  
**World Wide Web Site:**  
*[http://www.ojp.usdoj.gov/amicannative/whats\\_new.htm](http://www.ojp.usdoj.gov/amicannative/whats_new.htm)*

## PLEASE NOTE! CHANGES IN THE APPLICATION PROCESS

- Privacy Certificate—requirements have been revised
- Protection of Human Subjects—**new form** (310) required
- National Environmental Policy Act—there is a compliance advisory
- Items 10 (Catalog of Federal Domestic Assistance number) and 12 (Geographic Areas Affected by Project—**new form**) of the SF 424 (Application for Federal Assistance)—there are now full instructions for completing these items.

For complete information about these changes, consult the *Guidelines for Submitting Proposals for National Institute of Justice-Sponsored Research*

## Crime and Justice Research and Evaluation: American Indian and Alaska Native Issues

### I. Introduction

The United States has a unique trust responsibility to protect and act for the betterment of Indian tribes. This trust responsibility extends to the protection of Indian sovereignty. The U.S. Department of Justice has sought to fulfill this responsibility by increasing its involvement in addressing crime and justice for American Indians and Alaska Natives during the last six years. This involvement was strengthened in 1997 with the launch of the Indian Country Law Enforcement Initiative. This initiative, developed by the U.S. Departments of Justice and Interior in cooperation with tribal governments, seeks to increase law enforcement standards, enhance public safety, and improve the quality of life in Indian country. The goal of this solicitation is to support research and evaluation projects that will inform and enhance crime prevention, control and criminal justice, and improve the quality of life for American Indians and Alaska Natives.

The National Institute of Justice (NIJ) is soliciting proposals to conduct research and evaluation

studies on crime and justice topics of concern to American Indians and Alaska Natives. NIJ has developed this solicitation with its partner agencies in the U.S. Department of Justice, including the Office of Justice Programs' Office of American Indians and Alaska Native Affairs (AIAN), Drug Court Program Office (DCPO), and Office for Victims of Crime (OVC), and the Office of Community Oriented Policing Services (COPS), and the Office of Tribal Justice (OTJ).

The authority for this solicitation derives from the following sources:

- Since 1995, NIJ in partnership with COPS, has instituted a broad research and evaluation agenda focused on transformations taking place in policing. NIJ has awarded research grants as part of this partnership through financial support under the authority of the Public Safety Partnership and Community Policing Act (Title I) of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act) [see

42 U.S.C. X 3796dd-4, 3793 (c) (11) (B)]. These awards total more than \$47 million for research and evaluation efforts regarding the implementation, consequences, and implications of community oriented and problem-solving policing. \$300,000 is being made available for an assessment of law enforcement for American Indians and Alaska Natives in Public Law 280 states through this solicitation.

- NIJ and DCPO have cooperatively funded evaluations of drug courts since 1994. The initial focus was on developing an evaluation framework and conducting evaluations on adult drug courts. This partnership has continued with the support of a national evaluation of juvenile drug courts, and research on adult and juvenile drug courts. \$200,000 is being made available for a process evaluation of tribal drug courts through this solicitation. The authority for this process evaluation of tribal drug courts can be found in Section 2209, Part V, Title V, of the Violent Crime Control and Law Enforcement Act of 1994. This section of the Act states that the Attorney General may make arrangements for evaluations of drug court programs that receive grant support from OJP.
- NIJ began its partnership with the Office for Victims of Crime (OVC) in 1997. The Victims of Crime Act (VOCA) of 1984, as amended, 42 U.S. Code 10601, et. seq. authorizes the evaluation of VOCA- supported compensation and assistance programs. In addition, section 1402 of the Victims of Crime Act of 1984, 42 U.S.C. 10601, et. seq. states that the Attorney General, acting through the Director of the Office for Victims of Crime, shall make grants for the purpose of assisting Native American Indian tribes to improve the investigation, prosecution and overall handling of cases of child abuse, particularly child sexual abuse. \$90,000 is being made available for developing

an issues report on victims' rights in Indian country through this solicitation. This report will serve as a model for tribal victims programs and a beginning in the evaluation of these programs.

## II. Background

Available research on crime and justice in Indian country confirms the significant need that was instrumental in launching the Indian Country Law Enforcement Initiative. This need is demonstrated by the following selected findings from completed research including the 1999 Bureau of Justice Statistics report *American Indians and Crime* (see **Applying** section below for information on how to obtain this publication):

- Rates of violent victimization for both males and females are higher among American Indians than for all race and ethnic groups. For example, the rate of violent crime experienced by American Indian women is nearly 50% higher than that reported by black males.
- Substance abuse and the co-occurrence of alcohol use and offending is particularly high among American Indians.
- At least 70% of the violent victimizations experienced by American Indians are committed by persons of another race - a substantially higher rate of interracial violence than that experienced by white or black victims.
- American Indian youth involvement in gangs is a growing problem.
- A severe lack of resources for law enforcement in Indian communities exists, including lack of trained law enforcement personnel and adequate jail facilities.
- A strong disconnect exists between the structure and values of traditional law enforcement with the cultural values of American Indians subject to this law enforcement.

NIJ, OJP's AIAN, and other OJP bureaus and offices convened a strategic planning meeting on Crime and Justice Research in Indian Country in October, 1998 in cooperation with other U. S. Department of Justice agencies, to raise and consider central issues for research. Tribal participants at this meeting emphasized the need for researchers to recognize the importance of tribal sovereignty and the need for culturally sensitive research on American Indian crime and justice issues. They also emphasized the feelings of tribes that they have been **used by** rather than **able to use** research. Attendees also emphasized the high rates of crime and violence affecting American Indian people and the need for additional crime prevention, law enforcement and criminal justice research in Indian communities that can be effectively and efficiently utilized.

There is a great need to overcome this deeply held mistrust of research so that tribes can use the results of research for effective crime prevention and system improvement. Still, the results of this meeting indicate that a comprehensive research program in this area would be timely and assist tribal efforts to improve policy and practice. This view is supported by additional outreach meetings held on Alaska tribal justice policies and practices, youth gangs and suicide among American Indian youth; emerging research findings; and the continuing DOJ involvement in the Indian Country Law Enforcement Initiative

All too frequently, studies addressing crime and justice in tribal communities and native villages have reflected limited knowledge of local cultures and indigenous justice systems. Researchers are therefore further encouraged to: (1) make greater efforts to involve indigenous people in the design and implementation of their research; (2) work to provide research findings that have clear practical implications for the community in which the study

was conducted, as well as for American Indian communities in general; and (3) use methods of inquiry based on - and sensitive to - local customs and values. These recommendations apply to projects supported by this solicitation. Such projects should reflect efforts to involve local community participants in the design and implementation of any research or evaluation conducted in tribal and Alaska Native communities. Projects should use culturally appropriate methods of inquiry and should offer practical implications with relevance to both the local community and broader audiences. NIJ expects to use the results of these projects to provide empirically based guidance regarding criminal justice and crime prevention policies and practices in tribal communities and native villages.

### **Special Considerations for Program**

**Evaluations.** Funding available through this solicitation is intended to support research and evaluation efforts only. Applications proposing program evaluations should not request funds for service delivery, program materials, facility costs, or any other programmatic expenses that are not directly related to the evaluation. Further, due to the time and difficulty involved in launching crime and justice programs, it is strongly recommended that evaluations address programs that are already in place and operational.

## **III. Areas of Research Required**

### **A. Process Evaluation of Tribal Drug Courts**

This process evaluation is part of the ongoing partnership between NIJ and DCPO to support research and evaluations of drug courts. The goal of this process evaluation is to gain practical descriptive information on the implementation of tribal drug courts that can provide feedback to those involved in adapting the drug court approach to the tribal context.

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Starting in the late 1980s, local teams of judges, prosecutors, attorneys, treatment providers, law enforcement officials and others are using the coercive power of the court to compel abstinence and alter behavior with a combination of intensive judicial supervision, escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs.

Tribal courts expressed an interest in the drug court approach and have made significant progress in recent years. DCPO determined early on that the drug court concept would need to be adapted significantly in order to meet the specific needs of Indian Nations. Working with a group of experts on tribal courts and substance abuse, DCPO has developed and implemented a curriculum for tribal drug court training sessions with representatives from tribal courts, law enforcement, treatment providers, tribal government, native communities and others. These sessions are ongoing with the purpose of aiding individual communities in developing action plans for drug courts.

## **Objectives**

This process evaluation will focus on tribal drug courts that exist or have existed at the Poarch Creek Reservation, the Hualapai Reservation, the Fort Peck Reservation, and the Blackfeet Reservation. It will include the development of a conceptual framework describing and documenting tribal drug court programs that includes but is not limited to:

- The operational features of tribal drug courts including layout of drug court program elements including arrest, intake, treatment and completion;
- The population served;
- The types of treatment modalities that are applicable to tribal drug courts;

- The types of incentives and sanctions that are used for this population;
- The use of indigenous justice processes;
- The role of family and community in tribal drug courts;
- Links between tribal drug courts and other agencies in the community;
- The measures and indicators of success that are being or could be used for tribal drug courts including cessation of criminal behavior or drug use; and
- Lessons learned in the implementation of tribal drug courts.

## **Award Period**

The project period will be for up to two years.

## **Award Amount**

Up to \$200,000 is available for this evaluation program. This will support one grant that will focus on drug courts developed at the reservations identified above.

## **B. Victims Rights and Services Among American Indian Tribes**

This project is part of the ongoing partnership between NIJ and OVC to assess the effectiveness of compensation and assistance programs funded by the Victims of Crime Act (VOCA) in meeting the needs of crime victims. Victim compensation programs reimburse crime victims for crime-related expenses such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support, to the extent that these expenses are not covered by other collateral resources such as private insurance or offender restitution. Victim assistance provides services to crime victims such as

crisis intervention, counseling, emergency shelter, criminal justice advocacy, and emergency transportation. The overall goal of these programs is to provide a seamless web of services and support to reduce financial, physical, psychological, and emotional costs of victimization.

In addition to the support of victims' programs in the states and territories, OVC began funding reservation-based victim assistance programs in 1988. The goal of this project is to provide an in-depth study of victims rights and services at one tribal site.

This study will serve as a model that can be used by OVC to collect similar information at other tribal sites. In this fashion, it will help leaders at the tribal, state and federal levels expand and enforce rights for victims of crime in Indian country.

Among the difficulties in ensuring victims' rights in Indian country are outdated tribal laws, policies and court procedures; inadequate and unstable funding for victim services; and a lack of cross-discipline training opportunities for tribal and federal judges and other judicial personnel, U.S. Attorneys' staff, law enforcement officials, social service providers, and other federal employees on Indian-specific issues. In addition, there is a need for intensive technical assistance and specialized training in victim advocacy and assistance issues.

## **Objectives**

This project will support the study of victims' rights and services at one tribal site. Applicants should include a detailed justification regarding site selection, including the criteria used to make this determination.

This study will include:

- an inventory of legislated victims' rights and available services for crime victims;

- an analysis of what rights and services are officially furnished to victims;
- victims' perceptions (including those not served by victims' programs) of their rights, the services they think should be provided, and what services they think are actually being provided;
- an analysis of the similarities and differences between what is officially available for victims and victims' perceptions of what they receive and need including an identification of factors that enhance and hinder comprehensive victim service delivery at this site; and
- recommendations of promising strategies for improving services for American Indian crime victims in this tribal environment.

OVC will use the information developed in this study as a basis for studies in additional tribal sites. As such, the results of this effort will inform tribal, state and federal leaders, and government funding agencies on victims' rights and services in one part of Indian country.

## **Award Period**

This project will be for up to 18 months.

## **Award Amount**

Up to \$90,000 is available for one grant.

## **C. An Assessment of Indian Country Law Enforcement in PL-280 States**

This project is part of the ongoing partnership between COPS and NIJ to support research and evaluation studies on policing. The goal of this project is to study the nature of Indian country law enforcement in PL-280 states.

The Department of Justice policy on Indian sovereignty and government-to-government relations with Indian tribes states that “federal and tribal law generally have primacy over Indian affairs in Indian country, except where Congress has provided otherwise.” 61 Fed. Reg. 29424, 29425 (1996).

Through Public Law 280 (“PL-280”), 18 U.S.C. §1162, 25 U.S.C. §§ 1321 - 1326, 28 U.S.C. § 1360, Congress “provided otherwise” by transferring federal criminal jurisdiction “over offenses committed by or against Indians” and limited civil jurisdiction within Indian country to states in six designated states. Minnesota, California, Nebraska, Oregon, and Wisconsin were part of the original 1953 enactment; Alaska was added to the list by amendment in 1958. During this time, Congress perceived that there was a lack of law enforcement on certain Indian reservations. Congress enacted PL-280 to enhance reservation law enforcement in the mandatory states identified above and provided certain other states an option to assume criminal jurisdiction. (Ten states had accepted this invitation by 1968). [18 U.S.C. § 1162; 25 U.S.C. § 1321]. Notably, PL-280 was adopted and implemented without the consent of the affected tribes and was put in place without the provision of any federal financial support for the newly established state law enforcement responsibilities. Tribes have been and remain outspoken opponents of PL-280. In 1968, PL-280 was amended to require tribal consent to state jurisdiction. Since 1968, no tribe has given its consent. Instead, Indian tribes have frequently attempted to undo the effects of this statute either through retrocession (which restores the jurisdictional scheme that predates the reenactment of the statute) or by proposals for legislative repeal. A frequent issue that arises is whether, under PL-280, Indian tribes continue to possess concurrent criminal jurisdiction in light of PL-280’s delegation of criminal jurisdiction to states. The more authoritative

view is that under PL-280 tribes possess concurrent jurisdiction over crimes by Indians.

Little current research exists on law enforcement in PL-280 states (see Goldberg and Singleton, forthcoming, available to those applying to this solicitation). Little is known about the law enforcement and dispute resolution infrastructure, the resource base, service delivery, adaptations, and potential jurisdictional vacuums in Indian country that are under the authority of PL-280. This study will serve as a first step in providing a systematic study of these issues. The results of the study will help leaders at the tribal, state and federal levels improve and enhance law enforcement services to Indian country in PL-280 states.

## **Objectives**

This project will support a national study of law enforcement in Indian country in PL-280 states. This study should be broadly focused with an emphasis on empirically-based knowledge that can be used to help improve law enforcement services in Indian country in PL-280 states. This study should include, but is not limited to, the following topics:

- Descriptions of law enforcement operations and systems in Indian country in a variety of PL-280 states including, to the extent possible, quantitative information regarding how law enforcement and criminal justice responds to criminal incidents reported;
- Information regarding the perceptions of tribal government officials, tribal law enforcement, tribal community members, state and local law enforcement, and others regarding law enforcement services in Indian country in PL 280 jurisdictions. If possible, compare these perceptions to those in Indian country in non-PL-280 jurisdictions; and

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- Make recommendations regarding innovative practices that are being used to help improve law enforcement services in Indian country in PL-280 states. Examples could include inter-tribal consortia of law enforcement agencies and courts, and cross-deputization agreements.

## Award Period

This project will be for up to 24 months.

## Award Amount

Up to \$300,000 is available for one grant.

## IV. How to Apply

Those interested in submitting proposals in response to this solicitation must complete the required application forms and submit related required documents. (See below for how to obtain application forms and guides for completing proposals.) Applicants must include the following information/forms to qualify for consideration:

- Standard Form (SF) 424—application for Federal assistance
- **Geographic Areas Affected Worksheet NEW FORM**
- Assurances
- Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (one form)
- Disclosure of Lobbying Activities
- Budget Detail Worksheet
- Budget Narrative
- Negotiated indirect rate agreement (if appropriate)
- Names and affiliations of all key persons from applicant and subcontractor(s), advisors, consultants, and advisory board members. Include name of principal investigator, title, organizational

affiliation (if any), department (if institution of higher education), address, phone, and fax

- Proposal abstract
- Table of contents
- Program narrative or technical proposal
- **Privacy certificate REVISED**
- **Form 310 (Protection of Human Subjects Assurance Identification/ Certification/ Declaration) NEW FORM**
- **Environmental Assessment (if required) NEW**
- References
- Letters of cooperation from organizations collaborating in the research project
- Résumés
- Appendixes, if any (e.g., list of previous NIJ awards, their status, and products [in NIJ or other publications])

**Confidentiality of information and human subjects protection.** NIJ has adopted new policies and procedures regarding the confidentiality of information and human subjects protection. Please see the *Guidelines for Submitting Proposals for National Institute of Justice-Sponsored Research* for details on the new requirements.

**Proposal abstract.** The proposal abstract, when read separately from the rest of the application, is meant to serve as a succinct and accurate description of the proposed work. Applicants must concisely describe the research goals and objectives, research design, and methods for achieving the goals and objectives. Summaries of past accomplishments are to be avoided, and proprietary/confidential information is not to be included. Length is not to exceed 400 words. Use the following two headers:

**Project Goals and Objectives:**

**Proposed Research Design and Methodology:**

**Page limit.** The number of pages in the “Program Narrative” part of the proposal must not exceed 30 (double-spaced pages), no matter the amount of funding requested.

# S o l i c i t a t i o n

**Due date.** Completed proposals **must be received** at the National Institute of Justice by the close of business on **March 15, 2001**. Extensions of this deadline will not be permitted.

**Award period.** In general, NIJ limits its grants and cooperative agreements to a maximum period of 12 or 24 months. However, longer budget periods may be considered.

**Number of awards/amount.** NIJ anticipates supporting 3 grants under this solicitation totaling \$590,000:

A. Process Evaluation of Tribal Drug Courts - \$200,000.

B. Victims Rights and Services Among American Indian Tribes - \$90,000.

C. Indian Country Law Enforcement in PL-280 States - \$300,000.

**Applying.** Two packets need to be obtained: (1) application forms (including a sample budget worksheet) and (2) guidelines for submitting proposals (including requirements for proposal writers and requirements for grant recipients). To receive them, applicants can:

- Access the Justice Information Center on the Web: <http://www.ncjrs.org/fedgrant.htm#nij> or the NIJ Web site: <http://www.ojp.usdoj.gov/nij/funding.htm>

These Web sites offer the NIJ application forms and guidelines as electronic files that may be downloaded to a personal computer.

- Request hard copies of the forms and guidelines by mail from the National Criminal Justice Reference Service at 800-851-3420 or from the Department of Justice Response Center at 800-421-6770 (in the Washington, D.C., area, at 202-307-1480).
- Request copies by fax. Call 800-851-3420 and select option 1, then option 1 again for NIJ. Code is 1023.

Applicants are also invited to request the following background materials from the Department of Justice Response Center:

- Bureau of Justice Statistics. 1999. American Indians and Crime. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- "Report of the Executive Committee for Indian Country Law Enforcement Improvements," October, 1977.
- "Proceedings: Strategic Planning Meeting on Crime and Justice Research in Indian Country," 1998.
- "Research Priorities: Law Enforcement in Public Law 280 States," Carole Goldberg and Heather Singleton

**Guidance and information.** Applicants who wish to receive additional guidance and information may contact the U.S. Department of Justice Response Center at 800-421-6770. Center staff can provide assistance or refer applicants to an appropriate NIJ professional. Applicants may, for example, wish to discuss their prospective research topics with the NIJ professional staff.

## Send completed forms to:

Crime and Justice Research and Evaluation:  
American Indian and Alaska Native Issues  
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Room 7323  
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Washington, DC 20531  
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**SL000455**

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If you have any questions, call or e-mail NCJRS.