

NLWJC-2006-0197-F (seg 3) Kagan

Folder: Native American Issues –

Law Enforcement [1]

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NATIVE AMERICAN ISSUES - LAW ENFORCEMENT

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Native American -
law enforcement
U. S. Department of Justice
Office of the Attorney General

Counselor to the Attorney General

Washington, D.C. 20530

May 14, 1998

Ms. Elena Kagan
Deputy Assistant to the President
for Domestic Policy
The White House
Second Floor, West Wing
Washington, D.C. 20502

Dear Elena:

Enclosed is a very encouraging letter from Senator Kyl about the Indian Country crime issue. In light of all the help you have provided on this issue, I thought you would be interested.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ogden", is written below the word "Sincerely,".

David W. Ogden
Counselor to the Attorney General

Enclosure

JOHN KYL
ARIZONA
HART SENATE OFFICE BUILDING
(202) 224-4521

COMMITTEES:
JUDICIARY
INTELLIGENCE
ENERGY AND NATURAL RESOURCES

United States Senate

WASHINGTON, DC 20510-0304

4400 EAST CAMELBACK ROAD
SUITE 120
PHOENIX, AZ 85016
(602) 840-1821

7315 NORTH ORACLE ROAD
SUITE 220
TUCSON, AZ 85704
(520) 576-8833

May 12, 1998

Dear Colleague:

Violent crime on our Nation's Indian reservations has risen to epidemic proportions. I held a field hearing in Phoenix recently to highlight the problem. Tribal leaders and law-enforcement representatives spoke passionately about the horrendous effects of the crime wave, and their lack of resources to deal with it. What I found can only be described as shocking.

Crime on Indian reservations is becoming increasingly violent. In 1997, the FBI opened 6,002 new cases on Indian reservations, a 28 percent increase from 1994-1996, of which 83 percent were either violent crimes or child physical or sexual abuse. Much of the violence can be attributed to a more than two-fold increase in the last three years in the number of active gangs on or near Indian reservations.

Meanwhile, tribes lack basic resources to address this growing threat. Police are overwhelmed — Indian communities have on average 1.3 officers per thousand of population, compared to an average of 2.9 per thousand in small non-Indian communities. There is a scarcity of tribal investigators, prosecutors, and other court resources. In addition, detention and correction facilities are either inadequate or non-existent.

At the hearing, perhaps the best summary of this public safety crisis was offered by Chairman Earl Havatone of the Hualapai Nation: "Hualapai members do not enjoy the basic assurances that police will respond to calls for assistance on a range of issues from violent crimes to accidents. On the other side, the law enforcement personnel must be fearful as well, for they work without backup, without basic computer systems that would provide key information about the criminal history of individuals they stop, and without adequate training or equipment. The only ones who can live without fear on our reservation are those who engage in criminal activity, for they have no reason to fear the criminal justice system because the odds are in the criminals' favor that they will never be caught or prosecuted."

The attached article from the Chicago Tribune describes in graphic detail the problems encountered on the Navajo reservation. It is located in a remote corner of the Southwest, but had 46 homicides in 1996 — a rate that would place it among the top 20 most violent cities. I encourage you to take a few moments to read the article. If you do, I am sure you will agree with me that Congress must provide better support for federal and tribal law enforcement.

Sincerely,



Jon Kyl
United States Senator

Native American -
Law Enforcement



Jose Cerda III

01/20/98 04:19:47 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Deich/OMB/EOP
cc: Leanne A. Shimabukuro/OPD/EOP
Subject: COPS and Indian Directive

FYI -- especially BR before you see the AG at your 5:30 meeting:

After our sex offenders meeting, I had a borderline shouting match with Kent on the Indian COPS issue. He's pretty steamed, and I wouldn't be surprised if he gets to the AG before the 5:30pm w/Erskine. I stuck by the fact that this is an issue better resolved in the COPS working group -- not in the budget/approps language -- and that it didn't mean the issue was dead. Also, I pointed out that proposing approps language in the budget didn't guarantee any results whatsoever.

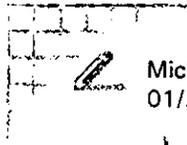
Kent argued that this was a no brainer; that this showed we weren't committed to the Indian Initiative; that he resented the WH not showing deference to DOJ on this "technical" issue; that this would send the wrong signal to Indian Country; the lists goes on...

I offered to hold a joint DOJ/WH meeting w/Indian Country to demonstrate our commitment; reminded him that the initial push to do something in Indian Country was focused first on improved federal coordination, second on targeting current resources, third on looking for new funds, and that these priorities had now been reversed; and that -- whether or not the budget proposed new language on equipment -- we still needed to work w/the appropriators and others to make this happen.

I'm sure I've missed a few things, but you get the gist...

Loving my job,
Jose'

Native American -
Law Enforcement



Michael Deich
01/20/98 04:29:57 PM

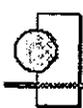
Record Type: Record

To: Jose Cerda III/OPD/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP

Subject: Re: COPS and Indian Directive 

If Kent is correct, and this is truly a 'technical' fix, then DOJ should not object to following the standard procedure that provides for a full vetting of issues, after which a 'technical' budget amendment is sent up sometime after the budget is released.



Jose Cerda III

01/22/98 12:18:12 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: COPS Indian Funding

This may be old new, but FYI. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 01/22/98 12:17 PM -----



James Boden

01/22/98 11:53:13 AM

.....

Record Type: Record

To: Jose Cerda III/OPD/EOP

cc:

Subject: COPS Indian Funding

We have received the Department's Congressional Justification for review and approval. COPS continues to argue that they cannot use innovative funding for Indians, we disagree. We will engage them in a discussion on this point and I wanted to alert you because DOJ may call you when we return the following language as unacceptable:

Under the terms of the Department of Justice Appropriations Act, 1997, except to the extent that limited carryover is utilized for innovative programs pursuant to reprogramming provisions, no funding may be directed toward innovative programs.- A reprogramming request was approved during FY 1997 to fund Problem Solving Partnership applications submitted in FY 1996 and to support solicitations for proposals under an Advancing Community Policing initiative. The COPS Office plans to continue funding Problem-Solving Partnership grants and Advancing Community Policing grants during FY 1999 with available carryover funds.

The prohibition cited is only in Report language, which is non-binding. I suggest that we drop the reference to FY 1997 and instead state our intention to use innovative funds for the Indian Initiative as follows:

~~Under the terms of the Department of Justice Appropriations Act, 1997, except to the extent that limited carryover is utilized for innovative programs pursuant to reprogramming provisions, no funding may be directed toward innovative programs.~~ A reprogramming request was approved during FY 1997 to fund Problem Solving Partnership applications submitted in FY 1996 and to support solicitations for proposals under an Advancing Community Policing initiative. The COPS Office plans to continue funding Problem-Solving Partnership grants and Advancing Community Policing grants during FY 1999 with available carryover funds. *In addition, the COPS Office anticipates using up to \$54 million in innovative program funding to promote community policing and to improve the law enforcement capability on Indian lands. The Administration is well aware of Congressional concerns regarding the use of COPS funding for non-hiring purposes. However,*

improving the law enforcement capability on Indian lands presents unique challenges and must include the provision of basic law enforcement needs that cannot be addressed by the hiring programs or other available grant programs alone.

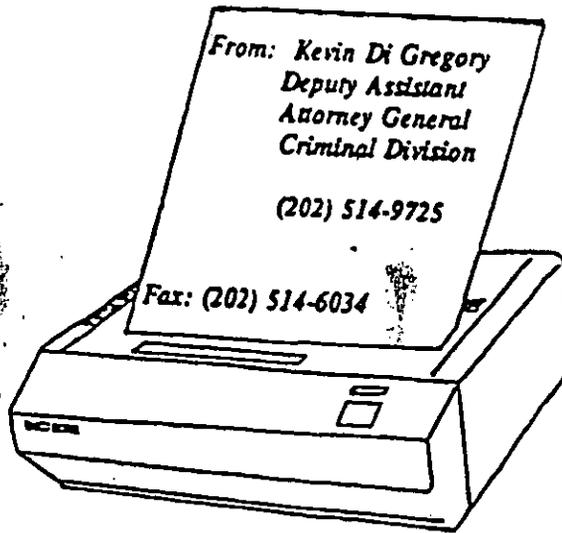
Please let me know what you think.



U.S. Department of Justice

Washington, D.C. 20530

Native American -
law enforcement



DATE: 12/5/97

TO: ELENA KAGAN
White House

NO. OF PAGES: 4-including cover

FAX NO. 456-2878

PHONE NO. 456-5584

COMMENTS

ELENA,

PER DAVID OGDEN REQUESTS.

Thanks,
Kevin

DRAFT

DRAFT (2:00 pm, 12/5/97)

Appeal for Indian Country Initiative

For the Indian Country Initiative, OMB has included \$205 million on the Presidential Priority Reserve Candidate list. However, in the event that this is not funded by the President's Priority Reserve, OMB provided \$40 million in new funds for juvenile justice, drug testing/treatment, and Tribal court initiatives. The remainder, according to OMB, is to be funded by redirecting and targeting base funds. While I commend OMB for recognizing the severity of law enforcement problems in Indian Country, OMB's proposed solution is unacceptable to me and to Secretary Babbitt for the following key reasons:

- o This is a Presidential initiative. As such, we have emphasized repeatedly to the Tribes and others that it represents a long-term commitment, designed to institutionalize comprehensive solutions to serious, long-standing problems. Funding this initiative, even initially, exclusively through grants sends a very different message--one that will undoubtedly be seen by Tribes as a retreat in our resolve to make this initiative work. This is particularly true because the needs covered under this initiative are not of the sort generally covered by grants--that is, grants typically provide seed money to help state and locals develop new programs that they will ultimately assume responsibility for funding. Thus, the proposal to use grant funding is both temporary and inappropriate to meet the need.
- o Use of grant funds would not allow the Bureau of Indian Affairs (BIA) to hire, train, and equip federal law enforcement, detention, and support personnel. Enhancing BIA's law enforcement services is important, particularly to improve law enforcement services provided to those Tribes that choose not to contract or compact all or portions of the law enforcement and detention functions. A significant portion of the total costs are to hire permanent BIA employees, to cover operations and maintenance costs, to pay for training needs, and to buy essential equipment.
- o Current restrictions on grant funding would limit use of funds by Tribes. For example, COPS funds cannot be used to pay for equipment and training (indeed, the lack of funding for equipment and training has prevented most Tribes from actively participating in the COPS program). Providing funds for additional law enforcement personnel without essential tools would fail to remedy the problems resulting from the shortage of trained and equipped law enforcement officers in Indian Country. Furthermore, the COPS grants would expire in 3 to 5 years, just when the initiative as proposed would be reaching full implementation.

DRAFT

- o Use of grant funds does not establish a solid budget foundation for this program. As currently planned, funding for this initiative will increase in each of the next three fiscal years. Even if grants can be earmarked to cover the first year of the initiative, grant funding may not be available to cover the out-year planned increases. To make this initiative work, we must build into the FY 1999 budget base funding that will carry over into future fiscal years (notwithstanding that we are all subject to annual appropriations). We would rather make the case with Congress now and see whether we are successful than begin this initiative only to find out next fiscal year that the Congress is unwilling to provide the funding critical to its continuation.

DRAFT

On December 4, 1997, Secretary Babbitt and I agreed that the Department of the Interior (DOI) will continue to provide law enforcement services to Indian Country. Therefore, instead of the guidance provided in OMB's passback, I propose that \$11 million be placed on the Presidential Priority Reserve Candidate list for DOJ (for FBI and USAs). In addition, DOI will request \$90 million from the Presidential Priority Reserve for uniformed officers, criminal investigators, detention staff, and other related needs. Together, these requests will provide for the 1999 costs related to phasing in required increases over a 4-year period. In addition, \$40 million would be earmarked in the DOJ Correctional Grant Program for detention facility construction in Indian Country. Furthermore, an additional \$40 million for DOJ, as contained in the OMB passback, would fund juvenile justice initiative, drug testing/treatment, and assistance to Tribal Courts.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20245

IN REPLY REFER TO:

FROM THE OFFICE OF THE
DEPUTY COMMISSIONER OF INDIAN AFFAIRS

FAX TRANSMITTAL SHEET

Date: 12-5-97

Please call 202/208-5116 if you do not receive 3 page(s) including cover sheet in it's entirety.

TO: *Elaina Kager*

OFFICE: *WH DPC*

PHONE:

FAX: *456-2878*

FROM: *Hilda Manuel*

OFFICE: DEPUTY COMMISSIONER

PHONE: 202/208-5116

FAX: 202/208-5320

MESSAGE:

CLINTON LIBRARY PHOTOCOPY

Department of the Interior (DOI)
Passback Summary
FY 1999 Budget

Passback covers funding for base programs and existing initiatives.

- Total agency funding level for FY 1999 is \$7,411 million (-\$57 million or 0.7% under FY 1998 enacted, excluding the DOI portion of the special I.WCF funding in FY 1998 of \$699 million.)
- Existing priority programs (NPS operations, TPA) are increased 3% over FY 1998 enacted. Other land management agency operating programs are funded at or above FY 1998 enacted. Everglades restoration is funded at \$300 million spread over six years, with \$50 million provided in FY 1999.
- The President will consider new initiatives funded from the Priority Reserve. Initiatives for DOI included by OMB are Species and Habitat Protection (+\$50 million), Consolidation of Fractionated Indian Land Ownership (+\$25 million), Presidio Trust borrowing authority (+\$25 million), and Guam Compact Impact Assistance (+\$5.5 million). In addition, OMB has included on the Priority Reserve consideration list Department of Justice funding for an Indian Country Law Enforcement initiative (+\$205 million).
- For the FY 1999 budget, DOI should begin using estimates of expected FTE usage instead of an FTE ceiling. DOI has made progress on tribal trust fund reform, and should work with OMB and other agencies to determine the most effective way to approach settlement offers, negotiations, and funding. The Department and NPS should implement reform proposals to manage construction, user fees, and concessions in an efficient, accountable manner, including prioritizing \$500 million of the most critical construction and maintenance needs. OMB will continue to monitor agency progress on "Year 2000" problem resolution against goals, and will use budgetary and other tools as necessary to ensure that progress is satisfactory.

CLINTON LIBRARY PHOTOCOPY

Bureau of Indian Affairs (BIA).....

+50 +85

Total discretionary funding for BIA would be \$1.752 billion in FY 1999 (\$50m or +3% over FY 1998 enacted). The passback amount covers the continuation of BIA's current operations. Additionally, the proposed Endangered Species Act initiative (\$1m), which has been included in the Species and Habitat Initiative, and the Indian land consolidation initiative have been sent to the President for consideration for funding out of the Priority Reserve.

Operation of Indian Programs: \$1.568 billion (\$40m or +3% over FY 1998 enacted). This level assumes a \$20 million increase to Tribal Priority Allocations to fully fund the request for costs associated with contracting and general assistance initiatives to improve facilities at institutions serving non-medically disabled adults so that they may be brought up to code and turned over to states, and to strengthen tribal work programs, consistent with the BIA's strategic plan. No general increases are included for TPA as a whole or for general assistance.

The OMB mark assumes restoration of high-priority trust program requests that were cut by Congress in FY 1998, to fund land records initiatives and begin a good faith effort of addressing the rapidly rising number of environmental violations issued by the EPA on Indian reservations, and new funding for the probate backlog initiative in support of DOI's multi-faceted trust management improvement efforts.

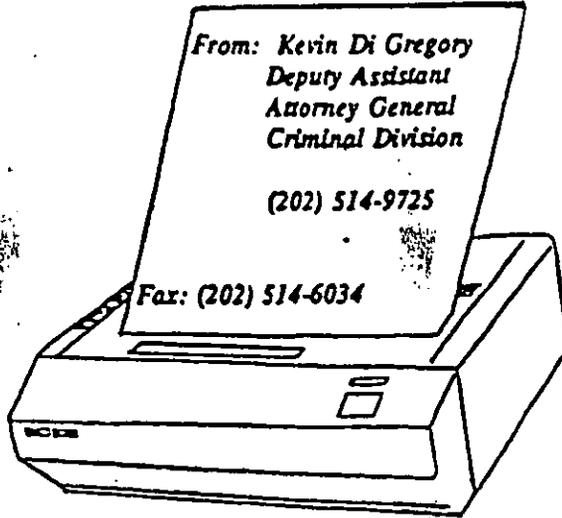
Education is funded at \$474 million (\$14m or +3% above the FY 1998 enacted level). BIA should determine the most appropriate allocation of funds between activities, with basic student needs as the highest priority. In support of BIA goals to increase tribal contracting, the OMB mark also includes \$3 million in severance funds as needed for the conversion to contract status of schools on the Navajo Reservation.

BIA should explore funding the request for a new child protection grants program, additional Hopi law enforcement, and improvement and/or repair of detention centers (including the consent decree requirements) through the joint BIA-DOJ law enforcement initiative. OMB is including for consideration for Priority Reserve funding a total of \$205 million in DOJ funding for this initiative. The initiative would provide a \$40 million increase to DOJ for tribal courts, drug and youth crime prevention programs and an additional \$165 million through existing DOJ law enforcement grant programs serving Indian communities. DOI and DOJ should decide on organizational and policy arrangements for effectively coordinating their enhanced law enforcement activities on Indian reservations.

Nation American - law enforcement

U.S. Department of Justice

Washington, D.C 20530



DATE: 12/5/97

TO: Elena Kagan
White House

NO. OF PAGES: 2

FAX NO. 456-2878 PHONE NO. 456-5584

COMMENTS

Elena,
PER REQUEST OF DAVID Ogden. IF
YOU NEED FURTHER ASSISTANCE, PLEASE
FEEL FREE TO GIVE US A CALL.

Thanks,
Kevin

December 4, 1997

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Indian Country Enhancement
FY 1999
OMB Passback Appeal

Item	Positions	FTE	Dollars	Comments
TO BE FUNDED FROM PRESIDENTIAL PRIORITY RESERVE				
Included in DOJ Request				
FBI Safe Trails	50	25	4,657	Includes 30 agents
FBI Victim Witness Coord.	31	16	3,352	
AUSAs and Support	35	18	3,466	Includes 26 AUSAs
OJP Management and Admin.	12	6	...	
Subtotal	128	65	11,475	
Included in DOI Request				
Training Facility	...	...	2,000	Formerly part of FBI request.
Indian Police Academy	...	...	1,000	
Field Offices Staff	60	30	2,583	
Field Offices Set-up	...	...	480	
Administrative Support	40	20	1,722	
Uniformed Officers	512	256	38,863	
Criminal Investigators	49	25	4,937	
Dispatchers	165	83	5,940	
Clerical Support	63	32	2,249	
Detention Staff	206	103	9,441	
Detention Technical Assist.	...	...	250	
Detention Contracting	...	...	5,000	
Detention Modern. & Repair	...	...	12,600	
Facilities O&M	...	...	2,600	
Computer Equipment	...	...	380	
Subtotal	1,095	549	90,045	
TOTAL PRIORITY RESERVE	1,223	614	101,520	
TO BE FUNDED FROM DOJ GRANT PROGRAMS				
Prison Construction (earmark)	...	...	40,360	
Drug Testing/Treatment	...	...	10,000	
Juvenile Justice	...	...	20,000	
Tribal Courts	...	...	10,000	
TOTAL GRANTS	...	...	80,360	
TOTAL INDIAN COUNTRY INITIATIVE	1,223	614	181,880	

- \$15.0 million for two Nightstalkers (\$10 million funded)
- \$0.9 million for HRT operational airlift support (\$1.5 million funded)

- Other Guidance

The 1999 appropriations bill includes authority for the Federal Bureau of Investigation to develop a three year pilot program for compensation of non-Special Agents in scientific, technical, and similar positions. Authority is also provided for the Treasury Department to implement demonstration programs for such positions in the Bureau of Alcohol, Tobacco, and Firearms, the United States Customs Service, and the United States Secret Service. While OMB strongly support efforts to ensure the highest quality workforce for law enforcement agencies, the new authority appears not to be necessary. Little evidence of recruitment and retention problems for these occupational categories has been provided to OMB, and if there are problems, it appears that they could be solved by the use of existing authorities. In addition, the budget impact of implementing the provisions is not known. The two departments are requested to work with the Office of Personnel Management and OMB to resolve these issues before developing any plan to implement the new authority.

Indian Country Law Enforcement

While this item is included in the list of potential funding increases from the Presidential Reserve, the Passback level includes the requested funding by redirecting and targeting existing programs toward Indian Country. Unless additional funds are provided from the Presidential Reserve, increased funding for Indians should be provided in the following manner:

- Items Funded
 - \$10 million for tribal courts
 - \$10 million for drug programs
 - \$20 million for youth crime prevention programs
- Items Redirected/Targeted Within Base
- \$165 million for the Indian Country law enforcement initiative, to be achieved by targeting existing COPS, OJP, FBI, and U.S. Attorneys' resources towards Indian Country. The chart below shows how OJP and COPS grants should be targeted. In two

Native American - law enforcement

cases -- Tribal Courts and Juvenile Justice At-Risk -- new programs for Indian Country would be created. Within existing resources, the FBI should increase its spending on Indian Country from \$13 million to \$23 million, and the U.S. Attorneys should increase Indian Country funding from \$10 million to \$14 million.

Components w/ Indian Programs	Total 1999 Recommendation	Current allocation for Indians (\$)	Current allocation for Indians (%)	Proposed allocation for Indians (\$)	Proposed allocation for Indians (%)
COPS	1,420	2	0.1%	54	3.8%
Prison Grants	711	3	0.4%	78	11.0%
Byrne Grants	553	1	0.2%	- 25 -	4.5%
At-risk	20	n/a	n/a	20	100.0%
Drug Programs	200	1	0.5%	11	5.5%
Tribal Courts	10	n/a	n/a	10	100.0%

• Items Not funded

-- No funds are provided for the transfer of existing programs from the Bureau of Indian Affairs to the Justice Department. Interior will continue to provide funds for law enforcement to tribal governments.

Drug Enforcement Administration

• Items Funded

-- \$7.5 million for methamphetamine. This amount provides \$1.0 million for clandestine laboratory trucks, \$392,000 for laboratory intelligence, \$1.975 million for chemical control, and \$4.1 million for clandestine laboratory hazardous waste cleanup. While this level is lower than the amount requested, this funding provides infrastructure support to DEA to enhance its current efforts, as well as those provided for in FY 1998 (including 60 agents and \$11.046 million), and is in keeping with the drug-related priorities of the Attorney General and the Office of National Drug Control Policy (ONDCP).

*Native American
Law Enforcement*



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

C O V E R

S H E E T

FAX

To: Elena Kagan
Fax #: 456-2878
Subject: Law Enforcement Improvements
Date: November 17, 1997
Pages: 6 , including this cover sheet.

COMMENTS:

Mickey Ibarra asked us to send you these cost estimates from the final report of the Executive Committee for Indian Country Law Enforcement Improvements.

From the desk of...

Anne Shields
Chief of Staff
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

(202) 208-7351
Fax: (202) 208-6956

CLINTON LIBRARY PHOTOCOPY

OPTION A

Consolidate the three major law enforcement programs under the line and budgetary authority of BIA's Office of Law Enforcement Services (OLES). DOJ will assist OLES by expanding the availability of technical assistance and training.

OPTION B

Transfer all three major law enforcement programs in BIA (criminal investigations, uniformed police, and detention services) to DOJ, maintaining Indian hiring preference and contracting/compacting authority. DOJ will create liaison positions to assure that community accessibility and tribal input on local law enforcement issues and priorities are maintained.

Based on the President's 1998 budget, the federal government spends about \$130,000,000 on law enforcement and detention in Indian Country. Two implementation strategies are presented in the Report: phasing in increases over 3 years or over 4 years. In either case, the total request for FY 2003 would be approximately \$585,000,000, which exceeds the 1998 amount by almost 350 percent. Regardless of which option is chosen, the costs will be approximately the same. For FY 1999, the enhancement difference between phasing in over three versus four years is approximately \$22,900,000.

CLINTON LIBRARY PHOTOCOPY

there are about 90 tribal investigators, they often handle tribal code cases and seldom appear in federal court except as witnesses. The total investigative capacity for Indian Country is inadequate, especially given the rise in violent crime. As an interim measure, DOJ has requested additional FBI agents and Assistant U.S. Attorneys in Indian Country to help handle the higher Indian caseload.

Detention services also suffer from grossly inadequate resources. There are 70 jails, including detention and holding facilities, located on 55 reservations. Most were designed to hold between 10 and 30 inmates, were built in the 1960s and 1970s, are outdated, do not offer sufficient bed space for current needs, do not meet jail or building codes, and present a threat to the health and safety of inmates. Only 10 of the 55 jails are juvenile facilities, even though bed space demand for juvenile offenders is rising rapidly. Many Indian Country jails house both adults and juveniles. Funds are not available for renovation and new construction, and very little is available to maintain existing buildings.

Jail operations are also poorly funded. Staffing levels fall far short of those required for adequate inmate supervision, thus creating a threat to the welfare of the community, staff, and inmates. Funds for needed inmate programs, such as education and substance abuse treatment, are virtually non-existent. Resources for equipment and supplies are such that, in some jails, inmates receive no blankets or mattresses and no basic hygiene items, such as soap or toothpaste. Staff sometimes buy these basic items with their personal funds. Finally, staff receive little or no training for the responsibilities and liabilities they face because (1) staffing levels are so low the jails cannot afford to lose an officer temporarily, and (2) funds are not available to travel to and attend the Indian Police Academy.

Funding Indian Country Law Enforcement

The Executive Committee's funding determination is a minimum figure necessary to bring law enforcement in Indian Country up to a basic level of services. Each Tribe's current law enforcement TPA allocation will form the baseline for that Tribe's law enforcement budget. Because this total figure represents the minimum amount needed to address these problems, funds must be dedicated solely for law enforcement services.

are not close to the Tribes they serve. For example, agents assigned to the FBI office in Gallup, N.M., report that it is not unusual to travel three to six hours for a single witness interview.

Among the factors that will be considered in allocating these funds are the following:

- Serious and violent crime rates and trends
- Population and distribution
- Geographic size, accessibility and infrastructure
- Current sworn force and existing law enforcement resources

DOJ program grants and other assistance will continue as a separate funding source that complements community outreach, victim assistance and other programs related to basic law enforcement efforts. As a consequence of improvements to law enforcement services, a corresponding increase in funds is needed for judicial systems, especially tribal courts. As a first step, DOJ is requesting \$10 million for FY 1999 and BIA is asking for \$11.1 million to aid tribal courts through a variety of programs.

D. OPTIONS TO IMPROVE LAW ENFORCEMENT SERVICES

Numerous options to improve law enforcement in Indian Country were explored during consultations with the Tribes. Based on these consultations, the Executive Committee refined the range of possibilities and present for consideration the following two options. Both options assume significant funding increases above existing tribal allocation funds for law enforcement. Also, Option B assumes that Congress will give DOJ the necessary authority to contract/compact with Tribes and to offer Indian hiring preference.

The Tribes expressed little interest in options such as splitting functions between the Justice and Interior Departments or maintaining the status quo. Also, as a variation of the DOJ Option, the Tribes expressed no interest in placing all of the law enforcement responsibilities within the FBI. Some wanted no changes at all, just additional funds. A few others requested that Tribes be provided directly with sufficient funds for all law enforcement services. One variation on the BIA option was advanced by the Navajo Nation.¹⁴ Accordingly, we have narrowed

¹⁴ The Navajo Nation favors the BIA option but suggests "that OLES be elevated within (DOI) to a level equal with the several bureaus in (DOI), such as BIA, Bureau of Reclamation, Land Management, etc." In addition, the Navajo Nation believes that a DOJ office should be created to provide "a comprehensive interface between the DOI/BIA and USDOJ...to ensure coordination of the full range of services needed to support an enhanced law enforcement system in Indian Country."

Cost Estimates

Practical considerations preclude the ability of either BIA or DOJ to "fix" law enforcement and detention in Indian Country in one year. Qualified applicants for additional positions need to be recruited, pass physical and background checks, and to be hired, trained, and assimilated into the workforce. New business practices, procedures, and working relationships need to be tested and implemented. Detention needs assessments must be prepared and revised as necessary, and facility repair and new construction plans must be developed to accommodate the revised needs. In short, a host of implementation issues must be systematically identified and resolved so that additional resources are applied effectively and efficiently. This takes time. Therefore, in developing cost estimates, the resource needs identified above are requested over a period of five years for planning purposes.

Based on the President's 1998 budget, the federal government spends about \$130,000,000 on law enforcement and detention in Indian Country. This provides for an inadequate level of services in every area of law enforcement, including program management, administration, and oversight. Presented below are the 1999 cost increases related to two implementation strategies: phasing in increases over 3 years, or phasing them in over 4 years. In either case, the total request for FY 2003 would be approximately \$580,000,000, which exceeds the 1998 amount by almost 350%. Regardless of which option is chosen, the costs will be approximately the same.

3-year Implementation, 1999 Enhancement

	Amount	Positions
Uniformed Officers.....	\$51,817,000	682
Criminal Investigators.....	6,550,000	65
Clerical Support.....	2,987,000	85
Dispatchers.....	7,921,000	220
Field Offices.....	3,063,000	60
Administrative Staff.....	3,142,000	73
Detention Staff.....	12,629,000	275
Detention Technical Assistance.....	250,000	...
Detention Construction.....	40,360,000	...
Detention Contracting.....	5,000,000	...
Detention Modernization and Repair....	12,600,000	...
Facilities Operations and Maint.....	2,600,000	...
Computer Equipment.....	380,000	...
FBI Agents/Support.....	4,660,000	50
Assistant U.S. Attorneys/Support.....	4,481,000	43
FBI Victim/Witness Coordinators.....	3,351,000	31
Training.....	3,000,000	...
Tribal Courts.....	10,000,000	...

Drug Testing/Treatment.....	10,000,000	...
Juvenile Justice Initiatives.....	20,000,000	...
Miscellaneous.....	<u>186,000</u>	<u>4</u>
TOTAL	\$204,977,000	1,584

4-year Implementation, 1999 Enhancement

	Amount	Positions
Uniformed Officers.....	\$38,863,000	512
Criminal Investigators.....	4,937,000	49
Clerical Support.....	2,249,000	63
Dispatchers.....	5,940,000	165
Field Offices.....	3,063,000	60
Administrative Staff.....	1,722,000	40
Detention Staff.....	9,441,000	206
Detention Technical Assistance.....	250,000	...
Detention Construction.....	40,360,000	...
Detention Contracting.....	5,000,000	...
Detention Modernization and Repair.....	12,600,000	...
Facilities Operations and Maint.....	2,600,000	...
Computer Equipment.....	380,000	50
FBI Agents/Support.....	4,660,000	35
Assistant U.S. Attorneys/Support.....	3,466,000	31
FBI Victim/Witness Coordinators.....	3,351,000	...
Training.....	3,000,000	...
Tribal Courts.....	10,000,000	...
Drug Testing/Treatment.....	10,000,000	...
Juvenile Justice Initiatives.....	20,000,000	...
Miscellaneous.....	<u>186,000</u>	<u>4</u>
TOTAL	\$182,068,000	1,211

Native American -
Crime/Law Enforcement

11-18-95

THE WHITE HOUSE
WASHINGTON

BRUCE/ELENA/MICHAEL:

IN CASE YOU DON'T
SEE THIS IN TODAY'S
LA TIMES. I GUESS OUR
WORK'S CUT OUT FOR US...

Joe

CC: LEANNE
DAVID MAUN

✓ Tribes Struggle With Violent-Crime Wave

■ **American Indians:** A surge in lawlessness in the Navajo Nation mirrors a rise in homicides and sexual assaults on U.S. reservations hard-pressed to cope.

By LOUIS SAHAGUN
TIMES STAFF WRITER

WINDOW ROCK, Ariz.—Only two years ago, social worker Deannah Neswood-Gishey's neighborhood on a hill overlooking the Navajo Nation's tribal capital was peaceful. Picturesque.

That was before many of the hogans—the trailers and shacks surrounding her home of 30 years—became turf-war bunkers for gang members and hide-outs for derelicts who swill a toxic mixture of hair spray and water called "ocean."

"A teen in that house was shot and killed a year ago with a shotgun, and over there a gang member recently burned to death in a Jeep when a Molotov cocktail backfired," said Neswood-Gishey, 32. "A person in that trailer was stabbed four months ago. . . . Five young men have committed suicide here over the past two years."

What is happening on the nation's largest reservation underscores a tragic reality in many others across the West: An alarming rise in crime—particularly homicide and sexual assaults on minors—is ripping apart the things that connect people with each other and their culture.

The crime wave comes at a time when Native Americans—whose police, investigation and detention services have always lagged far behind this country's poorest jurisdictions—are being blanketed with federally funded pilot programs to reduce social problems and violence.

So far, these strategies to curb gangs, substance abuse, alcoholism, chronic unemployment and abject poverty seem to have had little effect on crime trends that on some reservations now rival those seen in large cities.

Federal statistics illustrate the stark contrast between public safety throughout so-called Indian Country and the rest of the United States. On a per-capita basis, the nation's homicide rate dropped about 22% from 1992 to 1996. During the same period, homicides on reservation lands rose 87%.

On this 25,000-square-mile reservation, which has seen about 75 gangs emerge during the past five years, the murder rate has skyrocketed to four times the national average—and nearly double the rate in Los Angeles.

In 1996, the number of murders on the Navajo reservation soared to 67, far higher than the average of 35 per year recorded for a decade. This year, the number hit 40 by mid-October and was expected to wind up in the low 50s.

The federal government wants to help. President Clinton has directed Atty. Gen. Janet Reno and Interior Secretary Bruce Babbitt to develop by year's end a comprehensive proposal to improve law enforcement and criminal justice on reservations.

"Just throwing money and resources at them may not be the answer," said Tom LeClaire, director of the Justice Department's office of tribal justice. "It may take several types of programs tailored for specific locations and problems before we see a reversal."

In the meantime, the murderers are getting younger and the crimes more brutal in this economically depressed reservation of 165,000 people, most of them government workers, ranchers and welfare recipients.

In December 1996, two Shiprock, N.M., teenagers were charged with killing a father and son while they slept in the cab of an 18-wheeler loaded with M&Ms. In July, a heavy-equipment operator found the body of a woman who had been beaten, stabbed to death and then buried in a sand pit. In August, a 29-year-old man was slain with a pickax after an argument over a \$15 oil change.

On Oct. 4, a 16-year-old boy who had been beaten to death with fists, feet and possibly a baseball bat was discovered only a few blocks from Navajo Police Department headquarters. The boy's stepfather, Leroy Nez, is selling scraps of metal, wood and wire at a local flea market to raise money for funeral expenses that totaled \$2,625.

Seated at the dinner table in his tidy house trailer, the 36-year-old equipment operator winced at the memory of seeing "my boy's bloody face" after police found the corpse dumped beside a woodpile.

Wadding up a napkin and tossing it on his kitchen table, he said: "His face looked like that. That's what they did to my boy."

The crime wave is stirring up a law enforcement hornet's nest for the 319 Navajo tribal police who patrol a region the size of West Virginia. Essentially, public demands for protection are rising at the same time that budget-strapped agencies are being overwhelmed by realities over which they have no control.

For one thing, the Native American population is growing increasingly youthful, largely because of high fertility rates. The median age is 24.2 years, compared with 32.9 years for all Americans, according to the Census Bureau.

In recent testimony before the Senate Committee on Indian Affairs, Deputy Assistant Atty. Gen. Kevin Di Gregory warned: "The American Indian population will grow even younger into the next century."

"What this means for an Indian tribe like Gila River in Sacaton, Ariz., a reservation with significant gang activity, is that about one-half of the population is projected to be

under the age of 18 by the year 2000."

In October, police on the Gila River reservation near Phoenix had their hands full investigating drive-by shootings, suspected methamphetamine labs and reports of gang initiations that included mutilations of cats and dogs.

The largest obstacle facing reservation crime-fighters is a lack of funding for more officers, basic equipment and detention facilities. That problem is acute here, where Navajo police can only dream of owning a helicopter, a crime lab or cellular phones.

"We don't have a homicide unit, a sexual-abuse unit, a gang unit, a property-crimes unit—even macro lenses for our cameras to photograph splattered blood," lamented Dorothy Fulton, chief of criminal investigations here. "And we don't have a travel budget, which means our investigators sometimes have to drive 12 hours to 30-minute federal court hearings in Salt Lake City, Utah."

Navajo criminal investigators work out of a dilapidated building where bowed ceilings have leaked for seven years and "air-conditioning" is provided by opening doors and windows. The burglary unit's office is a battered 1989 Chevrolet dubbed "Old Faithful." Police cruisers limp along with faulty engines and cracked windshields.

The department's communications system is dangerously inadequate. A year ago, 11-year veteran Navajo Nation Police Officer Hoskie Gene was strangled and beaten to death when he pursued two burglary suspects. Gene's closest backup was 53 miles away when the killers beat him to the ground with a flashlight and then choked him.

The Window Rock Tribal Jail is a joke to criminals and police officials alike. It was so bad that 16 prisoners escaped before police learned that the facility's back security door could be opened with a piece of wire.

These problems, coupled with increasing demands for overtime, may be starting to take a toll on the personal lives of Navajo officers. In September, two officers were charged with domestic violence, and alcohol-related problems are on the rise departmentwide, authorities said.

The Navajo Department of Public Safety is trying to stretch its annual \$17-million law enforcement budget to recruit more officers from the reservation. Trouble is, they have done such a good job arresting drunks and substance abusers that few of the Navajos who apply for law enforcement positions can pass a requirement calling for a clean criminal record.

As police officials struggle to clean up their image, Navajo medicine men are

warning that the proliferation of gangs, drugs, homicides and sex abuse is a direct result of the steady erosion of Navajo language and traditions—and cultural pollution imported by television and tourists.

Daniel Deschinny, attorney for the Dineh Spiritual and Cultural Society, put it this way: "The guardian spirits that reside in our hearts and in the air, water, mountains, trees and animals around us have turned their backs on those who are doing violence with their ignorance."

"Internalize the great spirit and you will avoid evil and do the right thing for yourself and those around you. Digression from this path is a disaster to oneself and the whole community."

Young Navajo gang members, many of whom were reared in severely dysfunctional families, say it may be too late for that.

For James Wauneka, 20, the gang is his family.

Wauneka is leader of the notorious 200-member Cobra gang at the Rio Puerco Acres housing project, about seven miles north of Window Rock. The gang, he said, "respects me and protects me."

Fellow Cobra member Donathan Yazzie, 19, nodded in agreement.

"These are my family, these homeboys, these Cobras," he said. "What else is there to do? Where else can we go? We have no recreational places, no pool halls, not even a cinema here."

Both young men, however, belong to an all-gang-member work crew that recently was filling potholes with hot asphalt for minimum wage in their 86-unit housing

project. The crew—clad in the green-and-black hooded sweatshirts and bandannas favored by Cobras—was organized by Rio Puerco Acres manager Stewart Calnimpewa, a law enforcement officer of 20 years and owner of a security and private investigation agency.

"This place used to be a hellhole. Now crime is down and the units are cleaned up," Calnimpewa said. "Why? We hired over 20 Cobras after giving them the skills and responsibility to do drywalling, house-painting, electrical repairs, roadwork."

Still, none of these Cobras would even consider calling a truce with their rivals, the Dragons.

"As long as Cobras and Dragons are around," one of the young men grumbled, "the gang thing will keep going on."

That kind of tough talk breaks Shirley Yellowfeather's heart. Trying not to cry, the 49-year-old Rio Puerco office aide said her 17-year-old son is soon going to become the first minor from the Navajo Nation to be sentenced in Arizona as an adult in a gang-related homicide case.

"The Navajos are supposed to be real close, but that way of life is dying away," she said. "I was raised to get up at 4 a.m., greet the sun and then toss corn pollen in the four directions for wisdom and strength. I tried to get my son to do that and it was chaos. He'd yell, 'Leave me alone!'"

But she also believes that some Navajo parents are partly responsible for their children's behavior.

"We parents failed these kids because we all came from dysfunctional families," she said.

Neswood-Gishey, a child protective services social worker who averages 200 clients a month—90% of them on welfare—would not argue with that.

But she is not about to wait for things to get better in her troubled neighborhood. Neswood-Gishey and her husband are building a new home in a village about 50 miles away. They expect to move early next year.

Until then, her 9-year-old son is receiving shooting lessons from his father because, she said, "you never know what might happen."

40

Report of The Executive Committee
For
Indian Country Law Enforcement Improvements

FINAL REPORT

To
The Attorney General
And
The Secretary of the Interior

Xerox clipped pages for
Bruce
Tosk
Leanne

October 1997

Report of The Executive Committee
For
Indian Country Law Enforcement Improvements

FINAL REPORT

To
The Attorney General
And
The Secretary of the Interior

Bruce/Tom/Leanne —
It looks as if OMB
had reason to worry —
this is a \$565 million
initiative.

Elan

October 1997



U. S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

October 31, 1997

EXECUTIVE SUMMARY

MEMORANDUM FOR: THE ATTORNEY GENERAL AND THE
SECRETARY OF THE INTERIOR

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Kevin V. Di Gregory ^{KVD}
Deputy Assistant Attorney General

Hilda A. Manuel *Hilda A. Manuel*
Deputy Commissioner of Indian Affairs

Co-Chairs: Executive Committee for Indian Country
Law Enforcement Improvements

SUBJECT: Final Report of the Executive Committee for Indian
Country Law Enforcement Improvements

PURPOSE: To provide the Attorney General and the Secretary
with the analysis, findings, and options for
improvements prepared by the Executive Committee
in accordance with the Presidential DIRECTIVE ON
LAW ENFORCEMENT IN INDIAN COUNTRY of August 25,
1997.

TIMETABLE: The President has requested options from you by
December 31, 1997.

DISCUSSION:

There is a public safety crisis in Indian Country. In
recognition of this, President Clinton asked both of you "to work
with tribal leaders to analyze law enforcement problems on Indian
lands [and to] provide [the President] with options for improving
public safety and criminal justice in Indian Country." The

urgency of the situation required completion of this report by October 31, 1997, so that it could be included in the next budget cycle. An "Executive Committee for Indian Country Law Enforcement Improvement" was formed to help carry out this mandate.¹ Its views and findings are in the attached Report. Generally, the Executive Committee, in consultation with the Tribes, examined the issues and problems and determined that (1) a substantial infusion of resources into Indian Country law enforcement is essential, and (2) the delivery of law enforcement services must be consolidated and improved.

U.S. Attorneys led a series of tribal consultations on Indian Country law enforcement across the country during September and early October of 1997. In the lower 48 states, a total of 205 of the 332 Tribes (62 percent) participated in these consultations. There was a general consensus among the Tribes on the following issues:

- Law enforcement in Indian Country, as it presently exists, often fails to meet basic public safety needs.
- Serious and violent crime is rising significantly in Indian Country -- in sharp contrast to national trends.
- The single most glaring problem is a lack of adequate resources in Indian Country.
- Although the system must change, Indian hiring preferences and contracting/compacting guarantees must be protected under any new structure.²
- The fragmented criminal justice system results in poor coordination, which can be remedied only by consolidating services under one authority.
- Tribal governments do not consider the FBI to be an appropriate management structure for this purpose.³

The Executive Committee recommends the following two options for your consideration:

¹ This Committee includes tribal leaders and representatives from DOI and DOJ. See the full list at Tab H.

² Of all issues discussed by the Executive Committee, tribal leaders held the strongest views on these two issues. The Tribes have made it very clear that assurances are mandatory that present contracting/compacting and Indian preference policies will continue.

OPTION A

Consolidate the three major law enforcement programs under the line and budgetary authority of BIA's Office of Law Enforcement Services (OLES). DOJ will assist OLES by expanding the availability of technical assistance and training.

OPTION B

Transfer all three major law enforcement programs in BIA (criminal investigations, uniformed police, and detention services) to DOJ, maintaining Indian hiring preference and contracting/compacting authority. DOJ will create liaison positions to assure that community accessibility and tribal input on local law enforcement issues and priorities are maintained.

Based on the President's 1998 budget, the federal government spends about \$130,000,000 on law enforcement and detention in Indian Country. Two implementation strategies are presented in the Report: phasing in increases over 3 years or over 4 years. In either case, the total request for FY 2003 would be approximately \$585,000,000, which exceeds the 1998 amount by almost 350 percent. Regardless of which option is chosen, the costs will be approximately the same. For FY 1999, the enhancement difference between phasing in over three versus four years is approximately \$22,900,000.

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REPORT OF THE EXECUTIVE COMMITTEE FOR INDIAN
COUNTRY LAW ENFORCEMENT IMPROVEMENTS

October 31, 1997

A. INTRODUCTION

There is a public safety crisis in Indian Country. Leaders from the federal and tribal governments have examined the law enforcement problems and determined that a substantial infusion of resources into Indian Country law enforcement is essential. This report discusses the issues and presents two options that address these problems.

Basic law enforcement protection and services are severely inadequate for most of Indian Country. This problem affects more than 1.4 million people who depend on the federal government for these services.¹ Simply put, many American citizens living on Indian reservations do not receive even the minimum level of law enforcement services taken for granted in non-Indian communities. According to a 1997 census estimate by the Indian Health Service (IHS), there are 1,429,800 Indians residing on or adjacent to Indian reservations, allotments, and dependent Indian communities governed by federally-recognized Tribes. In the lower 48 states, these communities are spread across approximately 56 million acres, with millions of additional acres in Alaska. American Indians are one of the fastest growing minority groups in the nation, yet rank at the bottom of all minority groups in terms of life expectancy. Unfortunately, violence and crime are

¹ Today, federal law enforcement is the only protection for victims of violent felonies in most of Indian Country. The federal government has a basic responsibility to preserve public safety in all of Indian Country. In general, this responsibility derives from the unique trust relationship between federal and tribal governments, as well as specific statutory provisions such as those that mandate exclusive federal jurisdiction for "major crimes," including murder, rape, robbery, and child abuse. (See 18 U.S.C. § 1152-1153). Moreover, the 1994 Crime Act has expanded federal criminal jurisdiction in Indian Country in such areas as guns, violent juveniles, drugs, and domestic violence. In states covered under 18 U.S.C. § 1162 (P.L. 280), such as California and Alaska, baseline law enforcement services are provided by the state, and Indian Tribes have concurrent authority over crimes by Indians.

contributing factors. According to a 1996 IHS report,² the homicide rate for Indian males is almost three times higher than the rate for white males.

A reported crime in Indian Country is twice as likely to be violent as compared to crimes reported elsewhere in the United States. In contrast, there are fewer than half as many law enforcement officers per capita.³ This is not a new situation; the problems addressed in this report developed over decades.⁴ In the early 1990s, however, federal agencies with law enforcement responsibilities initiated an effort to re-examine and evaluate the federal government's role in ensuring public safety on America's Indian reservations.

The first step in addressing this process was President Clinton's Executive Memorandum on Government-to-Government Relations With Native American Tribes (April 28, 1994). Shortly thereafter, the historic 1994 Listening Conference was held in Albuquerque. There, the Departments of Justice, Interior, and Housing and Urban Development heard the concerns of tribal leaders. Issues of public safety and crime on reservations were recurring themes. As a direct response to the Listening Conference, the Attorney General created the Department's Office of Tribal Justice and issued the Department's Policy on Indian Sovereignty and Government-to-Government Relations (June 1, 1995). To address tribal concerns and improve law enforcement in Indian Country, a number of initiatives were undertaken, including the assignment of additional FBI investigators and federal prosecutors to Indian Country, and targeted Bureau of Indian Affairs (BIA) law enforcement projects. Furthermore, in November 1995, the Department of Justice launched the Indian Country Justice Initiative, an inter-departmental project specifically intended to explore and address the broad array of public safety needs in Indian Country.

As these efforts were implemented and continued to develop, some basic problems became apparent. The most glaring deficiency is a chronic lack of law enforcement resources in Indian Country. This realization led to a series of informal meetings between the BIA and DOJ, and a preliminary tribal consultation on this issue was initiated in June 1996. As the discussions

² Homicide and Suicide Among Native Americans (1979-1992) at 17. A report by The Indian Health Service in cooperation with the National Center for Injury Prevention and Control (1996).

³ Based on data from FBI Uniform Crime Reports and BIA Annual Law Enforcement Reports.

⁴ See, for example, the Report of the Task Force on Indian Matters, U.S. Department of Justice, October 1975.

expanded, new participants brought new information. It became clear that the law enforcement problems in Indian Country are severe.

In recognition of this, President Clinton asked the Attorney General and the Secretary of the Interior "to work with tribal leaders to analyze law enforcement problems on Indian lands [and to] provide [the President] with options for improving public safety and criminal justice in Indian Country." The Attorney General and the Secretary in turn appointed an "Executive Committee for Indian Country Law Enforcement Improvement," charged with carrying out this mandate.⁵ The urgency of the crisis in Indian Country required completion of this report by October 31, 1997, so that any options selected that require additional funds could be included in the President's budget request for FY 1999. The views and findings of the Executive Committee follow.

B. THE CONSULTATION PROCESS: FINDINGS

Pursuant to the President's Directive, the Attorney General requested that the U.S. Attorneys with Indian Country jurisdiction hold consultations with tribal leaders. A series of tribal consultations about Indian Country law enforcement was held across the country during September and early October of 1997. In the lower 48 states, a total of 205 of the 332 Tribes (62 percent) participated in these consultations.⁶ Specific issues common to the consultation process are discussed at Tab F. A general consensus was reached on the following issues:

- Law enforcement in Indian Country, as it presently exists, often fails to meet basic public safety needs.
- Serious and violent crime is rising significantly in Indian Country -- in sharp contrast to national trends.
- The single most glaring problem is a lack of adequate resources in Indian Country. Any solution requires a substantial

⁵ This Committee includes tribal leaders and representatives from DOI and DOJ. See the full list at Tab H.

⁶ This figure does not include Alaska, which has a large indigenous population and 226 Tribes. However, only one small Tribe in Alaska (the Metlakatla) is under federal jurisdiction. Alaska does have tribal police and a serious crime problem. While Alaska Natives represent 16 percent of the state's population, they account for 34 percent of the prison population. According to Crime Reported in Alaska 1995 (Alaska Department of Public Safety), death rates for Alaska Native males from homicide and legal execution were 2.3 times those of white males.

infusion of new money in addition to existing funds under the current tribal priority allocation (TPA) system.

- Although the system must change, Indian hiring preferences and contracting/compacting guarantees must be protected under any new structure.
- The current criminal justice system is fragmented, and the resulting poor coordination can be remedied only by consolidating investigative, police and detention services under one authority.
- Tribal governments do not consider the FBI to be an appropriate management structure for the consolidated law enforcement services.

C. THE LAW ENFORCEMENT CRISIS IN INDIAN COUNTRY

Rising Crime

Americans have come to expect protection of their basic rights, a sense of justice, and freedom from fear. A responsive, professional criminal justice system makes this possible. Uniformed police officers handle complaints, maintain order, and make arrests. Professional investigators handle serious or complex crimes. Jails and prisons house offenders; many provide appropriate treatment and other programs. Nearby magistrates set bail and judges hear cases. Probation officers make recommendations to the court and supervise probationers as well as those released from prison. To a large extent, what we take for granted exists only in a rudimentary form or does not exist at all for the 1.4 million Native Americans who live on or near Indian lands. Today, many Indian citizens receive police, investigative, and detention services that are not only inadequate, but also suffer by comparison to this country's poorest jurisdictions.

Information from the FBI, the BIA, U.S. Attorneys, researchers, and tribal leaders themselves depicts a stark contrast between public safety in Indian Country and the rest of the United States. Nationwide, for example, violent crime has declined significantly between 1992 and 1996. The overall violent crime rate has dropped about 17 percent, and homicides are down 22 percent. For the same time period, however, the BIA reports that homicides in Indian Country rose sharply.⁷ Some Tribes have murder rates that far exceed those of urban areas known for their struggles against violent crime. In 1995, for example, the murder rate on Ft. Peck Reservation in Montana was more than twice that of New Orleans, one of the most violent

⁷ Based on data from FBI Uniform Crime Reports and BIA Annual Law Enforcement Reports.

cities in the United States. During 1996, the people on America's largest reservation, the Navajo Nation, endured 46 non-negligent homicides, resulting in a rate which would place it among the top 20 most violent cities.⁸

Other violent crimes, such as gang violence, domestic violence, and child abuse have paralleled the rise in homicides. During fiscal years 1994 - 1996, 84 percent of the FBI Indian Country cases opened (4,334) involved either crimes of violence (48%) or the sexual or physical abuse of a minor child (36%). Violent Indian gangs, who model themselves after their urban counterparts, are a frightening new reality on many reservations. Drug abuse now has been added to the problems caused by alcohol.

There is broad consensus among law enforcement professionals and U.S. Attorneys in Indian Country that the situation is serious and merits urgent attention. Indeed, there is concern that available statistics understate the magnitude of the problem in many areas of Indian Country. A major finding of a recent DOJ Inspector General report on Criminal Justice in Indian Country⁹ was that there is a pervasive "lack of reliable crime statistics in Indian Country...." Moreover, while law enforcement resources have been increased and deployed effectively throughout the United States, BIA resources actually have been reduced in Indian Country during the past few years.¹⁰

Indian Country is extraordinarily diverse in terms of size, geography, enrollment figures, government structure, resources, culture, language, traditions, and law enforcement capabilities. What has become common to too many Tribes is increasing violence, including juvenile crime, gangs, drug abuse, and the physical or sexual assault of children. Problem statements addressing

⁸ Other data corroborate this violent trend. According to the IHS, for example, aggravated assaults on Navajo Nation lands rose 71 percent between 1991 and 1995.

⁹ Report No. 96-16, September 1996. For example, in 1996 only 32 percent of the Tribes submitted official crime reports to the BIA. Much information comes from informal surveys.

¹⁰ According to the BIA Office of Law Enforcement Services, more than 100 positions were lost during the 1995 RIFs. This includes 30 criminal investigators, 55 police officers, 16 jailers, and other essential support personnel. These BIA funding cutbacks also cause parallel reductions in law enforcement services provided by the Tribes. Although those lost were permanent personnel, the three-year grants by the COPS Office have helped increase the uniformed police presence on some reservations.

specific criminal justice issues are included as Tabs A through D.

Deficient Resources

Law enforcement and detention services in Indian Country are currently limited to a total federal budget of about \$130 million, of which about \$80 million are Tribal Priority Allocation (TPA) funds. The Executive Committee has determined that a 350 percent increase, over at least a three-year phase in period, will be necessary to make public safety in Indian Country comparable to the rest of America. At full funding in 2003, the projected budget will be about \$585,000,000. Under this plan the funding request for the next fiscal year (1999) will be about \$330,000,000.¹¹

One of the most telling indicators of inadequate law enforcement services in Indian Country is the chronic shortage of personnel. For example, the 1996 UCR statistics show 2.9 officers per 1,000 citizens in non-Indian communities under 10,000.¹² The equivalent ratio in Indian Country is 1.3 officers per 1,000 citizens -- less than one-half the per capita coverage in small communities outside of Indian Country. Approximately 1,600 BIA and tribal uniformed officers must patrol the 56 million acres of tribal lands in the lower 48 states. On the 17.5 million acres owned by the Navajo Nation, the ratio of officers to citizens is only 0.9 per 1,000. Remote areas, poor roads, and no backup not only result in poor service to the people, but also stressful and dangerous jobs for the officers. On the Navajo Nation alone, two officers were killed in the line of duty in the last two years while patrolling alone.

In FY 1998, only 78 full-time BIA criminal investigators and the full-time equivalent of 102 FBI agents are available to investigate violent and serious crimes nationwide.¹³ Although

¹¹ This figure does not include officers hired under the three-year COPS grant program. In addition to the limited time frame, this program, by statute, does not permit expenditures for essential equipment, training, and other critical support services. DOJ grants, such as those funded under the Byrne and juvenile justice discretionary and formula grant programs, also are excluded from this figure.

¹² Using the 1990 census, the BIA reports that only 24 of the 558 federally-recognized Tribes numbered more than 10,000. Hence, this is the nearest possible comparison.

¹³ Although the FBI has assigned additional agents to help compensate for the loss of BIA criminal investigators, they normally work out of resident agencies or satellite offices that

there are about 90 tribal investigators, they often handle tribal code cases and seldom appear in federal court except as witnesses. The total investigative capacity for Indian Country is inadequate, especially given the rise in violent crime. As an interim measure, DOJ has requested additional FBI agents and Assistant U.S. Attorneys in Indian Country to help handle the higher Indian caseload.

Detention services also suffer from grossly inadequate resources. There are 70 jails, including detention and holding facilities, located on 55 reservations. Most were designed to hold between 10 and 30 inmates, were built in the 1960s and 1970s, are outdated, do not offer sufficient bed space for current needs, do not meet jail or building codes, and present a threat to the health and safety of inmates. Only 10 of the 55 jails are juvenile facilities, even though bed space demand for juvenile offenders is rising rapidly. Many Indian Country jails house both adults and juveniles. Funds are not available for renovation and new construction, and very little is available to maintain existing buildings.

Jail operations are also poorly funded. Staffing levels fall far short of those required for adequate inmate supervision, thus creating a threat to the welfare of the community, staff, and inmates. Funds for needed inmate programs, such as education and substance abuse treatment, are virtually non-existent. Resources for equipment and supplies are such that, in some jails, inmates receive no blankets or mattresses and no basic hygiene items, such as soap or toothpaste. Staff sometimes buy these basic items with their personal funds. Finally, staff receive little or no training for the responsibilities and liabilities they face because (1) staffing levels are so low the jails cannot afford to lose an officer temporarily, and (2) funds are not available to travel to and attend the Indian Police Academy.

Funding Indian Country Law Enforcement

The Executive Committee's funding determination is a minimum figure necessary to bring law enforcement in Indian Country up to a basic level of services. Each Tribe's current law enforcement TPA allocation will form the baseline for that Tribe's law enforcement budget. Because this total figure represents the minimum amount needed to address these problems, funds must be dedicated solely for law enforcement services.

are not close to the Tribes they serve. For example, agents assigned to the FBI office in Gallup, N.M., report that it is not unusual to travel three to six hours for a single witness interview.

Among the factors that will be considered in allocating these funds are the following:

- Serious and violent crime rates and trends
- Population and distribution
- Geographic size, accessibility and infrastructure
- Current sworn force and existing law enforcement resources

DOJ program grants and other assistance will continue as a separate funding source that complements community outreach, victim assistance and other programs related to basic law enforcement efforts. As a consequence of improvements to law enforcement services, a corresponding increase in funds is needed for judicial systems, especially tribal courts. As a first step, DOJ is requesting \$10 million for FY 1999 and BIA is asking for \$11.1 million to aid tribal courts through a variety of programs.

D. OPTIONS TO IMPROVE LAW ENFORCEMENT SERVICES

Numerous options to improve law enforcement in Indian Country were explored during consultations with the Tribes. Based on these consultations, the Executive Committee refined the range of possibilities and present for consideration the following two options. Both options assume significant funding increases above existing tribal allocation funds for law enforcement. Also, Option B assumes that Congress will give DOJ the necessary authority to contract/compact with Tribes and to offer Indian hiring preference.

The Tribes expressed little interest in options such as splitting functions between the Justice and Interior Departments or maintaining the status quo. Also, as a variation of the DOJ Option, the Tribes expressed no interest in placing all of the law enforcement responsibilities within the FBI. Some wanted no changes at all, just additional funds. A few others requested that Tribes be provided directly with sufficient funds for all law enforcement services. One variation on the BIA option was advanced by the Navajo Nation.¹⁴ Accordingly, we have narrowed

¹⁴ The Navajo Nation favors the BIA option but suggests "that OLES be elevated within (DOI) to a level equal with the several bureaus in (DOI), such as BIA, Bureau of Reclamation, Land Management, etc." In addition, the Navajo Nation believes that a DOJ office should be created to provide "a comprehensive interface between the DOI/BIA and USDOJ...to ensure coordination of the full range of services needed to support an enhanced law enforcement system in Indian Country."

the options to two.¹⁵ Also, based on feedback from the Tribes, the Executive Committee recommends designation of individuals to function as liaisons between each Tribe and the federal (and local) law enforcement community to improve accessibility and tribal input on local law enforcement issues and priorities. These persons could work out of U.S. Attorneys' offices or the appropriate field structure.

The options presented below include commentary that may be helpful to the deliberative process.

OPTION A

Consolidate the three major law enforcement programs under the line and budgetary authority of BIA's Office of Law Enforcement Services (OLES). DOJ will assist OLES by expanding the availability of technical assistance and training.

Commentary

- Standardizes and consolidates BIA's currently bifurcated law enforcement administrative structure. Presently, criminal investigators work within a professional law enforcement organization, headed by managers with law enforcement training. In contrast, BIA uniformed police and detention staff report to that reservation's BIA superintendent, who generally has no law enforcement background.¹⁶ The elimination of fragmented responsibilities for law enforcement within BIA would allow BIA to build on its collective experience in delivering Indian Country law enforcement services.
- Contains some of the same advantages of the DOJ Option, while allaying concern that the BIA is being dismantled.
- Allows for the uniform application of standards, policies, and procedures within BIA law enforcement components.
- A preliminary BIA analysis indicates that this consolidation may be possible under the 1990 Indian Law Enforcement Reform Act, thus eliminating the need for new legislation.

¹⁵ Once an option is selected, a performance plan that will establish goals and measures of results will be developed, as mandated under the Government Performance Results Act (GPRA).

¹⁶ This problem was highlighted in an Oversight Hearing before the Subcommittee on Native American Affairs on the Indian Law Enforcement Reform Act, March 18, 1994. H.R. Doc. No. 103-74, p.50.

- Because of the diverse mandate of the Department of the Interior, BIA may be unable to obtain or sustain adequate funding for law enforcement unless Congress requires a separate funding stream for that purpose.

OPTION B

Transfer all three major law enforcement programs in BIA (criminal investigations, uniformed police, and detention services) to DOJ, maintaining Indian hiring preference and contracting/compacting authority. DOJ will create liaison positions to assure that community accessibility and tribal input on local law enforcement issues and priorities are maintained.

Commentary

- Moves the law enforcement function to the Department with primary responsibility for federal law enforcement. This assures that professional standards for investigative, police, and detention services in Indian Country would be met.
- Brings the full array of all DOJ resources to bear on the deplorable condition of Indian Country law enforcement.
- Helps insulate Indian Country law enforcement from budget cuts that may affect a more multi-function Department such as Interior.

Implementation Overview

Under Option A, the Interior Secretary would direct the consolidation of criminal investigators, uniformed police, detention services, and other related law enforcement activities under BIA/OLEs. The Indian Law Enforcement Reform Act of 1990 appears to provide the Interior Secretary with the required authority. Necessary legislation would be identified and requested.¹⁷ OLES would begin efforts to upgrade their training capacity. DOJ would establish a liaison mechanism with BIA and would support BIA's efforts through technical assistance and training. Also, DOJ would continue its existing grant programs to Tribes.

Under Option B, DOJ would ask Congress for enabling legislation to create a new Indian Country Law Enforcement Bureau, including authority to contract/compact with Tribes and

¹⁷ This may include whether technical corrections are needed in the Indian Law Enforcement Reform Act of 1990. For example, one area of interest is Sec. 5, 25 U.S.C. § 2804, relating to cross-deputization agreements.

to offer Indian hiring preference. A small headquarters and six field offices would be established. Simultaneously, the Interior Secretary would direct the consolidation of services as stated above. As part of an overall implementation plan, the ability to increase training capacity quickly is a priority. Also necessary are criteria for funding within program categories. Following Congressional approval, the functions, as well as both law enforcement and administrative personnel from OLES, would be transferred into the new DOJ bureau.

Under both options it would be necessary to develop a budget implementation plan and hire new staff.

G. ESTIMATED COSTS AND STAFFING ISSUES

Under any option, significant additional resources will be required to address the chronic and pervasive problems confronting law enforcement efforts in Indian Country. Additional resources are needed to create an effective uniformed police presence, to investigate major crimes in Indian Country, and to augment law enforcement management, administration, and oversight functions. In addition, resources are badly needed for a basic adult and juvenile detention capacity in Indian Country, including the construction, renovation, and operation of detention facilities. Where it is appropriate, funds are needed to contract for additional detention space. Imbedded in the options are several resource-related considerations which are discussed below, along with a discussion of cost estimates.

Basic Law Enforcement Needs

Given the current estimated population in Indian Country (1,429,800), a total of at least 4,290 sworn officers are needed to provide a minimum level of coverage comparable to that in rural America. Of that amount, about 15 percent should be criminal investigators and 85 percent should be uniformed officers. Adjusting for the fact that Indian lands in P.L. 280 states generally require only limited services from federal criminal investigators, a total of 496 criminal investigators and 3,647 uniformed officers are needed in Indian Country.¹⁸ Therefore, an increase of 226 (from 270 to 496) criminal investigators and 2,047 (from 1,600 to 3,647) uniformed officers

¹⁸ At 15%, the number of criminal investigators needed would be 644. However, this figure was reduced to 496 to take into account the 23% of tribal population that is covered by P.L. 280 and thus would not need additional federal criminal investigators. For example, approximately 100,000 Alaskan Natives would be eligible for additional police officers, but not a corresponding increase in criminal investigators, because the state is responsible for criminal investigations.

would be necessary to meet minimum standards. These increases will be necessary regardless of whether the law enforcement officers remain within a reorganized BIA or are assigned to a new DOJ agency. Also, clerical and support staff eventually would be needed at a level commensurate with the increase in sworn officers.

Additional Assistant U.S. Attorneys (AUSAs) are needed to support the increase in criminal investigators. Based on current standards in Indian Country, 1 AUSA is needed for every 3 investigators. Therefore, an additional 75 AUSAs (and commensurate support positions) are required to support an increase of 226 criminal investigators.

Detention

Detention needs in Indian Country involve funding for (1) operations, including staff, equipment, and supplies; (2) facilities, including maintenance, renovation, and new construction; (3) inspection and oversight; and (4) training and technical assistance. Most of the 70 jails in Indian Country are old, unsafe, and do not meet basic code requirements. At the same time, demand, especially for juvenile bed space, is rising. Initial costs for construction and renovation can be phased in over several years. The average, expected life of a jail is about 30 years, and most Indian Country jails were built in the 1960s and early 1970s. Once complete, however, about 80 percent of the budget should be for staffing. Funds are needed for augmenting current staffing and upgrading staff capabilities through training and technical assistance.

Training

It is imperative that law enforcement officers receive full and appropriate training. The range of training options must include curricula and certification for investigators, first responders, jailers, and support staff. Currently, there is no site that can accommodate the needed training programs. Moreover, the training capacity must increase to accommodate a surge in students. Thus, a police academy is needed to handle current and future training needs. While adequate curricula exist, an appropriate site must be identified, such as a recently closed military facility. See Tab E for further discussion.

Contracting

In 1974, Congress passed, and the President signed, into law the Indian Self-Determination and Education Assistance Act (P.L.

93-638).¹⁹ As amended, this law allows Tribes to enter into contracts for services in Indian Country that the BIA and some other federal agencies perform on Indian lands. Since 1995, the majority of Tribes have contracted all or part of their law enforcement programs, and all funds related to the contracted activity are provided to the Tribe. This includes funding for personnel, operating costs, and the indirect costs of performing the law enforcement function (such as personnel benefits, procurement, facilities management, and so on). For the most part, law enforcement funds are mixed with all other contracted/compact funds and can be shifted to other needs as determined by the Tribe.

Under any option, the practice of contracting/compacting services must be preserved because it is central to tribal self-determination. Therefore, if the law enforcement function is transferred to DOJ, P.L. 93-638 must be amended to allow the Attorney General to enter into contract agreements with the Tribes. In addition, mechanisms must be put into place to ensure that law enforcement funds are used only for law enforcement purposes.

Liability Insurance

Many tribal police departments do not carry liability insurance. In addition, coverage under the Federal Tort Claims Act (FTCA) has not proven to be adequate protection for tribal law enforcement officers for several reasons. First, claimants and their attorneys are generally unfamiliar with this uncodified provision of federal law. Suits are often filed in tribal court, without notice to the United States, and tribal judges hear no references to the FTCA which might persuade them to dismiss the suit. Second, Bivens-type actions (personal liability) common against federal law enforcement officers, are not covered by the FTCA. Third, certification that the tribal officer is acting within the scope of a 638 contract is often difficult, as there are several layers of approvals, and some Tribes have not provided necessary information to the Interior Department to assist in the administrative determination of the claim. Consequently, the actions of tribal police officers outside of Indian Country when assisting police from other jurisdictions are not covered by this assumption of federal liability. Although FTCA provides important coverage for tribal police acting under 638 contract, additional coverage appears needed. This problem could be solved by earmarking a tiny fraction of the new funds for the purchase of liability insurance by law enforcement contractors.

¹⁹ Title I, § 102, 102 Stat.2285, as amended by P.L. 103-413, P.L. 103-435, and P.L. 103-437.

Cost Estimates

Practical considerations preclude the ability of either BIA or DOJ to "fix" law enforcement and detention in Indian Country in one year. Qualified applicants for additional positions need to be recruited, pass physical and background checks, and to be hired, trained, and assimilated into the workforce. New business practices, procedures, and working relationships need to be tested and implemented. Detention needs assessments must be prepared and revised as necessary, and facility repair and new construction plans must be developed to accommodate the revised needs. In short, a host of implementation issues must be systematically identified and resolved so that additional resources are applied effectively and efficiently. This takes time. Therefore, in developing cost estimates, the resource needs identified above are requested over a period of five years for planning purposes.

Based on the President's 1998 budget, the federal government spends about \$130,000,000 on law enforcement and detention in Indian Country. This provides for an inadequate level of services in every area of law enforcement, including program management, administration, and oversight. Presented below are the 1999 cost increases related to two implementation strategies: phasing in increases over 3 years, or phasing them in over 4 years. In either case, the total request for FY 2003 would be approximately \$580,000,000, which exceeds the 1998 amount by almost 350%. Regardless of which option is chosen, the costs will be approximately the same.

3-year Implementation, 1999 Enhancement

	Amount	Positions
Uniformed Officers.....	\$51,817,000	682
Criminal Investigators.....	6,550,000	65
Clerical Support.....	2,987,000	85
Dispatchers.....	7,921,000	220
Field Offices.....	3,063,000	60
Administrative Staff.....	3,142,000	73
Detention Staff.....	12,629,000	275
Detention Technical Assistance.....	250,000	...
Detention Construction.....	40,360,000	...
Detention Contracting.....	5,000,000	...
Detention Modernization and Repair....	12,600,000	...
Facilities Operations and Maint.....	2,600,000	...
Computer Equipment.....	380,000	...
FBI Agents/Support.....	4,660,000	50
Assistant U.S. Attorneys/Support.....	4,481,000	43
FBI Victim/Witness Coordinators.....	3,351,000	31
Training.....	3,000,000	...
Tribal Courts.....	10,000,000	...

Drug Testing/Treatment.....	10,000,000	...
Juvenile Justice Initiatives.....	20,000,000	...
Miscellaneous.....	<u>186,000</u>	<u>4</u>
TOTAL	\$204,977,000	1,584

4-year Implementation, 1999 Enhancement

	Amount	Positions
Uniformed Officers.....	\$38,863,000	512
Criminal Investigators.....	4,937,000	49
Clerical Support.....	2,249,000	63
Dispatchers.....	5,940,000	165
Field Offices.....	3,063,000	60
Administrative Staff.....	1,722,000	40
Detention Staff.....	9,441,000	206
Detention Technical Assistance.....	250,000	...
Detention Construction.....	40,360,000	...
Detention Contracting.....	5,000,000	...
Detention Modernization and Repair....	12,600,000	...
Facilities Operations and Maint.....	2,600,000	...
Computer Equipment.....	380,000	...
FBI Agents/Support.....	4,660,000	50
Assistant U.S. Attorneys/Support.....	3,466,000	35
FBI Victim/Witness Coordinators.....	3,351,000	31
Training.....	3,000,000	...
Tribal Courts.....	10,000,000	...
Drug Testing/Treatment.....	10,000,000	...
Juvenile Justice Initiatives.....	20,000,000	...
Miscellaneous.....	<u>186,000</u>	<u>4</u>
TOTAL	\$182,068,000	1,211



APPENDIX

TAB A

JUVENILE CRIME AND GANG ACTIVITY

There are two realities that have fueled the rise of juvenile crime on Indian lands during the past several years. First, after decades of stable birth rates, the fertility rate in Indian Country began to rise sharply during the 1970s. The 1990 Census reports that, while 26 percent of all Americans were under the age of 18, 34 percent of the Indian population was in this age group. The Census Bureau estimates this trend will continue, with a projected Indian population of 4.3 million by the year 2050. In the Gila River Indian Community in Arizona, an area struggling with gang problems, approximately one-half of the population is projected to be under 18 by the year 2000.

Second, the old termination policies and the constraints of reservation life have made economic sufficiency and traditional culture more difficult to sustain. American Indian communities confront difficult social and economic conditions not generally characteristic of other U.S. communities.²⁰ Chronic unemployment, low levels of educational attainment, geographic displacement, and family disruption help foster the rise in juvenile crime now confronting Indian Country.

Dealing with Indian Country juvenile crime is complex. Intelligence on Indian youth gangs can be extremely difficult to gather in light of overlapping jurisdictions, geographic remoteness, and understaffed and overworked FBI, BIA, and tribal law enforcement. Where detailed records are kept, the news is not encouraging. A 1997 BIA survey, with 132 participating Tribes, estimates 375 gangs with approximately 4,650 gang members on or near Indian Country. Tribal police on the Menominee Reservation in Wisconsin report two organized gangs and a 293 percent increase in juvenile arrests between 1990 and 1994; for the same period, there was only a 45 percent increase in adult arrests.

Despite similarities, the development and characteristics of urban street gangs appears unlike Indian gangs. Most gangs in Indian Country are not motivated by economic enterprise to the same extent as urban street gangs, but can be as dangerous or more so as they undertake violent acts to acquire status within their ranks. Some of the Indian gang violence can be shocking:

²⁰ BIA Strategic Plan, August 1997.

- In 1996, a man on the Laguna Pueblo was bludgeoned with a beer bottle, stabbed 72 times, then left with a ritualistic triangle carved on his side.
- Also in 1996, on the Laguna Reservation, the nine police officers (who must patrol one-half million acres) were assaulted 34 times, often by juveniles.
- In the Salt River Pima-Maricopa community in Arizona, the number of drive-by shootings rose from 1 in 1992 to 55 in 1994.
- In October 1996, five members of the East Side Crips Rolling 30s were indicted under the RICO statute with predicates that included murder, arson, and witness intimidation. All, who were members of the Salt River Pima-Maricopa Community in Arizona, were convicted on May 9, 1997.

Few detention facilities exist in Indian Country that are suitable for juveniles. In short, juvenile delinquents can be arrested, but the lack of detention facilities, probation officers, social services, and other needed programs perpetuates the problem. Not surprisingly, juvenile recidivism in Indian Country is very high. Those programs which are in place are often understaffed and lack adequate funding. As existing juvenile facilities are frequently at capacity, juvenile offenders are often kept overnight and then released to their parents. The Omaha Tribal Prosecutor in Nebraska reported that \$30,000 was spent in 1996 housing juveniles at the Wayne, Nebraska, detention center; more than \$180,000 has been spent housing juveniles during the first three quarters of FY 1997, which represents a 500% increase in costs.

TAB B

SEXUAL AND PHYSICAL ABUSE OF CHILDREN

Child abuse has no cultural or socioeconomic boundaries and permeates all societies. Despite the lack of accurate reporting, child abuse is undisputedly one of the most prevalent crimes in Indian Country. According to BIA figures from 1993 to 1995, child sexual abuse is among the top three crimes reported in Indian Country.²¹ Indeed, in 1990, after hearings on hundreds of documented child sexual abuse cases at the Hopi, Navajo, and North Carolina Cherokee Indian Reservations, Congress enacted the Indian Child Protection and Family Violence Prevention Act.²²

To improve our response to these crimes, federal agencies have attempted to improve the protocols for crime reporting, victim services, background checks, and training. For example, within the Navajo Nation, FBI and the Navajo Division of Public Safety have implemented a Safe Trails Task Force. The New Mexico Safe Trails Task Force has five agents and three criminal investigators from the Navajo Division of Public Safety. Eighty percent of the task force's caseload involves the sexual or physical abuse of children. The caseload is so high that the FBI investigates only sexual abuse involving children under the age of 12. Even so, as of October 1997 the Phoenix Division Task Force reported 127 open child sexual abuse cases, in addition to 83 homicide cases. Other felony sexual abuse matters are referred to the Tribe for investigation and subsequent referral to the U.S. Attorney's Office.

Other efforts include memoranda of agreements between federal, state and tribal authorities to streamline the reporting and investigation of child abuse. Since 1995, pursuant to a formal agreement between FBI and OLES, fingerprint checks have been conducted on tribal employees whose duties and responsibilities allow them regular contact with or control over Indian children.

²¹ For example, in the BIA Phoenix area, which includes Nevada, 131 sexual abuse offenses out of 413 total offenses were reported in calendar year 1995. This figure does not reflect all incidents, since fewer than half of the Tribes provided crime data during those years.

²² Codified at 18 U.S.C. § 3201 et seq. Congress expressly found that throughout Indian Country there was gross under-reporting of child abuse, repeated incidents of child abuse perpetrated by federal employees, a complete failure by the federal government and Tribes to conduct criminal background checks for child care providers and teachers, and de minimis funding of counseling and other victim services.

An inherent difficulty in child sexual abuse investigations is the lack of physical evidence. In one study, experts found that in more than 85 percent of all child sexual abuse cases there was no physical evidence of abuse. Defense attorneys frequently attack interviews of children as suggestive, and investigations are often criticized as inadequate.

Despite attempts to quell child abuse through increased training, multidisciplinary approaches, and prosecution, child abuse continues to threaten Indian Country's most precious resource. Under-reporting continues to mask the toll that child abuse continues to take in Indian Country. Children are reluctant to disclose sexual abuse because of fear and retaliation. Particularized training is necessary to recognize signs and symptoms consistent with child abuse. Support systems must be in place for those victims and their families who come forward. For example, in a recent case, a child victim and her family were forced out of their community and had to live in a hotel for over nine months while they awaited trial of the defendant, a prominent tribal leader.

Like child abuse cases nationwide, most child abuse cases in Indian Country involve a family member, acquaintance, or other authority figure. Recently, a jailer was convicted of sexually molesting a 14-year-old inmate. Now, at an increasingly disturbing rate, more juveniles are committing sexual crimes against children.²³ One of the most egregious pedophile cases in history involved a non-Indian school teacher employed by BIA boarding schools. Non-Indians pose unique problems for Indian communities because tribal law enforcement has no criminal jurisdiction over them.

Treatment for both victims and offenders, especially juveniles, are limited. Facilities available through BOP contractors, Federal Probation, and the Tribes, cannot accommodate the disturbing increase in these cases. Given that child abuse occurs at an alarming rate, the issue for the federal government, in meeting its trust responsibility to Indian people, is to ensure that the needed prevention and intervention capabilities increase accordingly.

²³ Examples include a 16-year-old step brother who sneaked into his seven-year-old step sister's bedroom each night to fondle her under her pajamas; two cousins, one 14, the other 16, who sodomized two neighborhood children because "they thought it would be fun;" a 14-year-old boy who, left to babysit an eight-year-old girl and her six-year-old brother, threw the girl down to the floor and raped her; and two 16-year-old brothers who raped girls in the community and then tattooed them. Other tragic examples of child abuse abound.

Tab C - Substance Abuse

TAB C

SUBSTANCE ABUSE

Alcohol remains the most pervasive substance abuse problem in Indian Country. Its destructive effects range from homicides to fetal alcohol syndrome. Although data are incomplete, there is broad consensus among Indian Country law enforcement personnel that the vast majority of violent assaults on children, spouses, and others involve excessive alcohol consumption.

Substance abuse, and our lack of an effective response, directly contribute to rising violence on Indian lands in America. Compounding the problems related to alcohol abuse is the growing use of illicit drugs, especially marijuana and methamphetamine, primarily among young people. The drug problem is spreading -- it is no longer confined to a few reservations near urban areas. Informal surveys of law enforcement officers and prosecutors indicate that a significant percentage of thefts and violent crimes in Indian Country are related to drug or alcohol abuse.

Federal investigators agree that marijuana and methamphetamine are the illicit drugs of choice in Indian Country. Marijuana is often cultivated in remote areas of Indian Country, for later distribution both on and off Indian lands.²⁴ In addition, the BIA reports an alarming trend of methamphetamine manufacture and consumption on Indian lands. In 1996 alone, BIA seized two clandestine methamphetamine labs, including 12 gallons of methamphetamine oil.

Indian Tribes face unique impediments to effective drug enforcement in that Tribes have no jurisdiction to prosecute non-Indians who commit crimes on Indian lands. As a result, only state and federal courts have jurisdiction to prosecute non-Indians who sell illicit substances on the reservation. However, because the quantities are usually below minimum thresholds for federal prosecution, and because state courts are not often receptive to such prosecutions for a variety of reasons, many non-Indian traffickers operate with impunity.

Tribal justice systems often lack the resources to deal with these cases effectively. The tribal obstacles are twofold: statutory and financial. First, the Indian Civil Rights Act limits tribal criminal sentences to no more than one year in custody and a \$5,000 fine, regardless of the crime. This maximum sentence has little deterrent value.

²⁴ In 1995, BIA seized 13,793 cultivated marijuana plants from many Indian reservations throughout the United States. Almost as many (11,884) were seized in 1996.

Second, and more importantly, only a small percentage of the 558 federally-recognized Tribes have the resources actually to incarcerate convicted offenders because few Tribes have access to affordable detention facilities.

Tribal judges can adjudicate offenders, but lack viable options because of inadequate detention facilities, intermediate sanctions, and substance abuse treatment programs. Many drug offenders are put on tribal probation, yet there are not enough probation officers to handle the growing caseloads.

Federal prosecution is also problematic. Local drug organizations are aware that most U.S. Attorneys' offices simply do not have the resources to handle large numbers of small marijuana or methamphetamine cases. In addition, some federal judges perceive that such cases are inappropriate for adjudication in federal courts. Unfortunately, the reality is that drug trafficking activities on a reservation may have a disproportionate impact in relation to the size of the community and the quantity of drugs being distributed. A trafficker whose weekly supply is a couple of pounds of marijuana and some "crank" (methamphetamine) can create significant problems in a small rural community where jobs and constructive activities are scarce.

Without the range of prevention, intervention, and enforcement tools that are common in non-Indian communities, Indians must rely more on federal drug enforcement. One positive development is that more U.S. Attorneys who have Indian lands within their districts are more sensitive to the special drug enforcement needs of Indian Tribes. Where possible, minimum drug thresholds are relaxed for Indian Country cases. Thus, Indian Country U.S. Attorneys have made an effort to target the worst offenders on reservations and file federal cases that can make an impact beyond the immediate effects on the individual defendants.²⁵

²⁵ For example, the U.S. Attorney's office in the Eastern District of Wisconsin recently coordinated an extensive investigation of a drug trafficking organization on the Menominee reservation. The investigation included the first Title III wiretap on an Indian reservation, culminating in two multi-count indictments charging 27 people with various federal narcotics offenses, including ten who are subject to five-year mandatory minimum penalties. Similarly, on September 4, 1997, 22 individuals were arrested on federal drug trafficking charges resulting from a seven-month, joint-agency undercover investigation on the Pine Ridge Reservation in South Dakota. The marijuana purchased in that investigation will expose some defendants to five-year minimum sentences. Other U.S. Attorneys' offices, especially in the Southwest, are also making an effort

CLINTON LIBRARY PHOTOCOPY



TAB D

DETENTION

Detention operations in most Indian Country jails fall far short of basic professional and BIA detention standards. This results from a chronic shortage of operating funds, training, and technical assistance. Operations are substandard in such critical areas as staff and inmate safety; inmate supervision and management; inmate services and programs; fire safety; hazardous substance control; sanitation and pest control; and preventive maintenance. The design of many of these old jails presents diverse health hazards, including an inability to isolate inmates with communicable diseases such as tuberculosis. Most jails do not have written operations policies and procedures, nor do they have adequate systems of documenting operations.

On average, about 80% of a jail's operating budget is dedicated to staffing, but most Indian Country jails have insufficient staff to perform all security, custody, and ancillary functions inherent to jail operations. If staff cannot supervise inmates, they also cannot prevent escapes, suicides, assaults, and vandalism. Moreover, of all law enforcement personnel in Indian Country, detention officers receive the lowest pay and the fewest career opportunities, conditions which contribute to extreme staff "burnout" and high turnover. Detention staff also suffer from inadequate training because staffing levels are low and people cannot be spared to attend training, and because training costs are relatively high. There is a pervasive lack of funding, equipment, and supplies for such areas as security, safety, sanitation and hygiene, inmate services and programs, record keeping, and jail administration. Finally, little technical assistance has been available to Indian Country jails from the federal government.²⁶

to coordinate investigations, search warrants, and federal indictments directed at drug traffickers on Indian reservations.

²⁶ The BIA has only one detention specialist position, which has proven inadequate to provide the level of service needed to help jail staff effectively manage and operate their facilities. Additional technical assistance has been provided through the Justice Department's National Institute of Corrections (NIC). NIC, however, has a very limited budget which must provide technical assistance and training to prisons, jails, probation, parole, and community corrections facilities nationwide. Services to Indian Country jails constitute only a small percentage of NIC's yearly assistance.

Deficient jail operations are accompanied by completely antiquated and inadequate jail structures, which contribute to high suicide rates.²⁷ Most Indian Country jails were designed without consideration for their population: facilities usually were built with a high-security design, while the population typically consists of misdemeanants who are usually cooperative when sober. Most inmates in Indian Country jails are sentenced for misdemeanor offenses, usually related to alcohol-abuse. Although inmates can be sentenced for up to one year for a tribal offense (and longer for multiple counts), most serve less than one year. A minority of inmates are felony offenders who are held until they are transferred to federal facilities.

Most Indian Country jails are in such poor condition that they are out of compliance with building codes as well as professional and BIA jail standards.²⁸ As part of its technical assistance program, NIC has conducted reviews of some Indian Country jails and cited serious physical plant deficiencies in terms of safety, security, and conditions of confinement. Although tribal judges have been commended for innovative sentencing to community service and their use of alternative sanctions, many Indian Country jails are extremely crowded, especially on weekends and during tribal celebrations, and bed space is scarce. Even worse off are Tribes which lack facilities altogether and must transport prisoners to other locations.

This broad array of detention problems is a direct result of inadequate funding. In the critical area of construction, for example, no new construction funds were appropriated for fiscal years 1996 and 1997. In the past nine years, the BIA has been able to construct only five jails and provide limited repairs to others.

²⁷ Most Indian Country jails are of a linear design, meaning cells are arranged in a row and sit at right angles to a corridor. Bars or security doors separate the cells from the corridor. Staff observe the inmates in their cells by "patrolling" the corridor at irregular intervals. This design has proven to be a hindrance to even the most basic of jail operations, including inmate observation, supervision, and management. Under ideal conditions staff would patrol the corridor at least every 30 minutes. Staffing levels often result in patrol intervals that are much longer.

²⁸ In 1995, the BIA contracted with a consultant to conduct needs assessments on 34 BIA-owned facilities. The firm concluded that many facilities are beyond repair and should be replaced. The BIA's Division of Safety Management, the Indian Health Service, and some tribal courts have recommended or ordered that facilities be repaired or closed. Very recently, the Federal Court, District of Colorado, ordered the BIA to make major repairs to the BIA jail on the Ute Mountain Ute Reservation.

Tab E - Training

TAB E

TRAINING NEEDS

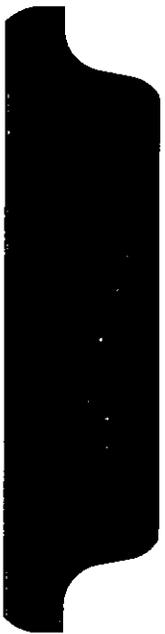
Presently, most uniformed police officers attend the BIA Indian Police Academy (IPA) at Artesia, New Mexico. It is a satellite facility of the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, operated by the Department of the Treasury. The basic police officer course is run three times a year for 16 weeks. Each session has 50 students, with 52 beds available at the IPA during any one time. A waiting period of one year currently exists to receive training at the IPA.

According to the IPA staff, the attrition rate of new officers is approximately 50 percent. In addition, of the officers who graduate, approximately 50 percent leave Indian Country law enforcement within two years.

No present federal law enforcement academy, including the Glynco facility, can train the number of officers projected for this initiative. Either creating a new training facility to replace the current IPA, or acquiring a second academy will be necessary. The need for a greater capacity reflects both the projected surge of new law enforcement officers and the high turnover rate among Indian Country police officers.

Any new facility should be accessible to land and air transportation. The facility could be associated with a university or tribal college that could be used as a resource and means for attendees to obtain college credits for courses received. Ideally, it should be large enough for a driving course and a firearms range. In addition, the new academy could be affiliated with a laboratory structure that can address the forensic needs of Indian Country.

Tribal police and detention officers are often sent to the training academies of various states. A component of any new training unit should be created to help certify that these officers meet federal standards. In addition, this group should work with the police officer standards training (POST) commission of each state so that training received by officers at the IPA is accepted by that state.



TAB F

SUMMARY OF PRELIMINARY CONSULTATIONS WITH TRIBES

The Executive Committee has summarized below the concerns expressed by the Tribes during the recent consultation process. We have chosen to express those concerns as questions.

TRIBAL CONCERNS

- Q. Contracting/Compacting. If the functions are moved to DOJ, what would happen to self-determination and self-governance compacting?
- A. If functions are transferred, DOJ will seek the necessary legislation to protect the rights of Tribes to contract or compact in much the same way as they now do under BIA. DOJ believes that this is a necessary prerequisite.
- Q. Indian Preference. Given the restrictive Supreme Court interpretation of the Indian Preference clause, would DOJ need and seek statutory authorization for Indian hiring preference?
- A. As a necessary part of legislation enabling the transfer, DOJ will seek such legislation.
- Q. Scale of Possible Transfer. Could specific agencies or Tribes opt in or out of the transfer of certain functions to DOJ? Or will any transfer be nationwide?
- A. Opting in or out would be organizationally unmanageable and would conflict directly with our overarching goal of reducing the fragmentation and diffusion of law enforcement services that now compromise their effective delivery.
- Q. P.L. 280. Do these proposals envision any changes in 18 U.S.C. § 1162?
- A. In order to stay focused on securing essential funds to improve law enforcement services through a more responsive organizational structure, we do not plan to ask for any changes in P.L. 280.
- Q. Tribal Criminal Jurisdiction. Would centralization of law enforcement functions, especially in DOJ, further erode tribal criminal jurisdiction?
- A. We do not believe that centralization of law enforcement functions, either in BIA or in DOJ, will erode tribal criminal jurisdiction. Our goals of strengthening both federal and tribal law enforcement at the same time are

- Q. Training. How will BIA or DOJ increase access to training for law enforcement officers?
- A. There will be adequate funding to train all additional officers and investigators at a federal or appropriate state facility. (See Tab E.)
- Q. Tribal Courts. Is DOJ considering a request for oversight of tribal court programs? What is planned to strengthen tribal courts?
- A. No, that responsibility will remain with BIA. DOJ is requesting \$10 million for FY 1999 and BIA is asking for \$11.1 million to aid tribal courts through a variety of programs, including drug courts, special grants, and technical assistance.
- Q. Law Enforcement Responsiveness to Local Needs. If investigative and local police functions are centralized in DOJ, how will each Tribe be able to express their views on law enforcement problems and priorities? Will ICIS or OLES investigators investigate tribal crimes?
- A. DOJ plans to create liaison positions to assure that community accessibility and tribal input on local law enforcement issues and priorities are maintained. Also, community policing will be emphasized. Federal investigators will continue to investigate serious crimes. Uniformed officers will continue to enforce tribal laws. Whether the subsequent case is presented in federal or tribal court is, and will continue to be, a prosecutorial decision.
- Q. DOJ Cultural Sensitivity. If there is a transfer, how will DOJ compensate for its lack of demonstrated experience with Indian Country law enforcement issues?
- A. Under Attorney General Reno's leadership, DOJ has worked hard to improve law enforcement in Indian Country. Assistant U.S. Attorneys have been designated as tribal liaison; the Office of Tribal Justice was created in 1995 to serve as liaison with tribal governments; the Criminal Division has developed a pilot program to improve coordination of Indian Country law enforcement matters; the FBI has established an Office of Indian Country Investigations and has dedicated increased manpower to fight violent crime; and the COPS Office as well as the Office of Justice Programs have substantially increased assistance to Indian Country. Finally, U.S. Attorneys have been prosecuting serious crimes in Indian Country since passage of the Major Crimes Act in 1885.

- Q. Impact on BIA. Would a transfer of law enforcement functions to DOJ impair BIA's ability to fulfil their broad mandate as the focal point for government-to-government relations between the United States and Indian Tribes?
- A. No. Currently, DOJ works closely with BIA in its central role in fulfilling the federal trust responsibility and will continue to do so regardless of whether BIA law enforcement functions are transferred to DOJ. BIA will remain the core Indian agency in the Executive Branch.
- Q. Youth Crime and Treatment. Many Tribes are concerned that more must be done to help at-risk youth and to treat offenders, when appropriate, and reintegrate them into the Tribe. Does DOJ plan to help in this area?
- A. Although not the focus of this initiative, DOJ is asking for \$30 million in FY 1999 for drug testing and treatment, as well as prevention and intervention for Indian youth.

Selected Excerpts

- Albert Hale, President, Navajo Nation: "...the threshold issue is expanding the ability to 638 contract over to the Department of Justice."
- Gregg Bourland, Chairman, Cheyenne River Sioux Tribe: "...these kids think that they're above the law. 'I'm sixteen years old. I'm above the law. I'm in a gang, but they're going to baby me around in tribal court.'"
- Eddie Tullis, Chairman, Poarch Creek Band of Creek Indians: "I am of the opinion that law enforcement is such a complicated issue that if you have the investigative services on one side and then you have the uniformed police officers in another, you're asking for some real conflicts to develop from an operational point of view."



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OUTCOMES OF THE CONSULTATIONS
TRIBAL PREFERENCES

TAB G

BIA

ICIS

Formal Responses	Informal Responses	Formal Responses	Informal Responses
Arizona *Colorado River *Navajo Nation *Salt River Pima-Maricopa *White Mountain	Arizona Pascua Yaqui	Arizona *Tohono O'odham	Alabama *Poarch Creek
California Cortina Rancheria	Iowa Meskwaki Tribe	Colorado Ute Mountain Ute	Minnesota Leech Lake
Nevada Duck Valley	Louisiana *Chitimacha *Coushatta *Tunica-Biloxi	Idaho *Nez Perce	Montana *Fort Peck

*Denotes contracting or compacting tribes for any and all law enforcement functions (including 6 self-funded tribes)

BIA

ICIS

Formal Responses	Informal Responses	Formal Responses	Informal Responses
Oklahoma Caddo Tribe *Cherokee Chickasaw Nation *Choctaw Nation *Kaw Tribe Modoc Tribe *Muscogee(Creek) *Pawnee Tribe Seminole Tribe	Minnesota Upper Sioux	Maine *Passamaquoddy Pleasant Point *Passamaquoddy Township *Penobscot	Nevada Inter-Tribal Council Battle Mountain Carson Colony Dresslerville Colony *Duckwater Elko Colony *Goshute Paiute UT/NV Moapa River South Fork Stewart Colony Summit Lake *Walker River Wells River Winnemucca Colony Woodfords Colony Yomba Colony *Yerington Colony Representing Council *Ely Indian Colony *Fallon Colony Fort McDermitt Lovelock Colony *Pyramid Lake *Reno-Sparks Colony *Te-Moak W. Shoshone *Washoe

BIA

ICIS

Formal Responses	Informal Responses	Formal Responses	Informal Responses
Washington *Colville *Yakama	Mississippi *Choctaw	North Dakota Three Affiliate Tribe Turtle Mountain *Sisseton-Wahpeton Spirit Lake Nation Standing Rock Sioux	South Dakota *Cheyenne River *Oglala Sioux
	Nebraska Winnebago Tribe *Omaha Tribe	Oklahoma *Absentee Shawnee	Washington *Lower Elwha
	New Mexico *Acoma Pueblo Cochiti Pueblo *Isleta Pueblo Jemez Pueblo *Laguna Pueblo Mescalero Apache *Ramah *San Juan Pueblo *Sandia Pueblo *Santa Ana Pueblo Santo Domingo Pueblo Zia Pueblo *Zuni Pueblo	Washington *Quinault	Wisconsin *Menominee
	Oklahoma *Cheyenne-Arapaho Miami Tribe *Wyandotte		

BIA

ICIS

Formal Responses	Informal Responses	Formal Responses	Informal Responses
	Oregon *Burns Paiute *Coquille Community *Grand Ronde *Siletz *Umatilla *Warm Springs		
	South Carolina Catawba Tribe		
	Washington *Swinomish *Squaxin Island *Puyallup *Skokomish *Upper Skagit *Port Gamble S'Klallam		

NO POSITION

Arizona

*Ak-Chin

*Cocopah

*Fort McDowell

*Fort Mohave

Gila River

Havasupai

Hopi

Hualapai Tribe

*Kaibab-Paiute

Quechan Tribe

*San Carlos Apache

San Juan Southern Paiute

Tonto Apache

Yavapai-Apache

Yavapai-Prescott

California

*Hoopa Valley

Mooretown

Pit River Tribe

Quartz Valley

Redding Rancheria

Tule River

Twenty-Nine Palms

Wiyot Tribe

Colorado

*Southern Ute

Florida

*Miccosukee

*Seminole Tribes

Idaho

*Coeur D'Alene
Shoshone-Bannock Tribes

Kansas

*Iowa
*Kickapoo
*Prairie Band Potawatomi
*Sac and Fox

Michigan

*Bay Mills Chippewa
*Grand Traverse
*Hannahville
*Keweenaw Bay Indian Community
*Lac Vieux Desert
Little River Band
*Little Traverse Bay Bands
*Saginaw Chippewa Tribe
*Sault Ste. Marie

Minnesota

Bois Forte
Fond du Lac
Grand Portage
Lower Sioux
*Mille Lacs
Prairie Island Community
*Red Lake Band
Shakopee
White Earth

0

Montana

*Blackfeet

Crow

*Fort Belknap

Northern Cheyenne

*Rocky Boy

*Salish and Kootenai

Nevada

*Las Vegas Colony

New Mexico

*Jicarilla Apache

Nambe Pueblo

*Picuris Pueblo

*Pojoaque Pueblo

San Ildefonso Pueblo

*Santa Clara Pueblo

*Taos Pueblo

*Tesuque Pueblo

New York

Cayuga Nation

*Oneida

Onondaga

Seneca Nation

*St. Regis Mohawk

Tonawanda

Tuscarora Nation

North Carolina

*Eastern Cherokee

Oklahoma

Alabama Quassarte Tribal Town

Chickasaw Nation

*Citizen Band Potawatomi

*Comanche Tribe

*Iowa

*Kickapoo Tribe

*Ponca

*Sac and Fox

Seneca-Cayuga Tribe

Thlopthlocco Tribal Town

South Dakota

*Crow Creek Sioux

Flandreau Santee Sioux

Lower Brule

*Rosebud

Yankton

Texas

Alabama-Coushatta

Kickapoo

*Tigua (Ysleta del Sur Pueblo)

Utah

Paute Indian Tribe

Uintah and Ouray

Washington

*Kalispel

*Makah

Spokane

Wisconsin
*Oneida
Stockbridge-Munsee

Wyoming
Eastern Shoshone
Northern Arapaho

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TAB H

EXECUTIVE COMMITTEE (EC) FOR INDIAN COUNTRY
LAW ENFORCEMENT IMPROVEMENT (FORMERLY ICIS)

LIAISON WITH CONGRESS, THE WHITE HOUSE, AND CABINET OFFICERS
David Ogden (DOJ) and Anne Shields (DOI)

THE EXECUTIVE COMMITTEE

		<u>Phone</u>	<u>Fax</u>
<u>Co-Chairs:</u>	Kevin Di Gregory (DOJ)	202-514-9724	514-6034
*	Hilda Manuel (BIA)	202-208-5116	208-5320
<u>Members:</u>	Tom LeClaire (DOJ-OTJ)	202-514-8835	514-9078
*	Ted Quasula (BIA-OLES)	505-248-7937	248-7905
*	Derril Jordan (DOI-SW)	202-208-3401	219-1791
	Tim Vollmann (DOI-HQ)	505-883-6700	883-6711
*	Ron Allen (S'Klallam)	202-466-7767	466-7797
*	Mary Thomas (Gila River)	520-562-6000	562-3422
*	Phillip Martin (Choctaw)	601-656-5251	656-1992
*	Bill Ancoatubby (Chickasaw)	405-436-7204	436-4287
*	W. Walksalong (Cheyenne)	406-477-6284	477-6210
*	Roland Johnson (Laguna)	505-552-6654	552-6941
	Janet Napolitano (USA)	602-514-7576	514-7670
	John Kelly (USA)	505-766-3341	766-5574
	S. Matteucci (USA-Alt)	406-657-6101	657-6989
	Mike Roper (DOJ)	202-514-1843	514-1778
	Steve Wiley (FBI)	202-324-4188	324-3089
	Pat Sledge (BOP)	202-514-8585	307-0215

STAFF TO EC

<u>Director:</u>	* Phil Baridon	202-514-2659	514-9087
<u>Members:</u>	Soo Song (OTJ-20%)	202-616-9040	514-9078
	T. Toulou (MT AUSA-25%)	406-247-4629	657-6989
* x185	K. Bliss (NM AUSA-25%)	505-766-2868	766-8517
x138	S. Kimball (NM-AUSA-20%)	505-766-2868	766-2127
	Mikki Atsatt (DOJ/BS-15%)	202-616-3786	514-3333
*	Brent LeRocque (OLES-25%)	505-248-7937	248-7905
*	Dave Nicholas (BIA-25%)	202-208-5039	208-6170
*	Craig Jones (BIA-10%)	505-746-5752	748-8162
	June Kress (COPS-50%)	202-616-2915	616-9612
x140	Ginny Hutchinson (NIC-15%)	303-682-0639	682-0469
	Joe Lodge (AZ AUSA-15%)	602-514-7565	514-7693
*	Walt Lamar (OK FBI-20%)	405-290-7770	290-3885
	Mark Donahue (FBI-HQ)	202-324-3366	324-2731
	Beth Luedtke (DOJ-100%)	202-514-4669	514-9087

* Enrolled tribal members.