

*Crime -
Indians*

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 \$85 million
initiative.
Elean*

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 Gregorio ^{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.

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

Crime - Indians

11-18-97

THE WHITE HOUSE

WASHINGTON

BRUCE | ELENA | MICHAEL :

IN CASE YOU DON'T
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LA TIMES I GUESS OUR
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✓ 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."



U. S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

Crime - Indian Country

DATE: May 7, 1997

TO: Bruce Reed

Telephone No. () _____ - _____ Fax No. () 456 - 5542

FROM: David W. Ogden
Associate Deputy Attorney General

Telephone No. (202) 514 - 8633 Fax No. (202) 514 - 9368

TRANSMISSION CONTAINS 9 SHEETS INCLUDING THIS COVERSHEET

SPECIAL NOTE(S) _____

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U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

May 7, 1997

MEMORANDUM

TO: Bruce N. Reed
Assistant to the President
Office of Domestic Policy

FROM: Seth P. Waxman *SPW by DWO*
Acting Deputy Attorney General

SUBJECT: Law Enforcement in Indian Country

This memo and the attached draft letter to the President provide you with background information for our meeting scheduled for tomorrow, May 8th at 2:00 p.m. At that time, Anne Shields, David Ogden and I plan to present a joint proposal of the Departments of Justice and Interior recommending that the President launch an Administration Initiative designed to improve law enforcement in Indian Country.

Violent crime is rising in Indian Country while it is falling in American cities. On many reservations, public safety is less secure than in the most crime-plagued inner cities. The situation is truly critical and getting worse. Because the United States has primary responsibility for law enforcement in Indian Country, this Administration has a unique opportunity to make a meaningful and important difference in what is a crisis in public safety for many of our Native American communities. This issue further brings together two goals to which the President is deeply committed: improving law enforcement and improving the lives of the Nation's disadvantaged minorities.

The Departments of Justice and Interior formed a working group late last year to explore ways to remedy the failure to provide for adequate public safety in Indian Country. The group developed several models for reform, and useful projections of the associated costs. Ultimately, the process produced what I believe to be a strong proposal that the President establish a blue-ribbon Task Force on Law Enforcement in Indian Country -- supported by a joint Justice-Interior staff -- designed to develop a consensus on the best manner to address this problem and to present a report to the President with recommendations.

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As the attached letter explains in greater detail, we believe that White House leadership is critical to improving law enforcement in Indian Country. The problem is complex and subject to a variety of conflicting interests. The President's personal commitment will greatly reassure Tribal leaders, who otherwise might be skeptical of the Administration's commitment to achieving meaningful, lasting change. Full participation of Tribal leadership will be crucial to the success of this venture. Finally, because more than one federal department and more than one set of oversight committees of the Congress are involved, Presidential direction will help cut through distracting parochial concerns.

I look forward to discussing this proposal further tomorrow.

Attachment

cc: Anne H. Shields



Office of the Attorney General
Washington, D. C. 20530

DRAFT

The President
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to propose that the Administration, under your leadership, undertake an historic initiative to provide effective law enforcement to our Native American communities. More than anywhere else, the United States is responsible for public safety in Indian Country. Tragically, however, we are failing to fulfill that responsibility, with shattering impact on the lives of many of our Native American citizens. Yet the problem is solvable, with a finite federal financial commitment and a new approach to management of law enforcement resources. We believe that, with the President's personal commitment, this Administration can and should make a dramatic improvement in this very important area.

Current Conditions Are Dire

There is a crisis in public safety and law enforcement in Indian Country. While violent crime is falling in American cities (due in large part to this Administration's support of local law enforcement), it is rising in Indian Country. At the same time, law enforcement resources, which have been increased and deployed to great effect throughout the United States, have actually been reduced in Indian Country over the past few years. This has severely compromised public safety and the safety of law enforcement officers, diminished the number of investigators to the point that many violent crimes in Indian Country remain not only unsolved but actually uninvestigated, and resulted in jails that are grossly inadequate in capacity and neither secure nor safe. In recent years, the pattern of neglect has become unprecedented in the modern history of relationships between the United States and the Tribes. Today, Indian citizens receive police, investigative, and detention services that are not only inadequate, but also suffer by comparison to this country's poorest jurisdictions.

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The President
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The Administration's hard work to reduce violent crime and increase the quality of life in America has paid dividends. The Federal Bureau of Investigation (FBI) reports that the nationwide violent crime rate in 1995 dropped 10 percent below 1991 levels, and that the homicide rate has declined by 16 percent since 1991. Unfortunately, life has become much more violent during the same time period for the 1.2 million Indian citizens who live on or near reservations. For example, the overall homicide rate for Tribes under federal jurisdiction has risen 87 percent since 1992. The overall homicide rate in Indian Country is four times the rate in smaller, non-urban areas, and certain reservations have homicide rates that dwarf those in cities like New Orleans and Washington, D.C.

Other violent crimes have paralleled the rise in homicides. Increasing gang violence, widespread domestic violence, and child abuse are cruel realities on many reservations. For example, on the Tohono O'odham Reservation, with a resident population of 13,479 and 75 miles of common border with Mexico, the FBI reports more than 30 open child abuse cases and says that another 30 could be opened if additional resources were available.

Due to chronic underreporting and in some cases no reporting at all, statistics actually understate the real extent of violent crime on Indian lands. There is unanimous agreement among law enforcement professionals and United States Attorneys in Indian Country that the situation is grave and getting worse.

One of the most disturbing developments is the recent rise in several states of Indian gangs that model themselves after their urban counterparts. For example, last October, 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 were members of the Salt River Pima-Maricopa Indian Community of Arizona. At least six of the 46 homicides on the Navajo Reservation last year were related to the 54 juvenile gangs on the reservation. The violence associated with such crimes can be shocking. Last year, Navajo gang members burned a rival to death in his car using Molotov cocktails. After a gang member was beaten to death on the Navajo Reservation recently, the perpetrators carved gang markings on his forehead. On Good Friday of last year, a man on the Laguna Pueblo Reservation was bludgeoned with a beer bottle, stabbed 72 times, then left with a ritualistic triangle carved on his side. During the same year on Laguna, the nine police officers (who must patrol one-half million acres) were assaulted 34 times. Hundreds of thousands of law abiding citizens are affected by these grisly episodes and the many other violent crimes in Indian Country.

DRAFT

The President

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When officers do make arrests and tribal courts order defendants held, the lack of available detention facilities in Indian Country makes a mockery of those courts and the hard work of the Bureau of Indian Affairs (BIA) and tribal officers. Most detention facilities are old, understaffed, have high suicide rates, and need to be repaired or, in many cases, replaced. During 1996, the Navajo Nation police made approximately 28,000 arrests, but only 121 beds were available in jails on the reservation. One facility was in such bad condition last year that guards drew a line in the dirt to represent a perimeter fence.

Federal Responsibility to Act

The Federal Government has the singular responsibility to fix this broken system. Federal law enforcement is the only protection for the victims of violent crimes in most areas of Indian Country, and the federal commitment has not met the challenge. The Indian Commerce Clause vests Congress with plenary authority in Indian Country. The investigation and prosecution of major crimes cannot be deferred to local authorities. Except as otherwise provided by Congress, the United States has exclusive jurisdiction over major crimes. Although all Tribes have concurrent jurisdiction with the Federal Government over criminal matters involving Indian perpetrators, sentences are limited to a maximum of one year and \$5,000, per offense. And, in any event, Tribes in almost all cases simply lack the resources to do the job alone.

Indeed, federal law enforcement jurisdiction in Indian Country is actually growing. The 1994 Crime Act's expanded list of gun, drug, and domestic violence provisions all apply to Indian Country, and many Tribes have asked the Federal Government for help with the growing problem of violent and repeat juvenile offenders.

Yet, as both violent crime and federal jurisdiction are increasing in Indian Country, federal resources are dwindling. The BIA in the Department of Interior (DOI) has primary responsibility for enforcement and detention, but since 1992, the total BIA law enforcement budget has declined from \$78.5 million to \$74.6 million -- a 5.1 percent decrease. The decrease between fiscal years 1995 and 1996 was almost 15 percent. Budget cuts have caused RIFs and increased attrition across all of BIA's law enforcement services. This decline is in stark contrast to increased funding for all other federal law enforcement agencies.

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The devastating consequences of these cuts are readily apparent. The number of BIA criminal investigators has dropped from 144 in 1993 to 78. There are now only about half as many uniformed officers per capita in Indian Country as in the rest of the United States. Finally, few of the 67 jails in Indian Country meet minimum BIA detention standards. All BIA funding requests for construction have been denied by the Congress during the last two fiscal years.

The bottom line is that Indian Country has been largely neglected in the Federal Government's otherwise committed fight against violent crime. Although there is considerable debate about how to improve the situation, there is universal recognition that the current structure has failed. It is clear that it is the Federal Government that bears the responsibility to act.

Possible Solutions

To identify the range of law enforcement issues in Indian Country and develop possible solutions to the problems, the Department of Justice (DOJ) and DOI formed an Executive Working Group last October. Its mandate included preparation of options, cost estimates, and guidance on policy concerns and funding possibilities.

Three basic options emerged: (1) Consolidate the criminal investigative services of the BIA and FBI within a new Indian Country Investigative Service (ICIS) under DOJ. Uniformed police and detention services would remain with the BIA. (2) Transfer all three major law enforcement programs in BIA to ICIS in Justice. (A variation would be to assign detention responsibilities to the Bureau of Prisons.) (3) Consolidate criminal investigations, uniformed police, and detention services under the line and budgetary authority of BIA's Division of Law Enforcement Services (DLES). DOJ would assist DLES by expanding the availability of technical assistance and training.

No matter which option is selected, the costs of improving law enforcement services would be roughly the same. To make law enforcement services in Indian Country comparable to those in similar areas of the United States, DOJ or BIA would have to fund approximately 405 investigators and 2,300 uniformed officers. Annual costs for the investigators are estimated at \$57 million and for uniformed officers at about \$150 million. BOP estimates that facility construction and renovation costs would be between \$150 - 200 million, and detention operating and maintenance expenditures would average about \$72 million per year.

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It is clear that finding the solution cannot be a "Justice Department" or "Interior Department" initiative, because both Departments (as well as smaller agencies within them) share responsibility for federal law enforcement. Similarly, responsibility for law enforcement and Indian Country is spread across at least two congressional committees.

Finally, and perhaps most important, the Tribes themselves must be part of the process of developing a solution.

Need for Presidential Leadership

Presidential leadership offers the best chance to achieve the fundamental changes that are needed in Indian Country law enforcement. We believe that you should establish a blue-ribbon Task Force on Law Enforcement in Indian Country, composed of members from inside and outside government, including Tribal leaders. Our Departments stand ready to provide a first-rate, integrated staff to support the task force. The task force would engage in dialogue with the Tribes and pertinent agencies, experts, and interest groups; develop a consensus on the best manner to address this problem; and present a report to the President with recommendations. We believe that the President's commitment to this endeavor would lend such a process great credibility with the Tribes, the Congress, and the American people, and could create momentum for needed legislative and administrative action.

There are several reasons why such a task force is required.

First, the problem is complex and subject to a variety of conflicting interests. Some of the difficulties in solving it are the product of centuries of American history, and longstanding neglect of our treaty and trust obligations. While everyone can agree there is a serious problem, only through assembly of a broad and diverse array of interests and expertise can we hope to create a consensus for implementation of any particular solution. The President is uniquely situated to accomplish this.

Second, the President's personal commitment will greatly reassure Tribal leaders, who otherwise might be skeptical of the Administration's commitment to achieving meaningful, lasting change. The full participation of Tribal leadership is crucial to the success of the venture.

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Third, because more than one federal department and more than one set of oversight committees of the Congress are involved, Presidential direction will help cut through distracting parochial concerns.

There is no time to lose in addressing this crisis, and the establishment of a short time frame, like that achieved for the Vice President's recent initiative relating to airline safety, is crucial. Once again, Presidential commitment will help drive the process to an early conclusion.

Presidential leadership also makes sense because the current problem stems, at least in part, from fragmented responsibilities and overlapping jurisdictions. Recommendations to consolidate and streamline these bureaucratic structures would fit well with this Administration's commitment to reinventing government.

Our citizens in Indian Country have never enjoyed the adequate law enforcement that most of us take for granted. It is time to change that. In the face of a rising tide of violence and despair throughout Indian country, a meaningful improvement in public safety is achievable, and would be an historic reminder that the Federal Government has not forgotten its solemn trust and treaty obligations to American Indians. This could be -- and should be -- one of the Administration's significant legacies.

Respectfully,

Janet Reno
Attorney General

Bruce Babbitt
Secretary
Department of the Interior

Meeting on Interior's Law Enforcement Authority
Indian Country Investigative Service

May 8, 1997

2:00 p.m.

Elena Kagan
Jose Cerda
Leanne Shimabukuro
Lynn Cutler
David Haun, OMB
Seth Waxman DOJ
David Ogden DOJ
Anne Shields
Hilda Manuel

} DPC

} Interior

T.J. Glauchier, OMB
Michael Deutsch, OMB

?
Pres. Memo to AG + DOI to report back w/ 120 days
w/plan — consult w/ Congress, law enforcement, Indian
Country etc.

Yes — and if they think w/ involvement in the consult.
process helps, then we're
glad to provide it.