



Tribal Justice & Safety



Government-to-Government Consultation, Training & Technical Assistance including
a National Tribal Symposium on Sex Offender Management and Accountability

GOVERNMENT-TO-GOVERNMENT CONSULTATION SESSION Summary

November 27, 2007
Santa Ana Pueblo, New Mexico

- Co-Moderators:
- John Gonzales, Executive Director, Eight Northern Indian Pueblos Council
 - Joe Garcia, President, National Congress of American Indians
 - Gena Tyner-Dawson, Sr. Advisor for Tribal Affairs, Office of the Assistant Attorney General, OJP/DOJ
 - Jerry Gidner, Director, Bureau of Indian Affairs
 - Jackie Johnson, Executive Director of the National Congress of American Indians (NCAI)

Discussion Participants:

- Leslie Hagen, Assistant US Attorney, Western District of Michigan and assigned to the Sex Offender Sentencing, Monitoring, Apprehension, Registering, and Tracking (SMART) office within the Office of Justice Programs
- Jim Stone, Acting Director of Behavioral Health, Indian Health Service
- Dean Burris, Native American Issues Coordinator, US Department of Justice
- Cathy Sabel, Deputy Director, Office of Tribal Justice, Department of Justice
- Beverly Watts Davis, Senior Policy Advisor, Substance Abuse and Mental Health Services Administration
- Bob Brown, Senior Policy Advisor for Tribal Justice, Bureau of Justice Assistance, U.S. Department of Justice
- Laura Ansera, Tribal Youth Coordinator, Office of Policy Development, Office of Juvenile Justice and Delinquency Prevention Office of Justice Programs, U.S. Department of Justice
- Kevin Fitzgibbons, Administrator, Eastern Woodlands Office of Native American Programs, U.S. Department of Housing and Urban Development
- Gretchen Shappert, United States Attorney, Native American Issues Subcommittee, U.S. Department of Justice
- Virginia Davis, NCAI Staff
- Rebecca Hart, NCAI Staff
- Linda Big Soldier, Vice Chairperson of the Iowa Tribe of Oklahoma
- Linda Holt, Board Member, National Indian Health Board and Tribal Council Member for the Suquamish Tribe of Washington
- Ronda Metcalf, Representative, Portland Area Indian Health Board and Vice Chairperson of the Sauk Suiattle Tribe
- Angela Sandstol, President, Alaska Native Village of Tyonek
- Kyle Prior, Chairman, Shoshone Paiute Tribe
- Greg Abrahamson, Vice-Chairman, Spokane Tribe

- Josh Breedlove, Staff Attorney, Mississippi Band of Choctaw Indians, Office of the Attorney General
- Elmer Jay Emory, Tribal Council, St. Croix Band of Lake Superior Chippewa Indians, Wisconsin
- Ben Nuvamsa, Chairman, Hopi Tribe
- Dorma Sahneyah, Chief Prosecutor, Hopi Tribe
- Robert Fields, Public Safety Director, Iowa Tribe of Oklahoma
- Vincent Knight, Prosecutor/Attorney, Pueblo of Laguna
- Richard Armstrong
- Peter Ortego, General Council, Ute Mountain Ute Tribe
- Sherry Counts, Vice Chairman, Hualapai Tribe

The fourth Tribal Justice and Safety Consultation session was held on November 27, 2007 and provided an opportunity for Tribal Leaders to discuss important issues with Federal officials from U.S. Departments of Justice, Health and Human Services, Housing and Urban Development, Interior, and Small Business Administration. The forum served as the opening session for the Tribal Justice and Safety Government-to-Government Consultation, Training and Technical Assistance event including a National Tribal Symposium on Sex Offender Management and Accountability held in Santa Ana Pueblo, New Mexico, November 27 – 30, 2007.

The welcome and opening remarks were made by John Gonzales, former governor of San Ildefonso and the Executive Director of the Eight Northern Indian Pueblos Council. Mr. Gonzales then turned the floor over for opening prayer/invocation and additional opening remarks to Joe Garcia, President of the National Congress of American Indians (NCAI) and former Governor and current Councilman from Ohkay Owingeh Pueblo.

After the invocation, Mr. Garcia welcomed participants to Pueblo country, gave a brief overview of the region, and thanked everyone for their attendance, as well as their efforts and support over the past two years. He also announced to everyone that he was voted as President of NCAI for another two years and noted the support of various Tribal Leaders, Tribes, Indian Nations and community members.

Mr. Garcia went on to discuss the work that has already been done and the importance of continuing the efforts that were started several years ago. Noting that positive results of some efforts had already come to fruition, he stressed that there is still much to do, particularly in the political arena. He continued, thanking the several Federal departments in attendance and then recalled considerations of holding a session that was all-inclusive of Federal departments dealing with Indian Country, citing that this session was an example of a good idea coming to fruition. He also encouraged Tribal Leaders to get involved and have their staff, departments and program people involved as well.

He continued by stating many ideas would be developed today and many would be addressed, stressing that working together would be the best way to develop solutions to the issues. Mr. Garcia referenced a “three-prong” approach to aid problem solving in Indian Country: Prong 1, Law Enforcement – Contain the “problem” and get it out of the system (i.e., drug dealers, etc.); Prong 2, Prevention – drug prevention, alcohol prevention, basically “problem prevention” (successfully completing this prong leads to the need of less resources for the third prong); Prong 3, Treatment – must treat the “problem” so it doesn’t end up back in the system (for example, simply incarcerating people and then letting them out without treatment will wind up causing a bigger problem than what was beginning).

The floor was then turned over to Gena Tyner Dawson. Ms. Tyner Dawson extended a welcome on behalf of Cybele Daley, Acting Assistant Attorney General, and thanked Mr. Garcia for his leadership, as well as Jackie Johnson and NCAI for a very successful 64th Annual NCAI convention in Denver. She also thanked John Gonzales for his willingness to assist with the consultation session. Lastly, she thanked participants for their attendance.

Ms. Tyner Dawson relayed that a brief update from the three previous consultation sessions would be presented and then dialog would begin for the issue of concern for the day, specifically detention and correction issues in Indian Country, as well as subtopics related to such. She also advised that during a working lunch, Jackie Johnson would facilitate a discussion of how the issues would take shape into action over the year. She also stressed that great efforts would be made by the Federal agencies to coordinate and collaborate as much as possible in regards to addressing raised issues.

Jerry Gidner took the floor next, advising that this was his first consultation session as BIA Director. He thanked the other Federal agencies involved in the forum and went on to strongly stress that he wants BIA to be the absolute best organization in the Federal government (because that is what is necessary to provide the services and support that Tribes need). He explained that one of his bigger goals over the next year is to develop internal BIA training programs because the department has such a broad mission, but little training and they can't assist if they are in that situation.

The floor was turned back to Mr. Gonzales who began the introduction process. After introductions, the document that summarized previous consultation sessions was reviewed by Gena Tyner-Dawson, providing background of how the sessions came to be; which federal agency departments are involved; and how much of a vital role the Tribal leadership, the national organizations, the regional organizations, and the individual Tribal representatives have played in shaping these sessions that are not just consultations, but training and technical assistance, as well. It was also noted that the report was a best effort to capture a total of 13 major issues/areas that were raised at prior sessions and how Federal agencies have tried to work on those areas.

OJP Update on Tribal Consultation Issues and Recommendations

The OJP has responded to a number of the consultation issues raised and in other instances has provided brief points on existing resources made available to address the issues and recommendations made by Tribal leaders.

1. Increase and Improve tribal access to all OJP resources and promote sustainability

- In Fiscal Year 2007 OJP established a dedicated government-wide Tribal Justice and Safety Web site that provides AIAN Tribes immediate access to all OJP, COPS and OVW funding and grant opportunities
- OJP improved its email broadcast capacity to include all national tribal organizations as recipients of funding and grants opportunities available to AIAN Tribes.
- OJP implemented a new Tribal Grants Policy September 20, 2007 which requires OJP to include AIAN Tribes in their grants solicitations as eligible absent compelling justification to the AAG for exclusion.

2. Development and implementation of the Adam Walsh Child Protection and Safety Act impact on Tribal sovereignty

- (reported separately)

3. Increase construction of detention and correction facilities to address lack of facilities and overcrowded facilities, and facilities renovations and staffing needs

- OJP staff met with HUD and BIA representatives to discuss current projects, and assess opportunities to increase coordination and collaboration among the federal agencies, and additional meetings are scheduled.
- OJP increased broadcast notices to Tribes regarding facilities planning and renovation grants which were solicited in August and September 2007.

- Facilities planning, construction and renovation announcements, training and technical assistance sessions were completed at the at June and July 2007 TCT&TA sessions.
4. **Support tribal adult and juvenile treatment facilities to address alcohol and substance abuse related victims, prisoner recovery/re-entry, and recidivism rates.**
 - OJP is not authorized to construct alcohol and substance abuse treatment facilities. However, OJP does support tribal drug courts and wellness courts, and works with victims of crime through the OJP Office on Victims of Crime (OVC).
 5. **Provide more education and training on Methamphetamine affects on Native communities.**
 - OJP awarded a Training & Technical Assistance grant to provide Methamphetamine law enforcement training for Indian Country.
 - The 4th TCT&TA Session hosted a National Tribal Methamphetamine Summit on August 1, 2007 in Phoenix, AZ sponsored by the White House Office of National Drug Control and Policy (ONDCP). Tribal leader recommendations were developed and presented to ONDCP.
 - All of the TCT&TA sessions have included Methamphetamine training sessions.
 - OJP participates in regular executive meetings with HHS to provide support and collaborate on the HHS Indian Country Methamphetamine Initiative (ICMI).
 - The OJP OVC administers a resource center for drug endangered children, including Indian Country.
 6. **Assist Tribes with developing and expanding crime data collection systems in their courts and law enforcement agencies to improve tracking and interoperability.**
 - OJP's Bureau of Justice Statistics (BJS) awards competitive grants to AIAN tribes to improve the criminal records, called the Tribal – Criminal Record History Improvement Program (T-CRHIP).
 - BJS awarded a grant to SEARCH to assist Tribes with VAWA/AWA implementation.
 - OJP implemented 10 AMBER Alert pilot projects for Indian Country that will provide for a communications/interoperability assessment, development of an AMBER Alert Plan, and provide for specific training on implementing AMBER alerts in Indian Country in cooperation with other jurisdictions.
 - In July 2007, OJP hosted an interagency meeting with other federal departments to learn about other federal information sharing and interoperability activities.
 - On August 2-3, 2007, OJP BJS sponsored a two-day national Crime Data and Information Sharing Conference held in conjunction with the TCT&TA 4th TCT&TA session.
 7. **Promote and help federal-tribal-state cross-jurisdiction cooperation and information sharing.**
 - In response to Tribal leader's comments at previous tribal consultation sessions, the Fiscal Year 2008 TCT&TA November session includes participation of state and local tribal criminal justice and public safety representatives.
 - The OJP BJS National Crime Data and Information conference was designed to assist with expanding federal-tribal-state information sharing efforts.

8. Support more prevention, intervention, gang violence and victim assistance services for youth and sexual assault victims.

- OJP has convened several interagency meetings with BIA, SAMHSA, IHS and other DOJ components to seek opportunities to collaborate on sexual assault issues.
- OJP is working with HHS to coordinate on gang violence prevention and reduction activities, including Indian Country.
- OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP), works closely with Tribal communities through its Tribal Youth Programs (TYP's) to address crime prevention and delinquency issues for juveniles.
- OJP is working closely with the Boys & Girls Clubs of America to expand B&GC in Indian Country and support sustainability.
- The Fiscal Year 2008 TCT&TA November session includes B&GC training sessions to assist Tribal communities with implementing prevention and intervention programs for youth.
- The TCT&TA sessions initiated sexual assault panels and training workshops for Indian Country, and include a day-long national Tribal summit at the November session that will focus on implementing Sex Offender Registries in Indian Country and/or in cooperation with State jurisdictions.

9. Improve the grants application process to Tribes by increasing grants available, earlier notices, longer solicitation periods, allow indirect costs, eliminate matching requirements, and promote local flexibility on use of funds.

- The Tribal Grants Policy signed September 20, 2007, implements new requirements to improve grants solicitations notifying AIAN Tribes and all other eligible OJP grantees of their eligibility, requires notices to be posted on the web site and sent to tribal organizations, created a threshold of a minimum 60 day solicitation period barring exigent circumstances.

10. Assist Tribes grants administration with more technical assistance to implement, administer, report, and close out grants.

- The TCT&TA sessions are designed to provide workshops to AIAN applicants and current grantees to assist with grants implementation, administration, reporting requirements and other special conditions required by grantees in meeting their grants objectives.
- Beginning in Fiscal Year 2008, OJP's TTA providers will be asked to participate in the TCT&TA sessions, and demonstrate their experience in working with and collaborating with AIAN Tribes and communities.

11. Improve cultural awareness in staff, solicitations, peer review panels, and grants administration.

- On September 20, 2007 OJP implemented a Tribal Grants Policy that mandates AIAN awareness training for OJP employees that work on tribal issues and/or are involved in policy matters that impact AIAN tribal governments.
- The JPCNAA implemented a workgroup that will develop an AIAN training program for DOJ and OJP employees
- Fiscal Year 2008 OJP Training & Technical Assistance (TTA) provider solicitations will include requests for submissions to document relevant experience in working

with AIAN communities, and willingness to coordinate with national and regional tribal organizations.

12. Improve government-wide consultation and coordination with Federal-Tribes-States and develop a Tribal Consultation Policy and Protocols for OJP/DOJ.

- At the request of Tribal leaders, OJP and SAMHSA implemented formal tribal consultation sessions at the TCT&TA sessions that has expanded to five federal departments/agencies.
- OJP is convenes interagency meetings to discuss sexual assault crimes collaboration and coordination with other DOJ components, BIA, IHS, and SAMHSA.
- OJP is meeting and coordinating with BIA and HUD-ONAP on detention facilities construction and renovation needs.
- OJP participates in the HHS ICMI collaboration.
- OJP convened a Tribal interoperability meeting to exchange information on existing federal efforts and to explore opportunities to increase collaboration and coordination.
- OJP participates in the WH-IGA Indian Affairs Executive Group meetings to coordinate with other agencies government-wide.
- OJP is exploring through the JPCNAA and its Communications and Coordination workgroup, the development of an OJP Tribal Consultation Policy.

13. Establish a Tribal Advisory Group to assist DOJ with policy and intergovernmental issues.

- OJP was exploring the establishment of a Tribal Advisory Committee for its Justice Programs Council on Native American Affairs (JPCNAA). On July 31, Tribal leaders requested an Adam Walsh Child Protection and Child Safety Act Tribal Advisory Group to assist with implementation. OJP accepted this recommendation and expanded the proposed AWA advisory group to a Tribal Justice Advisory Group (FACA exempt), able to assist the Assistant Attorney General and the JPCNAA with AIAN policy issues. The first meeting occurs November 28-29, 2007.

Subsequently, Federal Department and Agency representatives provided brief comments on the consultation updates.

PREVIOUS CONSULTATION UPDATE SUMMARIES

Federal Department and Agency Representatives

Leslie Hagen, OJP SMART Office. Ms. Hagen gave a brief description of the SMART office and what it is, explaining that it was created when the president signed into law the Adam Walsh Child Protection and Safety Act. an election right and a right to file a resolution, or other enactment, by July 27, 2007, indicating whether or not they wished to stand up their own sex offender registry or delegate that responsibility to the state.

She continued by providing statistics about the Tribes' eligibility to file resolutions indicating whether or not they wished to stand up their own sex offender registry (or delegate that responsibility to the State) and summarized comments received as a result of the resolutions filed or not filed. She noted that there were four specific areas in which there was a continuing theme in terms of issues that Tribes wanted to see addressed in the final guidelines: 1. Establishment of an advisory committee of Tribal representatives with which a SMART office consultant would work in connection with Tribal implementation issues. (Action: During this week, the first session of the TJAG (Tribal Justice Advisory Group) will be held on Thursday afternoon,

bringing together Tribal leaders from around the country to meet with Ms. Hagan and discuss implementation plans for Adam Walsh); 2. Clarification that groups of Tribes may enter into cooperative arrangements among themselves to effect a substantial implementation of the requirements. (Action: A legal opinion from the general council within the Office of Justice Programs was sought and received to determine specifically a consortium of Tribes could be formed to carry out the requirements; confirmation has been received that, in fact, this option is entirely permissible and a group of Tribes may work together to carry out the act); 3. Striking a provision in the proposed guidelines that was seen as affording less respect to Tribal sex offense convictions than a sex offense conviction in other jurisdictions. (Action: Such an act is being taken into consideration); 4. Modification of a requirement for sexual offenders to register ethnic or Tribal names which was overly broad in the proposed guidelines. (Action: This issue is being kept on the table as the final guidelines are prepared).

It is expected that final guidelines will be finalized in early 2008, and at that time will be posted on the SMART web page.

Ms. Hagan also noted another issue consistently heard, that being the need for resources to assist Tribes and other jurisdictions in implementing the Adam Walsh act. She discussed two solicitations (both closed) that addressed this issue and also discussed a training concerning the Adam Walsh act scheduled for this Friday (November 30th), entitled the First National Symposium on Sex Offender Management and Accountability, specifically for Indian Country.

Jerry Gidner, Bureau of Indian Affairs. Mr. Gidner noted seven particular issues that came out of the prior consultations, those being: 1. Expiring DOJ COPS grants; 2. Inadequate resources for law enforcement/courts; 3. Inadequate resources for social service programs; 4. Poor conditions at detention centers; 5. Inadequate detention center bed space; 6. Inadequate information and; 7. Inadequate meth prevention programs.

He reviewed the federal budget relating to addressing some of these issues, including noting that the fiscal year 2008 budget (although currently not yet passed) included a request of \$16 million for the Office of Justice Services, to be utilized for the hiring of 51 new law enforcement officers, nearly 100 new correction officers, and funding for meth special projects. He also noted that increased resources for law enforcement is a continuing priority.

Mr. Gidner then cited an Inspector General report detailing the poor conditions at Tribal detention centers and including 25 recommendations. He stated that approximately 16 of those 25 recommendations have been addressed, however the remainder of them require additional funding. He further discussed the need for in depth BIA reporting and the fact that if they don't have complete data from the largest groups possible, then those who help to formulate or pass judgment on BIA budgets will see nonperformance and decide against continuing to give the bureau funding. As such, full reporting is crucial.

Mr. Gidner also discussed the meth tool kits (purchased from NCAI) that they will be making available to Tribal leaders and communities as part of meth training programs that they will be developing.

Beverly Watts Davis, SAMHSA. Ms. Watts Davis began her summary by noting the seven topic areas on which SAMHSA received questions/comments, including increasing access to funding, suicide prevention, substance abuse treatment, meth use in Indian Country, training and technical assistance, block grants to Indian Country, and Tribal set asides. She then proceeded to address the topics one by one, updating participants on SAMHSA's responses to each as follows:

Increasing Access to Funding: Ms. Watts Davis advised that in the past, not all SAMHSA grants were made eligible for Indian Country, but now with the aide of a Tribal consultation policy and 178 peer reviewers, all SAMHSA grants are Indian Country eligible. She also noted that through such efforts, funding and awards have increased to \$110 million (with one to five year funding periods) for Native American and Alaska Native communities and organizations.

For example, Ms. Watts Davis discussed one of the key issues for which SAMHSA authored and proposed a \$3 million initiative (and was subsequently awarded) – HIV/AIDS. SAMHSA utilized these funds to purchase and distribute free in Indian Country over 400,000 rapid HIV test kits (a saliva driven test which produces HIV results within 10 minutes). She also noted two SAMHSA-awarded Tribal college grants in the amount of \$85,000 each, utilized for students at Tribal colleges who are actually serving as peer educators to increase prevention services.

Suicide Prevention: Ms. Watts Davis spoke of a new cooperative agreement grant opportunity with a due date of January 11, 2008, that addresses youth suicide prevention and early intervention. She advised that the announcement would be available during the conference and that there would be trainers available on Wednesday to whom interested participants could talk regarding how to properly respond to the grant, best practices, etc., so that they could be well prepared to apply.

Ms. Watts Davis also noted in addition to the grant opportunity, that SAMHSA recently awarded \$3 million to Kaufman and Associates, a woman owned Native American company, for the Native Aspirations Project, a project that specifically addresses suicide prevention and youth suicide prevention in Indian Country.

Substance Abuse Treatment: Ms. Watts Davis relayed that two weeks ago, SAMHSA awarded \$47.1 million to Indian Country through its Access Through Recovery Program. She explained that the program addresses comprehensive support service needs (such as child care, family counseling, etc.) so that once an individual is out of treatment, they have the necessary support services to allow them to continue their recovery and avoid the stressors that can lead to relapse.

Meth Use in Indian Country: Ms. Watts Davis announced that SAMHSA has partnered with several organizations and Tribes (federal and non-federal) including the Office of Minority Health (DOJ), NCAI, the Choctaw Nation, and the Navajo Nation, to implement a \$3 million Indian Country meth initiative to identify best practices that recognize Tribal healing and practices as being a part of best practices. She continued by explaining that the initiative was created to actually identify, develop, and help replicate best practices specifically for Indian Country.

Training and Technical Assistance (T/TA): Ms. Watts Davis discussed SAMHSA's recent focus on training and technical assistance as related to mental health and substance abuse in Indian Country, stating that seven Tribes are currently participating in development of comprehensive (T/TA) for treatment and mental health co-occurring systems for their Tribes. She also stated that SAMHSA is once again working in partnership with the Addiction Technology Training Centers within their Centers for Substance Abuse Prevention to provide T/TA to Indian Tribes, and will be partnering with the Indian Health Board.

Block Grants: Ms. Watts Davis advised that currently, SAMHSA does not have the authority to establish a block grant but with consolidated, concentrated, persistent efforts, can certainly convince Congress to issue that authority to them.

She noted that Tribal set asides have also been a subject about which people have questioned and advised that SAMHSA can currently establish set asides for Indian Country through its discretionary funding but they are currently looking at which type would work best for Indian Country (to reduce or eliminate the possibility of fund capping).

She also discussed the fact that while not block grants, SAMHSA does have several large grants under which communities in Indian Country can acquire funds and also made participants aware that SAMHSA staff would be on hand part of the week to provide T/TA on how to properly and effectively respond to grants.

A key grant announcement Ms. Watts Davis highlighted was a drug free community grant. She stated that currently there are no Tribes who have been awarded any of the drug free community grants, however,

SAMHSA is committed to make certain they provide very detailed and specific training to actually increase the number of Tribes who receive such funding.

Jackie Johnson, Executive Director of NCAI, also contributed to this conversation (regarding reauthorization as it relates to block grants), stating that NCAI is actively working on this issue. She encouraged those interested in funding to urban areas to contact their members of Congress to help address this particular area which is currently being targeted.

Linda Holt provided insight on this topic, as well, noting that efforts to further educate Congressional members about the need to fund specific block grants is important, and even more important is to ensure that when this happens, that Tribes receive their own block grants. She went on to say that many Tribes are unable to access block grants due to their poor relationships with their States and this, too, is a serious issue that should be brought to the forefront (i.e., take the funding out of the States' hands and give it to the Tribes, where it belongs).

Ms. Holt also stated that in regard to Tribal set asides, it is important to emphasize small Tribes as part of this issue, as they are many times unable to compete for grant opportunities due to their size and it would be helpful to create specific amount sets aside for small Tribes to compete within their own arena.

Upon the end of the consultation update summaries, Mr. Gonzales introduced Governor Victor Montoya of Santa Fe Pueblo. He then initiated the Tribal Leader/Representative discussions portion of the session.

DISCUSSIONS OF THE ISSUES

Tribal Leader/Representatives

Ben Nuvamsa, Chairman, Hopi Tribe. Chairman Nuvamsa began his comments on behalf of the Hopi Tribe by stating that throughout the years, and especially from recent consultations, it is clear that Tribal communities are in the midst of a public safety crisis. He noted that problems specific to the Hopi Tribe are numerous and include the following:

Issue: Chronic shortage of trained BIA police personnel and routine detailing of officers to other reservations. This issue has resulted in a frustrated Hopi public and has diminishing the Hopi community's trust in the BIA. Shortages of police personnel often results in delayed response, or no response to public reports of crime, particularly to the far western Hopi villages. Further, currently nine full-time police officers, including two sergeants, patrol over 1.5 million-acres of reservation land, and often, one officer alone will cover an entire shift.

Recommendations – (a) To increase the federal funding to employ the necessary 116 police officers to meet the responsibility for responding to the public safety needs in a timely manner, particularly in remote areas of Tribal reservations (where lack of police presence has resulted in these areas being a target for criminals and drug dealers), and (b) require BIA to explain to, or to receive input from, Tribal governments and community members prior to detailing or transferring police officers from reservation to reservation.

Issue – Lack of juvenile detention centers and adequate adult jails resulting in daily transports of juvenile offenders and adult inmates hundreds of miles to off-reservation detention centers and jails. Lack of readily available detention centers defeats the ability of the Hopi juvenile justice authority to develop systematic programs to address delinquent behavior. Until fairly recently, both adults and juveniles have been housed in the same BIA detention facility with a staffing level that has been woefully deficient, creating a situation that was unsafe, and that significantly reduced the security capability of the facility. Today, having been renovated from its original design, the Hopi detention center continues to fail to meet several detention building design standards, and is used to hold suspects temporarily, pending transport to the jail in Flagstaff. As a result of limited bed space at the county jail, the Tribal court is forced on a regular basis to release offenders before sentences are completed. Further, ineffective recruitment and hiring efforts managed by the BIA office in Albuquerque, New Mexico, have had a negative impact on the facility, as prolonged vacancies are generally

the result of a combination of factors, including inadequate recruitment efforts, lengthy application process, restrictive employment, and the location of the facility. Finally, lack of formal training for BIA correction staff prevents an inaccurate classification of offender population that would otherwise aid in the identification of specific needs as security concerns, and appropriate placement and management of each offender.

Recommendations – (a) Reauthorize the BOJ Tribal jails programs and establishing a permanent funding stream for construction, staffing, training, and maintenance of local Tribal jails for short-term incarceration; (b) create a funding team to authorize construction of regional detention centers for long-term incarceration, where a consortium of Tribes deem appropriate; (c) require that BIA not restrict training to the Indian police academy in Albuquerque, but instead provide flexibilities for training at the various state police academies and correction training sites; (d) require BIA to solicit consultants to develop a valid and reliable inmate Indian Country classification system; and (e) develop and provide long-term training to correction staff and law enforcements staff.

Issue – Lack of communication between BIA, FBI, and the U.S. attorneys office, with Hopi justice agencies, on the status of cases requiring federal investigation, or prosecution. The Hopi Tribes relies solely on the BIA, the FBI, and the U.S. attorneys office to investigate and prosecute violent crimes and other felonies committed on the Hopi reservation. The Tribal justice agencies are often left handling serious crimes locally, despite jail overcrowding, limiting sentencing authority, and lack of resources. Hopi prosecutors often pick up violent criminal cases and stack offenses in an attempt to ensure that the punishment meets the severity of the crime committed.

Recommendations – (a) Require the U.S. Attorney’s offices to maintain and share with Tribal Justice agencies data on all cases forwarded for review, as well as those which have been accepted or declined for federal prosecution (this will assist Tribal prosecutors to know how to proceed); (b) share information with victims and family members, and generally with the community, and require BIA and FBI agents to identify and correct weaknesses.

Issue – Lack of adequate resources for Hopi justice programs. Hopi is a nongaming Tribe. In anticipation of budget cuts, the Tribe has required the prosecution offices to reduce budgets by almost 17 percent, which will necessarily result in elimination of key personnel. In light of the already mentioned problem areas, this could not come at a worst time.

Recommendations – (a) Reauthorize the Tribal assistant to act to provide funding for prosecution services; (b) authorize the Tribal Community Oriented Police Services (COPS) program to provide for long-term funding for law enforcement personnel; and (c) reauthorize the Indian alcohol and substance abuse act, to provide funding for alcohol and substance abuse programs.

Issue – Lack of reliable crime statistics. This issue limits identification and development of effective and federal response strategies.

Recommendations – (a) Require the BIA, the FBI, and the Bureau of Justice Statistics, to collaborate, and provide training to staff on maintaining these systems; and (b) authorize and assist Tribal law enforcement to access to the NCIC.

Chairman Nuvamsa closed by stating that only through communication and collaboration between Tribal and federal entities, will the serious law enforcement problems that currently exist in Indian Country be resolved. He also assured that the Hopi Tribe stands ready to participate in pilot programs that may be established to enhance Tribal justice systems, including enhanced Tribal court jurisdiction over crimes committed on the HOPI lands, regardless of the race of the offender.

Kyle Prior, Chairman, Shoshone Paiute Tribe. Chairman Prior began by providing background on detention issues for his Tribe, stating that in the late 1960s, Duck Valley had established an adult facility on the reservation, and for ninety percent of that facility’s life, it was managed by BIA. In the late 1990s, the Tribe

again filed an application with the department of justice to build a juvenile facility on the reservation, and it was successful in winning that award; construction began in early 2000 and was completed in 2004. The multi-million dollar, state-of-the-art facility has remained empty since.

Issue – Lost ground and partnership with the BIA, the Department of Justice, and individuals who the Tribe thought ready and willing to assist Tribes in operating a facility. When Duck Valley decided to plan for the juvenile facility, it was thought to be a regional facility for northern Nevada (in Nevada, there are 26 Tribes). It was thought that this facility would be an asset to the region and the communities, including southern Idaho as well. As planning, staffing patterns and the design of the facility was developed with numerous consultants, the final product ended up being a 28 bed facility with a staff of approximately 30. From the start, it seemed to be a great relationship and partnership BIA; the Tribes were very pleased with the ability of BIA to recruit local people to staff the facility and there were no problems getting people to the training program in Artesia. Everything continued smoothly, that is until discussions of the more detailed issues around health care, education and actual programming within the facility began, and the relationship with BIA deteriorated.

Issue – Lack of program development that is suitable for youth. When the Shoshone juvenile detention facility construction first began, talk around programming started. BIA was approached and stated that they would absolutely not fund a program in a secured facility. If this is the case, then an alternative way to develop and operate programming for Indian youth in detention centers must be found, as they deserve the same benefits to which a youth who goes to boarding school (or any other school run by BIA) has access. Simply because a youth gets in trouble, doesn't mean he or she is useless or not as deserving of BIA funds as a child who does not get in trouble.

Issue – Manner in which BIA operates facilities. According to families in the community, at the adult facility where juveniles were being housed, different types of very inappropriate activities were going on, including fighting and drug use. Any State would likely have shut their program down had any of those stories gone out about their facilities.

Issue – Treatment of young offenders on the reservations and specifically, Duck Valley. In the past, BIA's philosophy around juvenile issues seemed to be the same as for adult facilities. There was really no difference in how youth were treated versus the adults. Further, juveniles are shipped from facility to facility, blurring the lines of responsibility. For example, a youth who could not be held in the local county facility was sent to another facility in Arizona and, while in that facility, was involved in a fight with another youth and had some teeth knocked out. Because that child had been gone from the reservation for 180 days, the Tribe thought they were not responsible for the health care costs and, in fact, the facility in Arizona (where the incident occurred) was responsible to cover expenses resulting from the fight. However, because he was not "from their region" the Arizona facility would not pay costs for this child and the family was left to take care of it on their own.

Overall Recommendations – (a) Create a three-man committee as part of the TJAG group that focuses only on juvenile justice; (b) Require Federal departments and agencies with expertise in the areas of juvenile justice to assist and support BIA in efforts to improve youth detention conditions in Indian Country, including training and education of correction officers and other related professionals; (c) Create an advisory group consisting of community based groups to perform compliance monitoring of facilities

Chairman Prior was optimistic that the results of this consultation would be some great ideas as related to federal programs, and great partnerships and knowledge sharing with the Federal department and agency participants, including BIA. He also expressed his hope that this session would assist BIA corrections (when it comes to youths specifically) to develop better ideas to build capacity within its programs allowing youth to grow while they are housed in correctional facilities.

Angela Sandstol, President of the Native Village of Tyonek in Alaska. President Sandstol began her discussion by stating that in order for things to change, change must begin with the youth by encouraging them to take pride in who they are and take pride in their identity. She also stated that the physical and other abuses against youth must be stopped.

Issue – Lack of funding to establish a Tribal court in the community. There exists very little law enforcement in Alaska. A couple of things that I believe are important in Alaska is our Bicycle Pedestrian and Safety Officer (BPSO) Program. We have very little law enforcement in Alaska, and they are phasing out the BPSO program. It took nearly seven years to get a BPSO, and we find out that the BPSO cannot enforce Tribal law. We do not have the funding, or we have not established a Tribal court in our community, so we are kind of at a crux there.

Issue – Lack of communication and respect for the Tribal communities in the region. Upon their release and without contact with the Tribe, inmates are permitted back into the community. For example, recently a sexual offender was released from incarceration and came back to the community and no one in the Tribe was notified. There is no way to implement a monitoring system when this type of action is occurring.

Issue – Treatment centers and jails in Alaska are over capacity. It is extremely difficult for individuals in need of treatment to get into a treatment center. If a person comes to a point where they reach out for treatment, they shouldn't have to wait six months to get that treatment.

Overall Recommendation – Recruit regional Tribal liaisons to act as communicators between the Tribe and facilities and to also assist inmates in processes including legal, treatment, re-entry, etc.

President Sandstol concluded by stating that change is possible if everyone works together as an entire community.

Robert Fields, Public Safety Director, Iowa Tribe of Oklahoma. Mr. Fields started by giving details about the Iowa Tribe of Oklahoma, including facts such as they are a small Tribe, they are a 638 contracting Tribe, and they built their own detention facility because they were denied funding by BIA because there is not funding available for 638 contracts in Oklahoma.

Issue – Why is there not funding available for 638 contracting Tribes in Oklahoma, even when the Tribes meet all requirements? This issue has caused the Iowa Tribe of Oklahoma to put its funding into building a much needed detention facility instead of spending the money in the many other places that it is needed even more. Additionally, a Tribe to the north of the Iowa Tribe was forced to shut their facility down, because of inadequate funds and lack of funding from BIA.

Linda Holt, Board Member, National Indian Health Board and Tribal Council Member for the Suquamish Tribe of Washington. Ms. Holt started her discussion by advising she was representing the Indian Health Board, an entity that reviews most global concerns for Indian Tribes in the U.S.

Issue – Status of health care for detainees in correctional facilities, especially the youth. There seems to be a total lack of regard for our youth in these facilities, and for their care, their education, and their rehabilitation. And the problems are similar for adult Tribal members in detention facilities. Both groups are being denied the basic care that they need for their health conditions, and they are being denied medical services in some of the facilities in which they have been placed.

Recommendation – An effort needs to be made to make certain individuals in detention facilities are getting their basic health needs met and Tribal leaders need to step up to make certain that is being done.

Issue – Lack of youth detention facilities. Unfortunately, many areas in the U.S. don't have facilities for their youth and they are sending their children out of state for detention. Detained youth are losing their identity when they are shipped out of state and, if they are not able to fit into a Tribal facility, they are placed in a state facility. At that point, their ability to keep up with their culture is totally lost.

Recommendation – Regionalization of youth facilities and collaborating with nearby Tribes so that youth can be housed closer to their reservations and their culture.

Issue – What criteria does BIA use for facilities construction, priority system (i.e., who is going to get a facility), and staffing designation? And what differences are there between a 638 facility and a BIA facility?

Recommendation – A closer looks needs to be taken at these questions and they need to be addressed to make certain funding is distributed evenly. Just because the Tribe has opted to be a 638 Tribe, doesn't mean they aren't entitled to the same amount of funding as a Tribe that has not.

Ronda Metcalf, Representative, Portland Area Indian Health Board and Vice Chairperson of the Sauk Suiattle Tribe. Vice Chair Metcalf advised that she was a new Tribal leader and has been on council for only three years.

Issue – In the facilities, who determines the programs that will be run and how can Tribes gain input into this decision? Many children having prior issues enter into facilities and if they are in Indian Country, many times they are FEE, FAS, and addicted children. It is not enough to simply place them in the facilities without providing suitable programs, and then let them out without any treatment.

Recommendation – Programs need to be scrutinized by the proper people to make certain they are preventative and they work.

Peter Ortego, General Council, Ute Mountain Ute Tribe. Mr. Ortego began by stating that the Ute Mountain Ute Tribe has actually had some gains in its law enforcement through the hard work of their Councilman, Gary Hays, and their former Chairman, Manual Heart, as well as some federal partners. He advised that by working together, they have formed a task force to address issues and are starting to see some progress.

Issue – Large travel distances for juveniles and the impact it has on their rehabilitation. Having juveniles and their families travel great distances to facilities doesn't make sense. Community is important in rehabilitation, and that aspect needs to be fostered. Placing youth hundreds of miles away in certain circumstances is not a solution.

Issue – Understaffed law enforcement due to issues such as poor policies on detention facility health clearances that are required for persons who appear to intoxicated. Currently, the facility on the Tribe doesn't have a person who can make that clearance. Individuals must be brought a half-hour away and the officer has to stay with that person until they have been cleared (which can take up to three or four hours), often times being the only officer working a shift – this means he is out of the community. An ENT or nurse should be allowed to perform the clearance instead of a physician, which in many cases can not be afforded.

Recommendation – Cross deputization efforts with the counties that surround the reservation. Pursuing relationships with nearby areas to employ greater law enforcement services will lessen the burden of understaffed law enforcement entities on reservations. One idea is to have law enforcement officers from different nearby areas attend a two- or four-day training so that they can become cross trained and officers from one area will be prepared to help in areas other than their own. An additional idea is having the Tribe fund an officer who will be under the direction of BIA. This would put an extra officer on the street.

Issue – Unclear procedures regarding offenses committed by non-Indians. The Tribe experienced a very serious incident in which a non-Indian on the reservation committed an assault against an Indian member. The BIA police thought correctly to bring in the country sheriff to make the arrest, because the individual was a non-Indian. The arrest was made and they took the individual off the reservation. Subsequently, they let him go because they said their courts do not have jurisdiction over crimes against Indians by non-Indians. The Tribe does not have jurisdiction over crimes committed against Indians by non-Indians either, so the individual was not punished for his crime. The problem needs to be fixed.

Recommendation – Allow Indian courts to have jurisdiction over non-Indians. One thing the Ute Mountain Ute Tribe is doing currently to accommodate this possibility is redrafting our codes to allow us to assume that jurisdiction, so when the time comes, the federal government can't say the Tribe isn't ready.

Sherry Counts, Vice Chairman, Hualapai Tribe. Vice Chairman Counts began by advised that she is currently serving both positions of chairman and vice chairman for her Tribe. She then stated that she was hopeful that the participants could rely on what BIA has to say.

Issue – Tribal justice and safety in Tribal communities is in a serious state of disrepair. BIA has not seriously fulfilled its trust responsibility to the Tribal nations and they are suffering because of this. In 2005, the Hualapai Tribe adult facility was closed with only three days notice from BIA and all individuals were sent to an outside county. Additionally, juveniles were being transported to the same county – a trip that took officers 16 hours to travel back and forth. Now, there is a facility with the reservation, however there are five Tribes under the umbrella of the agency, and the 40 bed facility and Tribal jail is always full.

Issue – BIA refuses to allow the court to put anybody in jail (unless for a violent crime) and those who commit crimes know this. It makes the community unsafe and everyone has lost hope in law enforcement. So the Tribe now has juveniles that return from offsite with a gang violence mentality. They bring along their friends that they've made in jail and begin their gang practices on the reservation. They sell meth, cause domestic violence issues, and fight in the streets.

Issue – Vacant juvenile detention facilities. Recently, the Tribe completed building of a facility for juvenile detention. BIA was aware this was happening for two to three years. They did not try to obtain staff, they can not give a figure as to how much it will cost to run the facility, and they aren't expecting to open it until 2009. As a result, the facility just sits empty and it has already been vandalized. The Tribe is making an effort to take care of their own, and it seems like in every way they run up against a roadblock. This is not just happening to the Hualapai Tribe, but to Tribes across the country.

Issue – Lack of funding. Once funding ends and the responsibility goes to the Tribe, how can they make certain they are able to continue running programs to help those in detention facilities?

Overall Recommendation – Communication and standing together as Tribes. Communication and a united front will hopefully cause the government to open its eyes.

Issue – The Tribe requested action from the Inspector General of Department of Interior to conduct a follow-up review of an assessment of detention centers to see if there has been progress. They also requested a hearing with SCIA on detention facilities, and a hearing with Senate Finance to talk about appropriations. Finally, they requested a roundtable discussion with the Attorney General and Secretary of Department of Interior to address detention issues in Indian Country. There has been no response on any of these requests and the same issues were being brought up 46 years ago.

Recommendation – The Tribe must go “higher up” and employ NCAI to go to Congress to address the issues. NCAI was formed because as individual Tribes, addressing of issues was nearly impossible, and the formation of NCAI was based on the fact that the more Tribes that come together fighting for the same issues, the more influence and force is had. Tribes must keep fighting, knocking on doors in Washington, and not accept what is being given.

Following Ms. Counts' discussion, a member of the Hualapai Council spoke and advised that at NCAI's meeting last year, the Tribe and the Inter Tribal Council of Arizona took a resolution to the floor regarding adult and juvenile detention services in Indian Country. NCAI accepted the resolution in October 2006, and again this year at the convention the Hualapai Tribe took the same resolution to the floor.

Vincent Knight, Prosecutor/Attorney, Pueblo of Laguna. Mr. Knight started by pointing out that the Tribes are putting forth great recommendation and solutions to the Federal representatives, most notably offering ideas on collaboration, consolidation and resource management.

Issue – Tribes don't have resources (specifically money and funding) to do what they need to do.

Recommendation – Solutions through creativity with the existing resources. Existing resources are more than simply funding; they include power of community and community assets. For example, the ability exists for offices not related to law enforcement, but maybe treatment, to be a viable solution to ongoing issues such as inadequate detention facilities. And with that comes alternative sentencing measures. Such as when sentencing, Tribes must keep in the forefront the principles of the Indian Civil Rights Act, making certain that sentencing and trials are within a specific time frame. Further, Tribes must closely monitor to determine whether there are violations in the sentencing of individuals due to inadequacies in facilities (i.e., inadequate housing for defendants that are serving time or awaiting trial).

Recommendation – The Tribe has developed a wellness court program for those multiple offenders who consistently come into the detention center with treatment issues. They also have made an effort to motivate court judges, treatment centers, and behavioral health centers to support the drug court with manpower, as a supplement to lack of funding. Tribes need to start collaborations utilizing existing resources within their own communities and outside of their communities, as well. For example, the Tribe was working with the local county to house inmates which was costing a certain housing fee per day. Their detention supervising officer worked out an agreement with the county to house inmates coming from other Native American communities (mostly women) in their women's facility in exchange for the counting housing some of their men in the county facility for no cost.

Issue – Lack of community housing for juvenile offenders. Community affects the healing process of particular inmates, be it adult or juveniles and the Tribe supports the principle of the community being a part of the healing process. However, the Tribe doesn't have a juvenile facility and most youth end up in the county juvenile detention facility 2 to 3 hours away and this isn't good, particularly when it is a domestic case and no one wants to take in the youth in the heat of the episode.

Recommendation – Promote prevention through alternative resources. It's unfortunate that certain levels of crime are being committed by juveniles that certainly could be avoided if there was a higher level of prevention. Recently, the Tribe started a meth task force, and mapped their communities to determine where the greatest issue of concerns were and how those concerns could best be addressed and prevented. To do so, they developed four public committees: Prevention, law enforcement, code enhancement, and intervention treatment. Prevention is key to keeping youth from committing actions that endanger a community. Another way to promote prevention is to act as role models to young adults - - not only talk the talk, but walk the walk.

Issue – Adult detainment due to sexual abuse and domestic violence and efforts to make certain that the Violence Against Women Act is being established and followed. At what point are such violent crimes being punished at a federal level? What are the protocols that are being established to make certain they are? For example, women are being beat up on the reservation and the offender goes to jail for only one year; however, when such a crime is committed on a community off the reservation, that same defendant will go to jail for three years and will be charged with a felony. Why isn't that same principle applied within communities on reservations? Does the federal government think any less of women on the reservation than those off the reservation just down the street? Where is the federal government when it comes to these multiple offenders? Are there any safety measures that can offered to victims residing in the same community as the offenders?

Recommendation – Consolidation and collaboration with the DOJ. Collaborate with the federal government to eliminate the procedure of multiple defenders being required to be represented at the Tribal court level before their many domestic violence offenses can be counted against them as multiple offender status on a Federal level. Also, find a common ground with the Federal government to address these problems efficiently,

effectively, and with some significant substance to help prevent future violent offenders and the problems that can be prevented with adequate and creative resources and funding.

Richard Armstrong, Chief of Police, Colorado River Indian Tribe. Mr. Armstrong noted that the issues being presented seemed to be reminiscent of previous forums and meeting, and that there seems to have been no response or change to any of them.

Issue – Lack of funding and infrastructure for juvenile detention facilities. BIA fails to provide needed funding and infrastructure for maintenance of facilities and programs for Tribes across the country. Existing facilities that are considered state-of-the-art end up sitting vacant because BIA shuts them down (without any contingency plans), being condemned, or operating without any programs, training or treatment for juvenile offenders.

How are Tribes to respond? The responsibility falls upon the Indian Tribes to figure out how to resolve the community issues such actions cause. Tribes commit to taking on this job and doing the best work possible with limited resources, but the bottom line is Tribes are still in a quandary of what to do it with little or no assistance. Tribes resort to putting up money and resources they may not have to build or maintain facilities, develop education and training programs, and manage infrastructure - - all without the needed level of involvement or assistance from such entities as BIA and IHS.

Recommendation – Tribal leaders must take the next step and go to Congress with their concerns and issues. BIA and the Department of Justice can only go so far, and Tribal leaders need to employ the assistance of NCAI and lead the charge on these issues. Case in point, during the 1990 law enforcement format, a similar scenario (i.e., Tribes not possessing adequate resources and funding to run programs) was at the forefront of the issues. However, the Tribes were able to come together and eventually received \$100 million to develop and operate the programs that were so desperately needed.

Desire Allen Cruz, DV Coordinator, Umatilla. Ms. Allen Cruz echoed Mr. Armstrong's comments, stating that meetings and forums such as this one seem redundant and there appears to be no new avenues that are being presented on the national level. She advised that she is not a social worker, but that her work is specific to the community which is why she takes part in this consultation.

Issue – Lack of resources to provide proper and effective prevention programs to address juvenile violence, juvenile suicide, juvenile drug use, and juvenile mental health issues. Most youth entering the juvenile system are there for many personnel issues that have not been addressed. To obtain Federal funding to address such issues is difficult. For example, there is a specific program that must be followed in order to qualify for SAMSHA funding, which in many cases can be a hindrance. Other issues hindering the ability to properly address such issues are the lack of mental health therapists who are trained in and understand anger management and batterer and prevention services. Further, courts intervene in these cases without knowledge of such issues and this creates a dangerous scenario. Technical assistance is a resource that is badly needed, as well.

Recommendation – Increase accountability at the Tribal leader level. Tribal leaders must ask themselves “What is my programs doing?”, “Is the Tribe using a broken template?” and “Are the solutions being presented and utilized Tribally specific?”

Issue – Through the process of handling juvenile and adult crime issues that involve outside entities, how do Tribes maintain the knowledge of who and what they are as Tribal people? Tribal leaders know who and what they are, but are confused by why their young people don't have the same piece of identity. How do Tribes put identity into addressing alcohol, drugs, family violence, and suicide issues for Tribes?

Recommendation – Tribal nations must be enabled to hold non-Indians accountable. Lack of the ability for Tribes to hold non-Indians accountable is a huge erosion of sovereignty. Even with Tribal programs and the monies applied for, Tribes must be careful in what they request to make certain that their sovereignty isn't being threatened.

Following the Tribal leader and representative discussions, introductions were made of several Federal representatives that were on hand to assist with addressing the comments and concerns that were brought up by participants. Representatives included: Gretchen Shappert, U.S. Attorney; Matt Moore, FBI, a supervising agent in the criminal investigations division, in Washington, DC; and Jennifer Leonard, FBI, who works in the FBI Indian Country unit in Washington, DC.

Thereafter, the floor was turned over to President Joe Garcia for comments.

President Garcia announced that NCAI takes very seriously the issues and recommendations that Tribal leaders and representatives have and will move forward with them.

He continued by bringing the following points:

Indian people are citizens of (1) their Indian nation, (2) the state in which they reside, and (3) the United States of America. One would think that if Native Americans are citizens of three sovereign entities, they would have much more in terms of providing solutions for what ails their people and communities throughout the land, and that is not the case.

A major culprit is the funding and budgeting processes, and the fact that they have not been upgraded in this country since their inception. In this day of self determination and self governance, Indian Country is still funded by obsolete, obscure funding processes. It can be guaranteed that the people at this consultation representing federal departments and agencies have no control over what goes into the budget. They are told "this is the budget that you will work with," and they don't go beyond that because they have been directed not to do so. And if they do, they will probably lose their job because, number one, they can't lobby and are limited in their ability to advocate in terms of how much funding is really needed.

Publications, such as the 2004 Jails in Indian Country provide a lot of good numbers and good statistics, but what they do not provide is solutions on how to address the immediate needs in Indian Country, and that is the more comprehensive issue on which everyone should be focusing - - it has not been done as well as it should have been and that is where the solution lies if anything is going to be changed.

The dollar issue is one area that impacts all of Indian Country and as such, we need to fight at that level. We must look past the agencies, go directly to the source and target OMB and the president. They are the entities that have the control. And we must have a strategy as to how that will be done.

If we're going to see significant results in those things that ail us, we must look at integration of the funding sources, which is a problem in itself. A little bit goes to IHS, a little bit goes to BIA, a little bit goes to DOJ, a little bit goes to Homeland Security, and a little bit goes to HUD - - when you total that split, the end result may be a negative number for Indian Country as a whole. So we must look at the comprehensive approach of integrating the funding sources.

Another issue is the way funds are appropriated for grants. Grants are great, but grants are short term and not as flexible as they could be. And when you take a grant from IHS, you must meet the mandates and all the reporting and as such, the direct services that you get out of that grant may dwindle to something as low as 25 percent of the funds. Such a piecemeal approach to the problem doesn't work. We keep trying and trying, and we see the same results. We make impacts but the overall significance of what we could do is not as monumental as it needs to be.

We've about facilities for our youth - - a detention center is no place for a young child that has an ailment or problem due to issues such as a dysfunctional family, because they are not going to get better in a facility that provides no other services but detention. So we have got to have a better approach to how we provide those solutions. And while there is talk about regionalization and other solution such as that, have we not learned from what else exists in this country? When you an Indian person and you commit a crime on Indian land,

who pays for that bill? The Tribe does and there is something wrong with that scenario. We must investigate those issues because they are not solutions that we have talked about.

We must figure solutions for these issues quickly. We can't wait for another study. We can't wait for another task force. We have got to do it ourselves and continue on. If we're going to make an impact, we must get together all the Indian nations of this land, the United States of America, and we must let ourselves be known and respectfully march upon Washington, DC. We have not done that - - we showed up in numbers for the national Indian museum opening, but we don't show up for any other purposes and we must do that. To let it be known that there is dire need in Indian Country and that the federal government has a trust responsibility Elections are nearing and we can make our mark in this arena, as well. We must vote and be a fighting force and walk the walk.

If we're going to be sovereign, we'd better be sovereign to the max. Not a little bit sovereign, but as the creator bestowed upon us - - sovereign as Indian nations. We must act as sovereign. If anybody commits a crime on my land, they are going to answer to it, and we will worry about the jurisdiction issues later. We ought not to be afraid of the system. So, we must use our sovereignty that was bestowed upon us by the creator and continue to work together.

RESPONSES

Federal Department and Agency Representatives

After President Garcia's discussion, Jackie Johnson introduced the Federal representatives and turned the floor over to them:

Rhonda Harjo, Senior Counsel, Senate Committee on Indian Affairs. Ms. Harjo introduced herself and her colleague John Harte (who was unable to attend the entire session) and advised that they have been meeting with Tribes on a concept paper and advised that she would be pleased to send out copies to those who wished to have one or they could email Mr. Harte to request a copy at John.Harte@senate.gov. She advised that she and Mr. Harte will continue to meet with the Tribes over the next couple of months and information could be obtained at the website, <http://Indian.senate.gov>. She encouraged Tribal leaders and law enforcement to visit the site and post their comments.

Jerry Gidner, Director, Bureau of Indian Affairs. Mr. Gidner began by introducing attending staff from BIA, including Carla Flannigan, associate director for corrections in Washington, DC; Valerie Lavender, chief of corrections; Joe Little, associate director for the courts; Dorothy Fullton, incoming acting chief of corrections (replacing Valerie as she will be retiring shortly); Patricia Broken Leg, correction program specialist in Albuquerque; Keith Elliott, district supervisor; James Begay, assistant district supervisor; Mark Dakota; and Danny Bruenger, a special agent in charge of district IV in Albuquerque.

Mr. Gidner commenced into his responses to earlier discussions and addressed comments as follows:

Obviously, BIA has a lot of jurisdictional and policy issues, however, much of this is money related. Currently, we have about 200 vacancies in the Office of Justice Services and that would include law enforcement and corrections. When we get additional money (hopefully in fiscal 2008) when the bill is passed, we will have more vacancies. Even if those are all filled, we are still 40 percent or so below where we should be for staffing. I wish this were not the case, but we are making efforts to try to increase that over time, and hopefully we will be able to continue to do so.

The 2009 budget is already with OMB and is out of our hands. In fact, just this week, they gave us the pass back, indicating what their decisions are, and we are working on appeal for that this week. The president will announce final numbers in February and in March, we will begin working on the 2010 budget. So in reality, for the next 18 months we have no influence on the budget. Of course, Congress will inquire as to the effects of raising or lowering numbers, but other than that, the course is set. So when you think about budget issues, the next chance BIA has to influence the budget by our internal advocacy, and preparing our documents, is

really starting in March for the 2010 budget, two years away. That's the next time BIA can influence the budget.

The manner in which the process works in general is, when the time comes to start putting together the a budget, it is unfortunately not a needs based process. It is not generally based on what BIA needs or what Indian Country needs. BIA is given a target we must create a budget that fits within that target. The budget is reviewed and occasionally we are able to get extra funding if we stress a priority need, however, not all the time. And when we do, we must realize it is on the margins (i.e., if we need a billion dollars extra, the number would possibly end up to be \$2 million extra). There are huge constraints in the budget process and our ability to influence the numbers and that is the situation we have to work with. President Garcia was correct when he stated that to address the funding issue, Tribes need to talk to Congress. And you have the knowledge and experience to do so.

Mr. Gidner also addressed specific issues brought up by Tribal leaders/representatives from Duck Valley, Iowa, and the Hualapai Tribe as follows:

Regarding Duck Valley, we are in the process of resolving the issues brought up. It was a situation where there was never an agreement with the Tribe for us to be leasing the building and running the program. Since I've been bureau director the last couple of months, I have had at least two meeting on that and a resolution is under way.

Regarding the Iowa and Hualapai, I don't know the answers to your questions, however, I will find out and get back to the Tribes.

Response to other issues brought up included:

Recruitment. As stated, BIA has a couple of hundred vacancies and we hope to have funding for more, and finding people for those jobs. We have put together a plan to try to try to get those positions filled in the short-term, the medium term, and in the long-term. This is very high priority within the department. In fact, yesterday we briefed the Deputy Secretary, Lynn Scarlet, on this issue and we have a weekly Indian affairs meeting with her every Monday morning because she wants a weekly progress update. Last week, the secretary had a retreat with approximately 70 of the senior political and career leaders from DOI, and asked all of the assistant secretaries if they were to wake up January 21, 2009, what would be the big thing that would be a nightmare for them if they didn't accomplish it. My answer was getting these vacancies filled and getting a recruitment system in place so we can continue to fill the law enforcement vacancies. Two hours were spent with the top leadership of the department discussing that issue, so it's very high priority. We do have a plan, and we're going to try to get those positions filled. It's not an easy task, but we're committed to do what we can, and to get those vacancies filled.

Training and development for corrections employees. This issue is very big on the agenda, one of the highest priorities. I will let Carla talk about that and be assured that we will work with Carla, and others, in that program to get better training in place.

Education Issues. Bureau of Indian education does have money to start an initiative on education issues, and Carla will address that and give details.

Proposal from Senate Indian Affairs Committee. I don't believe that the Department of the Interior has been asked to formally comment on the proposal yet, so I don't believe we have an official position. However, just speaking on my own behalf, it seemed to me that there were a lot of proposals in there that would go along way toward solving at least some of these jurisdictional issues, and I think that would be a good idea. I urge you all to participate in that process, and help that along. They are looking for Tribal input and it does at least address, to some extent, some of these jurisdictional issues that many of you raised today.

Carla Flannigan, Associate Director for Corrections, Bureau of Indian Affairs. Ms. Flannigan began her response by asserting that she and her staff will always give their best to do all they can for Indian Country to find additional resources, to forge new partnerships, and to help existing partnerships, so improvements can be obtained in Indian Country. She also commended Valerie Lavender with BIA for her work in Indian Country.

Ms. Flannigan addressed issues as follows:

Funds disbursement. As recently as last night, we had a discussion with Bureau of Indian Education to discuss disbursement of some FY 2007 funds (in the amount of \$600,000) for juvenile facilities that we surveyed. Of the 28 surveyed, 19 (two BIA juvenile facilities, 12 public law 638s, and five self governance facilities) were operational and will be getting these funds. We recognize that juveniles are important and hopefully this will help prevent them from being in the system further on down the line, where the dollars are even scarcer. My hope for Indian Country is to offer higher education, GED's, and the like, but we have to start at the beginning and currently that is the juveniles. There will be some parameters for the expenditure of these funds, but they must be restricted to educational needs. I've been to several juvenile facilities that are great and just needed some funding to get them moving. It is our hope and our long term goal to continue to work with BIE to obtain that.

There are FY 2008 funds that will be available in the same amount in the future (but of course we don't have our budget yet). So that's a total of about \$1.2 million that you should see coming down the pike. The FY 2008 funding, of course, is contingent upon the passage of the appropriations, which we all know could be longer term.

There have been a lot of discussions about funding and I wanted to give you just some general funding information. We get a little bit more involved with OMB and certainly with our own budget people. But within the BIA, for us to house an adult prisoner, it's approximately \$55 a day and to house a juvenile, it's \$75 a day. That does not include any transportation cost, medical costs, or extraneous costs. That's simply the housing costs. In a contract facility, it's approximately \$65 a day for adults and \$85 a day for juveniles. Believe it or not, those figures are low, as there are some juvenile facilities that cost as much as \$300 to \$400 a day.

We have a finite amount of money - - we get a target number to work with and we fit our program into that target. We always plan for better and for more, but again, we have the target.

For our 638 program in FY 2006, we were allocated \$27 million. In FY 2007 it was \$28.4 million (that figure increase was due to an accounting error and really the number is \$27 million). So our target basically remains stagnant and unchanged. For our own programs, it's approximately \$22.5 million a year for 21 programs that BIA operates. So the total for us to house prisoners is \$50 million.

One issue that is overlooked is that there is no cost of living increases in these funding amounts. Now, operating a jail or correctional facility or prison is anywhere from 60 to 80 percent labor, but cost of living raises to staff are not considered when funding is allocated. That is one of the long-term goals, to recognize cost of living standards, because in every other federal contract in which the government is contracting out, there is an annual increase. We are striving to develop intergovernmental relationships with which to work, including FBI and IHS.

Bob Brown, Senior Policy Advisor, Tribal Justice and Bureau of Justice Assistance, Office of Justice Programs, US Department of Justice. Mr. Brown began by advising that his obligations at BJA are to provide oversight and direction as it relates to working with Tribes for three programs: The Indian Alcohol and Substance Abuse Program, the Tribal Courts Assistance Program, and the Construction of Correctional Facilities on Tribal Lands Discretionary Grant Program.

He addressed the following issues:

Training and technical assistance available for law enforcement. Through the Tribal Courts Assistance Program and Indian Alcohol and Substance Abuse Program, we do have scholarships that have available to nongranting Tribes to shadow that process. So those Tribes can take advantage of the training and technical assistance as it relates to the issues such as meth, cross deputization, memorandums of understand, working with the schools, and working with the councils. And bottom line is an ounce of prevention is worth a pound of cure. That's what we are looking at here.

When you look at law enforcement, it is not just interdiction and tickets, but what that officer is doing related to the schools, the spiritual community, and the other stakeholders, and how is that information being shared. With our programs we are also looking at pretrial release to develop tools that are appropriate for Indian Country.

Again, we do have technical assistance available and scholarships available as they relate to the programs that BJA has and if we have can be of assistance, please contact me. My number is 202-616-3297 or contact me via email at Robert.Brown@usdoj.gov.

Facilities construction. As it relates to BJA's construction of facilities on the grant program, this is a program that had roots basically back around 1998-1999. We inherited the program in 2003 during a reorganization and I have been associated with the program since may of 2005. At that point, I sat down with Gil Rivera, at the Office of Justice Services, Gil was responsible for the detention facilities. It was there that we began to talk about the discretionary grant program. The purpose of this program is to provide federal resources to American Indian and Alaska Native Tribes to build new correctional facilities and/or renovate existing structures. Funding derived through the program may be used to help Tribes construct and/or renovate facilities on Tribal lands used for the incarceration of offenders subject to Tribal jurisdiction.

There is a ten percent match, however, if the Tribe can prove that the aspects as they relate to the economics of their community are poor, that match can be waived by the BJA. The technical assistance is provided through the program and we work very closely with BIA to ensure that the facilities are safe and secure, they are supportive of cultural traditional values, they are appropriate for the intended populations program, and are constructed within budget.

Since 2005, we have been looking at the time frames and there have been many delays. For example, when I first was involved in the program in 2005, we had only completed about five to six facilities. Since then, 18 have been completed. And we have also undertaken the renovation of eight additional facilities. Since the programs inception in 1998, to my knowledge there had not been funding put towards renovation, however, we did so in 2006 and again in 2007. Presently, there are 12 Tribes that have been provided grants for renovation services - - four in 2006 and eight in 2007.

It was our hope that we would have received upwards of 20 applications for FY 2006 and FY 2007, however, the number as noted was much lower than that. For FY 2008, we have only received 17 eligible applications and are processing these presently.

It is my hope that this program is going to continue to prosper, and bottom line is that we need your input to look at how we can be more cost effective. I believe that by working closely with the BIA and with Tribes, that we're going to be more cost effective, we're going to put newer facilities out in Indian Country, and we are going to do a better job

Laura Ansera, Tribal Youth Coordinator, Office of Policy Development, Office of Juvenile Justice and Delinquency Prevention Office of Justice Programs, U.S. Department of Justice. Ms. Ansera gave a brief history of OJJDP, as well as her position, noting that she's been with the office for eight years and she currently serves as the Tribal Youth Coordinator and has recently been moved into the office of policy

development. She also noted that for six of her eight years in service with OJJDP, she was the direct grant manager for the Tribal Youth Program.

Ms. Ansera's comments covered the following:

Tribal Youth Program. The Tribal Youth Program was started in 1999 and began with funding 35 Tribes. At this point, we are funding 277 federally recognized Tribes and we currently have 152 Tribes that are active on the Tribal Youth Program. The program provides funds in five categories, including intervention with youth violence, intervention with court involved youth, developing juvenile justice planning, alcohol and drug abuse prevention programs, and the recently added category of development of mental health services. As such, we have a very broad opportunity here for Tribes to access funds.

Over the years, we've averaged about 35 awards but that number has been reduced because of funding cut backs and for the FY 2007 year, we funded only 26 Tribes. Seventy-nine Tribes actually applied and quite a few of the applications didn't meet the initial requirements of scoring 70 percent or greater, so they were knocked out in the first round. In order to allow some of those Tribes to be considered for funding, we developed a capacity building approach in which the 70 percent requirement was reduced. As such, there were five Tribes that were funded that didn't quite meet the 70 percent, but we provided the funding for these Tribes in a special condition approach, and have been providing intensive support through our technical assistance providers.

The Tribal Youth Program is very flexible and we are very interested in stretching the dollar. We are exploring opportunities as to how we can provide better services and as a result of the consultation sessions, we've had Tribal Youth Program implementation, focus groups, and just this summer we held a complete youth-only focus group in Washington State. We are moving our program forward with recommendations that have come out of speaking with people directly, and one of the things we are looking at providing this summer is a youth leadership conference, addressing the interests of youth to become leaders, to understand their peers, and to be there for their peers, their communities, and their family. We will have a publication for the youth focus group out very soon also, and it will likely be accessible on our website, for those of you that are interested in seeing the outcome of that report.

Additional Programs. OJJDP has many programs for youth, in general. We have mentoring programs, Boys and Girls Clubs, funding for the enforcement of under age drinking and we also have housed in OJJDP the block grants that go to states. We have been focusing more on working with all divisions to ensure that they have opened up their applications through a newly implemented policy for Tribal grants management. So I'm looking forward to the message getting out to more Tribes of what's available and how we can work with Tribes in developing programs in the juvenile justice delinquency area. OJJDP offers training and technical assistance programs which are not limited to just TYP grantees, but are available to federally recognized Tribes that have an interest in developing any aspect of the juvenile justice prevention area. So we certainly would like to hear from you.

Angela, the president of the Keweenaw Tribe in Alaska, I would be pleased to talk to you about providing any kind of assistance that would help you in your adjustment to presidency of your Tribe, and share with you the experiences that our grant manager has had during work in Alaska and with the Alaska Tribes.

And Mr. Knight, prosecutor/attorney for Pueblo of Laguna, regarding alternative incarceration, we have worked with Laguna on Tribal courts issues and in recreation grants that they have received in the past. An important aspect of why Laguna is not funded currently is that they missed the grant submission deadline. For your reference, we try to encourage Tribes to get their applications in at least a week or two ahead, just to avoid some of the timing issues that come up of which we have no control over.

Finally, I would like to let you know about one more program called the Tribal Juvenile Accountability Discretionary Grant Program. It's an offset of the Juvenile Accountability Block Grant Program that is available to states and out of those funds, the Tribal program gets two percent. In the past three years we have

had this program, we have ended up with almost a million dollars (between awards and supplementing), to make at least three awards in that program. There are quite a few Tribes that are coming into this accountability program, and that is the only program that we have that addresses detention facility construction. And because we have such a small amount of dollars in there, one wonders what can be done with \$300,000 (which is what we offered for three years). But it is available and if you are creative, as I've heard some of the ideas around the table here, we may be able to provide that kind of money to assist and plan and coordinate the comprehensive plan in that direction.

Comprehensive Planning. When you begin the process of submitting these applications, it's important to have really thought it out with the community and develop a comprehensive plan. We have Tribes that have submitted three separate applications: One from law enforcement, one from education, and one from the community. When this happens, we have to go back to the Tribe and ask on which application they want to move forward. So that just shows me that there needs to be more communication and planning at the Tribal level so Tribes can be strategically prepared to address these issues. So those are the individuals who need to have good communication, a good understanding of how to approach their slice of the pie, and an overall approach to serving their clients (the community).

Kevin Fitzgibbons, Administrator, Eastern Woodlands Office of Native American Programs, U.S. Department of Housing and Urban Development. Mr. Fitzgibbons' discussion consisted of an overview of program opportunities available from the Department of Housing and Urban Development (HUD). He then proceeded to review HUD's

HUD Program Opportunities. One of the issues I think is of utmost concern, and I've heard some comments about, is the funding of detention facilities. We have a competitive program called the Indian Community Development Block Grant Program. This program is for community based facilities, not a central jail; however, if you have a holding cell or a facility that is just servicing a small community, then it would be feasible to fund that under our Indian Community Development Block Grant Program platform. So we can, under the block grant program, fund facilities that are small in nature, that are basically community base, but not considered a main jail facility.

We also have, as many of you know, our Native American Indian Housing Block Grant Program. And that program has, as one of the six eligible areas, crime prevention and safety. The language that this program embraces essentially states that everything you could have done under the old Public Housing Drug Elimination Program is also eligible under the Native American Housing and Self Determination Act.

One very important point is that we look to make sure that it is above what we call baseline service. So, for example, you have police patrol of the community from 9:00 am to 5:00 pm being performed by one police person. HUD would not fund that one person, but would fund a second person or other shifts. So basically, we would not allow for costs to be devoted to existing or baseline services.

As I mentioned, HUD has six eligible areas under our Indian Housing Block Grant Program and crime prevention was the one area that was, in terms of dollars being spent, dramatically increased over the last four years. We're also beginning to see that housing providers are doing their best to devote dollars to the issues you're discussing today, and we also work with them to identify ways that they can deliver those services. I would be more than happy to entertain any specific questions that you have.

Gretchen Shappert, United States Attorney, Native American Issues Subcommittee, U.S. Department of Justice. Ms. Shappert began by noting that she is the U.S. Attorney for the western district of North Carolina, the home of the Eastern Band of the Cherokee Indians and also Chairman of the Native Americans Issues Subcommittee for the Department of Justice. She also advised that she serves on the Attorney General's advisory committee, and her responsibilities are to advise the attorney general about Indian Country. She stated she was in attendance to listen to concerns and share them with the Attorney General and she then gave a brief history on the Native American Issues Subcommittee, noting that it is one of the largest committees

under the Attorney General, is comprised of most of the U.S. attorneys who cover Indian Country, and the U.S. Attorney is chief law enforcement officer for the U.S. government in each district across the country.

Ms. Shappert then continued with discussion of the following issues:

Prosecution. And at this meeting and other meeting I've attended, when questions have come up regarding prosecution, I frequently will ask the individual if they have spoken to their U.S. Attorney, and I'm surprised how often that has not happened. So, let me urge you, if you are having problems getting cases prosecuted, if you have concerns about your federal law enforcement partners, if you do not believe that things are being handle as you think they need to be, in terms of prosecution, it is vital that you contact the U.S. Attorneys office and arrange to meet with a U.S. Attorney. I think that a face to face meeting in that capacity would be the best thing you can do to move toward a goal we all share, which is making certain that these cases are being prosecuted. There are 93 U.S. Attorneys and 27 of them are involved in Indian Country. Of those 27 U.S. Attorneys, each of them has at least one or more Tribal liaisons. Those are federal prosecutors whose primary responsibility it is to prosecute in Indian Country.

Domestic Violence. I want to talk about some of the concerns we have heard today, particularly regarding domestic violence. I appreciate comments earlier about protecting the rights of Native American women, and I want to underscore this point and how vitally important it is to prosecute these cases. In my district in North Carolina, we have a zero drop policy, meaning we prosecute every single domestic violence case that is viable – every case we can possibly make. Even cases where the victim later decides she doesn't want to testify. If we can put it together, we do it. At a recent meeting of U.S. Attorneys that are involved in Indian Country, one of our recommendations to the Attorney General to develop a DOJ policy stating that every viable domestic violence case in Indian Country (where there is any possibility of success) be prosecuted, because our commitment must be first and foremost in that area.

Cases and Declination Rates. We all have concerns about the declination rates you've read about in the Denver Post. With regard to the statistics quoted in that article, I don't know where their numbers came from and in consulting with my colleagues across the country, they don't either. I will have to defer to the Denver post on their quoted statistics, but I speculate that it may have included some state statistics in with the federal statistics, because I do know that those numbers were not accurate for the federal government. But having told you that, I must also say that recordkeeping is an issue in the Department of Justice, which is why quite recently I sat down with a representative of Tribal Justice and also a representative from NIJ, to talk about how we in the U.S. Attorneys community can do a better job of keeping statistics.

I'd like to talk a bit about the different kinds of cases we do as prosecutors and what declination rates mean. First, characteristic cases in a U.S. Attorney's office are proactive. In a typical non-Indian case, a mortgage issue, a drug case, a fraud case, we go forward with the case. We identify the problem, get a tire tap, interview many people and eventually (perhaps two years down the road), we put together a case. The cases we deal with in Indian Country are also proactive, not reactive. They are not the kind of things to which we have to act and respond. We use the same forms as we use in any other case in the U.S. Attorneys office. However, this does not mean what some people think it means. If we decline a case for prosecution, particularly in Indian Country, it may mean that the case should have actually gone to Tribal court for Tribal prosecution. It may mean that the state actually has jurisdiction, and the case is referred to the state. So, it is not that the case has been "dropped", it has been sent to the appropriate forum. It may mean that either BIA, FBI, DEA, or the Tribal law enforcement agency has not done a sufficient investigation, and they have been tasked with putting together a better case, so it is declined until it is brought up to speed. It may mean that a crime did not occur, that it was simply not an offense, or it may mean that there is insufficient evidence. We are attempting in the U.S. Attorney community to do a better job refining our statistical keeping so that you and we will understand exactly what it means when we say we decline a case.

Lack of Information Sharing with Tribal Governments. One of the frustrations that I sometimes hear is that we are unwilling to share information with the Tribal governments, Tribal courts, or Tribal law enforcement. First, I recognize that there are certain pieces of information that are confidential and cannot be shared, and I

don't ever want to compromise the security of that woman, child or situation, so there may be some information that I cannot share. Other times, there will be information that can be shared with the law enforcement agency. For example, if it's the BIA, FBI, or a Tribal law enforcement agency that we believe either needs to do an initial investigation, or that the case is declined for some other reason, we will typically share that information. A related issue in Indian Country is the sensitivity of relationships. To protect a victim's rights, I may not want to tell her uncles, or father, or cousins, who are serving in Tribal government, confidentiality information that may pertain to her due to my responsibility to protect her integrity and the integrity of the investigation. I realize that is frustrating. But just as we benefit from having these conversations in this room, that you as Tribal leaders will benefit from meeting directly with your U.S. Attorney's office and if you have a case that you are convinced has not been handled correctly, you need to talk to the prosecutors to find out what they say, why they tell you that, and what can be done in the future to prevent it.

Lack of Resources. We have talked today about the lack of resources and a few things that we are trying to do in law enforcement to make that situation better, such as cross deputization. We feel it so strongly in the U.S. Attorneys community that our Tribal liaisons went to the National Advocacy Center last summer so they could "train the trainers". That's part of our initiative. Matt Moore is here with the FBI and if you have any questions of them, talk to him later. He is instrumental in furthering this issue in Indian Country, to assist law enforcement and further the goals of investigations, and we look to the FBI consistently during complex federal investigations and I know from my many meetings with Matt, and conversations with him, that he is absolutely dedicated to ensuring that the FBI meets its responsibilities.

Illegal Drug Operations In Indian Country. The Native American Issues Subcommittee also met in Durango a couple of weeks ago and we heard from DEA, and we share your concerns about the number of illegal drug organizations operating in Indian Country. We also talked about not only the meth problem, but the growing problem with prescription drug abuse in Indian Country and our need to get out in front of that. Some of the steps we can take with DEA is to hold doctors accountable, to monitor what drugs are being prescribed, in what quantities, and to make sure that penalties are increased for individuals who are distributing drugs illegally. We have also, as part of our responsibilities with the Native American Issues Subcommittee, advised the Attorney General to encourage DEA to do more studies of drug abuse, such as they have recently done on the Wind River Reservation, so we can more effectively identify the larger drug organizations. The other thing we have requested is that more organized crime drug enforcement task force investigations.

Jackie Johnson talked earlier today about the need to put things out front and publicly discuss them. These issues of law enforcement are absolutely vital to our shared mission and as the Native American Issues Subcommittee chairman, if you are not getting a response from your U.S. attorney, I want to know about it and I will directly intervene. If there is a break down in communication, I want to help deal with that. And I fully intend to take to our new Attorney General the concerns that have been raised in this meeting and to underscore that as Attorney General, he has a unique responsibility to Indian Country.

Beverly Watts Davis, Senior Policy Advisor, Substance Abuse and Mental Health Services Administration.
Ms. Watts Davis discussed the partnering that can be created to develop greater funding for Indian Country.

Funding for Indian Country. The key thing to emphasize is to make certain that you have funding to address what has to be eliminated once a facility is built. As President Garcia spoke about integrated funding for the agencies, you should let the agencies "off the hook". When the budget comes back there are categories and Congress doesn't tell us exactly how to spend that money. We have the ability to do what President Garcia spoke about. We could partner with other agencies to work on grants and fund more people. We have block grant funds and discretionary funds and as I said, Congress allocates for a topic, but they don't specifically tell us how to spend it. States don't want us to fund Tribes, but we decided to do that and in doing so, we received \$10 million for Indian Country. We here the talk of best practices and usually those programs are developed in predominately white communities which don't recognize Tribal healing. It would make a lot of

sense if SAMSHA, IHS, and OJJJP came together and created a comprehensive program for funding so that when funding gets into the Tribes, you have funding do actually develop and run a comprehensive program. Our federal problem is that we don't and can't fund the entire problem, we are only able to fund 10% of the problem. It would be wonderful if the agencies would come together and fund a project. I hope that the next time we come together we will have the federal will to increase.

Joe Little, Tribal Courts Operation, Bureau of Indian Affairs. Mr. Little started by explaining that Tribal Courts Operation is a new division that has been operating within BIA for about a year. He discussed the following points:

Lack of Information. Because our division is so new, we don't have very much information statistically on what's going on in the Tribal courts. Unfortunately, the Tribal courts over the years have always been treated as a step child program in many instances, rather than the third aspect of a governmental operation. What we found is because we fund through 638 contracts, we are required to collect certain information and then that information is disbursed to the local level. There is no central office for it to be sent for review. Currently, we have no data that shows areas of high impacts of domestic violence, versus DUI's, versus other infractions.

The other problem is because we are not collecting information adequately from local systems and getting a good snap shot, it also impacts in a negative way the detention issue because we know there is the situation of locating people in centers that they would not normally be put in, because we don't have the room. We do have this discussion with the judges on a daily basis and the bottom line is we need to find out, through information gathering, more about who they would put in there, if there were room to do so. Unfortunately, because of lack of information, there is a big gap there. I want to standardize that so we have regular information coming in from those court systems that matches up against the police arrests, and whatever else is going on, and the people being held in detention. It will take a couple of years to make some sense out of it but we are starting that program and I think most Tribes will comply with that part of the data information submissions. To further aid the process, all collected information will be going through my office so we can look at statistics from case loads and get a picture of what we are talking about and what we are in need of.

QUESTIONS AND ANSWERS

Federal Agency and Department Representatives & Tribal Leaders/Representatives

Q (Linda Holt): How do Tribes obtain space for training?

A (Director of Indian Police Academy): As far as training at the academy, I guess this isn't the first time that we have heard that individuals were unable to get their officers through the academy. But as far as the corrections programs go, currently our January class is full and we have four additional applications on hand that are completed. We run at a full class each time, but never with more than ten or so people on a stand by list at the academy. Regarding law enforcement officers, in 2007 we had to postpone one of our classes because we were unable to fill the classes with the 48 participants that are required and later we had a request to fill that class with a lesser number of 28 officers but were able to only get 24 applicants for that class. Our January law enforcement class that we have scheduled has 48 officers enrolled, with five on the stand by list. So this year, we didn't a lot of vacancies at the Indian police academy for applicants, but for one reason or another, we just are not seeing them.

Response (Linda Holt): I think there were vacancies due to lack of communication to the Tribes. According to my chief police, he doesn't even look to the academy, because there are never any vacancies. So it would be helpful if you would send a notice out to the Tribes, that you have spots available and we can hire an officer to place in those spots.

Response (Director of Indian Police Academy): I will be here all week so we can get together to address some of these issues if you'd like. I do want to note that our training schedules are sent to the district offices

and filtered out to the chiefs of police, but it seems that for some reason they are just not getting down to your area. Perhaps we can discuss that and figure out a better way of disseminating that information.

Q (Linda Holt): This question is directed to Jerry Gidner. Tribal leaders should begin working with BIA as partners on the 2010 budget now that meets the needs of Indian Country and not accept a target. We also need to get by OMB because it is not Congress that's holding up these budgets, it's OMB. What are your thoughts on this?

A (Jerry Gidner): Congress can put whatever they want in the budget, so OMB doesn't control them. OMB only controls what the president sends to them. We do have the Tribal budget advisory committee, which is the main body that we use to talk with Tribes about putting together the budget, and, in fact, it's meeting next week up in Washington. And I think one of the things that we will be talking about is these priorities for the 2010 budget, because we will start thinking about that, 48 late winter to spring. So, it is just right around the corner. So that forum does exist for Tribes to get us that input. As far as the target goes, we have no choice. We are told, here's the target and you will provide a budget. So with if we want our jobs, we have to provide a budget. So if someone at OMB says, that gets cross off, that gets crossed off, we don't have any choice on the target. I hate the target, too.

Response (Linda Holt): What I'm suggesting is that we can work together to overcome this target - - it's time we quit accepting a target and it's time we quit accepting the fact that we are not getting cost of living increases in these budgets for these correctional officers. It's time for us to just stop accepting what we're not getting and that we're not getting full funding for our programs. I think Tribes are ready to stand up and do that and tell OMB and the president, that we are tired of doing this. I think working cooperatively, we can start doing this now. Tribes have the ability to stand up and voice this to Congress, and I think it's time to do that and we will. But I'm saying, we need BIA's help in getting numbers. BIA has the numbers. You know what it is going to take to fund these operations, and these correctional officers, and these facilities, and these police officers. That's what we need to have. We need to work collaboratively on this budget, and make sure that we're actually looking at a needs-based budget. And that we go forward with trying to achieve that needs based budget.

Response (Jerry Gidner): I think it would be useful for Tribes to have that information, what a needs based budget would look like. We, in BIA, cannot put that budget forward into the system, because it will go nowhere.

Response (Jackie Johnson): Let me talk about what the BIA advisory budget does. They provide technical support to the group, which is representative of the various regions throughout the country, and every region has two representatives that come to this meeting, to this group....we are meeting Sunday night, I think at five o'clock for our Tribal caucus, for anybody who wants to be there, Sunday night, Monday, Tuesday, and half day Wednesday. But in addition to that, we helped put together the priorities over last couple of years, those being law enforcement, natural resources, education, and contract support. So what we've done is, we've actually gone and had meetings with OMB on a regular basis to try to talk through the challenges of OMB, to change the targets, by addressing their issues around capacity and scores, and those kind of things, for certain programs.

We also have a data management group, which is a subset of our group, and have been trying to put together the data for a needs based budget component. And that's been a long time coming. Last week, in Denver, we finally signed the joint MOU between the department and the data management working group, that we will actually have an MOU to move forward on that with that. Also, that group works with NCAI's budget task force, which is a broader group. The NCAI task force meets in December, and in January, they are the group that puts together the state of Indian nations budget. When we take it to Congress, we have found it has been very, very helpful in doing so. Then we have tried to put median messages around that, too, because we know that it is all about resources.

We sit regularly and talk about what else can we do to increase the visibility of the issues. I've been meeting with members of Congress about how to increase the visibility of the issues, to be able to get more funding to come to Indian Country. And both angles must be worked. You have to work Congress, because they set their own targets, and they have their own committee threshold, and we have to increase the threshold. So we have been working harder on trying to increase the committee threshold of the committees of jurisdiction. Then we are also working with the white house intergovernmental and OMB trying to at least address some of the challenges we have been having on that presidential budget. One of the problems that we have is we don't see anything filtered down, and NCAI has created a web page, that has all of the BIA task force information posted. It lists our priorities, it includes our minutes from each of the working groups, it notes our action item list, it has resolutions that we pass as the BIA task force and it also has presentations.

Q (audience member): I'm frustrated, because I've been to many conferences and it seems like I'm always repeating myself, trying to get new places to put my kids. My concern has always been placing them in detention, but if they are beating the hell out of their parents, or brothers, or doing whatever they are doing, we have nowhere to put them. I have told BIA five different places that are within an hour, compared to two and a half hours that I have to drive to put a kid into detention (making it an almost five hour round trip). When I give them this information, they ask more information and more information. Well, I've done that three or four or five times without success. So what do I do now? I just don't know what the answer is.

We are spending \$110 and driving the youth five hours, round trip, when we could place a kid an hour away - it would be so much cheaper. I gave all of the resources I had and called all the directors, and no one has called me back. No one has done anything.

A (Bob Brown): I'm going to offer Carla to talk with you off line about this and the specifications of it. She can find out why that's happening.

Q (Gary Hall, Shoshone Police Chief): We have a similar problem to the previous gentleman. He is using the same facility that we are in Hawthorne, and getting down there and getting back is expensive and leaves an area uncovered for five hours. One of the solution our Tribe is looking into is using a privatization prison corporation, to come in and build a juvenile facility and in four years, transition that over to the Tribe, so the Tribe would be running that itself. What we requested from the BIA as a Tribe was a letter of commitment for how many beds they would contract, and we were told that BIA doesn't do that. Other federal agencies do, but they don't.

But I do think it's something that other Tribes can look into doing, using these corporations out there that do private prisons. If you give them the letters of support from the states, the counties, the BIA, saying they will use this many beds, they'll shop and get the loan off of those support letters and build a facility. It doesn't cost BIA a dime - - they just need to give a letter stating how many beds they will use, and contract with us. Then we can start doing this on our own.

For example, if we build a facility like this in Fallon, there are five surrounding Tribes that can use if for juvenile detention. We are trying to find resolutions, answers and remedies within and for the Tribes, but we need the support of the federal government and BIA to help us do it.

A (Carla Flannigan): This situation is very conducive in a prison environment where they run 1,500 to 3,000 bed prisons. However, I would be concerned about using it for Indian Country. There are some places in Indian Country where it may work and we can take a look at it, but on the juvenile side the population is so very small (although large to Indian Country). When they build these facilities, the minimum is a thousand bed prison, so again, for the juvenile facilities this may not be a viable answer.

We are in the process of rolling out next week the Shubnum Report internally within the agency as well as in some components of the Department of the Interior, so I can't really discuss a whole lot about it. I can tell you that we have received great response from the Tribes and originally we thought we were looking at one thing, and we ended up looking at many things on many levels. Currently, it's our plan to discuss that and, if we can get it rolled out within the agency and within both BIA and the Department of the Interior, present that in March. I was discussing a bit ago with some folks here about how we might do that because it is a huge, complicated report. So I think we would do it in a workshop form, and run a workshop every day, or twice a day, during the next Tribal consultation. It discusses a lot about regionalization and about larger consolidated facilities, juvenile facilities, withholding facilities, and interim facilities. It is something that can be characterize as a 20 year plan. That's 20 years looking forward. But nobody is looking 20 years back on how there has been such a lack of investment in Indian Country corrections, apart from the grants. So really, it's a 40 to 50 year plan on what we were lacking to this point and what we need to look toward in the future.

We will certainly be working with the conference planners, so you'll see it on the agenda to discuss that in March. That's, of course, providing we roll the program out to the Tribes in the manner and method that is suitable, and we should have a better idea about that before Christmas.

Q (Ben Nuvamsa): Mr. Brown, I have a question for you about the regionalization. We have property along interstate 40 in the town of Winslow. I believe it is strategically located as there are many Tribes that can come into that region. We have that property there and I believe we can work something out that can be mutually beneficial, not only to the Tribes, but to BIA. It would also be beneficial to the state of Arizona where the governor, I understand, is very interested in putting a jail or prison on Indian lands. It could also be beneficial to Bureau of Prisons, Homeland Security, and other similar agencies. My question is what type of financing you would offer for this type of regional jail?

We want to take advantage of as much federal funding as possible and I'm sure that would be in the form of grants, but we know that the annual appropriations for law enforcement correctional facilities are very limited. However, I think we can perhaps leverage some financing to do those kinds of things. A mention was made about a thousand bed facility and at that point, you start realizing the economies of scale benefits. But I believe we are in a strategic location to do things like that, to partner with other Tribes, to partner with federal agencies, because we all have common issues. One is the addition of jails or the lack of jails. So I think we have a situation in which we can offer a solution that would be a win-win for everyone. Perhaps I can talk to you, also, privately about some of the details regarding financing opportunities, or grants, and so on.

A (Bob Brown): I would look forward to speaking with you about that. But please know that in years past, our grants have been provided through a competitive process. And as it relates to the amount of funding that's available, it's been determined much by Congressional earmarks. In the past several years, for example, Congress may have appropriated \$8 million or \$9 million for corrections and the construction programs, but \$7 million was dedicated to one Tribe, leaving basically about \$1.7 million for the rest of the federally recognized Tribes to look at. So as was mentioned earlier, I cannot discuss lobbying, but as far as advocacy and education, this is something that needs to be done, so that hopefully with respect to the future, appropriate amounts are available (such as in 1998 or 1999, when Congress appropriated upwards of \$34 million over a seven year period).

But we are very much limited at the Bureau of Justice Assistance, Office of Justice Programs, as it relates to the Congressional appropriation. For example, regarding the Tribal courts program, Congress has typically authorized upwards of \$50 million, but only appropriates \$8 million. So with the construction program, hopefully we will receive more resources in the future. However, it depends really on how we can better educate the right people.

Q (Jackie Johnson): I have specific questions for Kevin Fitzgibbons. One of the comments that came out in Tribal caucus last night and out of the teleconferences, as well, was the question about using transitional housing dollars for a different kind of juvenile facility. Not necessarily a juvenile detention center, but a safe house or something similar in the community where there is a need for something immediate for some type of transitional component. What have you been doing to approve some of those model activities? The second question or issue is the challenge of trying to find program dollars to maintain that kind of transitional unit for those purposes, and that could also go for not only the juvenile issue, but also for a safe house, victims of violence, or other kinds of immediate services.

A (Kevin Fitzgibbons): Transitional housing can be under the Native American Self Determination Act. Speaking for the office from which I am permanently assigned (Eastern Woodlands ONAP office), we have had some very good models. One that comes to mind is Force County in Wisconsin - - they developed a very state of the art transitional facility using the Native American Housing and Self Determination Act funding and they have also committed funding out of their Indian Housing Block Grant for the continuing maintenance of that facility. I think one of the struggles that we see on a local level is balancing all of the demands. Clearly they have the ability to not only develop a transitional housing facility in terms of construction dollars, but they can also help maintain that facility, should they so desire to do so.

Q (Ronda Metcalf): I'm with the northwest Indian health board and in our particular area, we have a rapidly growing issue of elder abuse. Prescription drugs such as pain medication being taken from elders and I'm curious, are there any talks in any of the committees to start helping the Tribes with developing policies and looking at how we're going to stop these things?

A (Gretchen Shappert): The answer is yes; however, with regard to elder abuse, I cannot say that we have dealt with that specifically. I would characterize that as domestic violence, and I would urge you to contact the U.S. Attorney's offices. With regard to prescription drug abuse and people stealing from other people, we are dealing with that, and let me tell you some of the things that we are concerned about. The most prescribed drug in America today is hydrocodone, a group of painkillers frequently prescribed in Indian Country. It is a schedule III drug and is highly addictive. Number one, rather than have a DEA prescription number assigned to each medical facility in Indian Country, we are looking to have one assigned to Indian Country as a whole. We will be able to look at which doctors are over prescribing, so we can begin to target that problem. The other thing that we have asked the Department of Justice and DEA to start looking at is possibly rescheduled hydrocodone from schedule III to schedule II. That sounds technical, but there are two reasons I want to see that happen. First, if it is a schedule II drug, the penalties are higher and it is easier to prosecute. Secondly, if the hydrocodone drugs are moved to schedule II, it will require a written prescription in most situations as opposed to just a call. This will create more accountability and a better way of preventing abuse. So we are aware that prescription drug abuse, particularly of drugs being stolen from people, prescriptions being forged, as you're talking about, the elders being terrorized into giving up their prescriptions, we are acutely aware that this is one of the fastest growing drug problems in Native American communities, and in America, in general. With regard to elder abuse, I would encourage you to contact your U.S. Attorney's office, let them know what the problem is, and make sure your Tribal liaison is beginning to address this, so we can begin to move forward.

(Bob Brown): The Justice Department supports the National Tribal Justice Resource Center. The Executive Director is Vincent Knight. The National Tribal Justice Resource Center is one of the largest repositories as it relates to Tribal codes, and that would be an excellent question posed to them, as it relates to elder abuse and drug abuse.

Q (Ronda Metcalf): Question about the report given earlier regarding substance abuse and treatment. In my research I can't understand this, but in Washington State you get 28 days in treatment - - that isn't enough. Who makes that decision and how do you get that changed for 60 to 90 day programs

A (Beverly Watts Davis): Managed care impacted treatment services. Before 1991 people were in treatment programs for up to a year. People do not become addicted in 28 days; it is over a period of time. The 28 day rule is from the states as a result of managed care. This is not sufficient to treat someone for an addictive disorder. People leave and come back, it depends on the state, but the state has to choose to do so.

Q (Ben Nuvamsa): I have a BIA question regarding budgets. The FY 08 budget has a \$16 million increase for law enforcement. Is that for officers and correctional officers and is it going to 638 Tribes?

A (Jackie Johnson): You are right, and that is primarily for meth and VAWA training. Unfortunately, there is no additional money for law enforcement in 638 Tribes. When I look at the global budget I am pleased, but law enforcement is lacking and the loss of dollars for COPS programs and flexibility with justice programs is difficult. NCAI has been advising the White House that this budget is inadequate on a global level and I hope that in the future we can deal with the increases. The work we did with SCIA and on the House side will help us improve the dollars. Right now we are fighting for appropriations from DHS and obviously there is a big battle right now for appropriations. We have to stay engaged while this happens. We have already engaged with the FY 09 budget, I know there will be 09 increases in law enforcement but it depends on the President.

Q (Ben Nuvamsa): The 51 officers mentioned - - how is that going to be distributed to the agencies? We only have seven officers on the road at Hopi. How do we get our share?

A (Carla Flannigan): We don't have the law enforcement person here so we can have someone get back to you. We are getting \$6 million for meth and special programs, 51 officers, and 91 corrections officers.

Q (Chairman Prior): Duck Valley already has seven slots for law enforcement, but we only have three of them filled. We need more help with recruiting just to fill those spots. We have a lack of investigation, lack of forwarding information to prosecutors and it feels like BIA isn't working to recruit for those remaining slots. BIA has been offering bonuses, but I don't know if that will help.

A (Carla Flannigan): We have initiatives for recruitment and retention bonuses that are being briefed at the highest levels. Some of the obstacles are housing issues on the reservation and some of the positions are vacant because we may have an allocation, but no funding to fill it. Or, we can't find someone to work there even if it is funded. We understand that police officers are running ragged. We will take those issues back.

Q (Desiree Allen Cruz): Not sure who to direct this question to. I have been involved in family violence work for over 13 years, trying to address the needs for the community that I work in and in working in law enforcement courts, mental health and at the federal level. I been trying to gather baseline data info from IHS and everyone else regarding how many clients see DV, SA, and child molestation, and again with housing and I've been trying to figure out our baseline services. I've been going into Tribal court and then I'm referred to the state and federal level. Local numbers were difficult to get, federal numbers were impossible. I've been hearing today that gathering or collecting such data is not something that's been a priority in various agency levels. My question, after all this preface is, I understood at the last Tribal consultation meeting that the

Attorney General and all of his staff were having a meeting in Colorado with our Tribal liaisons to discuss how they were going to be working with Tribal nations in regard to family violence issues. If that happened, will there be a report out and/or is that on the website, where I can locate that, and bring it back to my Tribe?

A (Gretchen Shappert): I understand you have met with your U.S. Attorney numerous times and asked him about the domestic violence situation. In regard to the meetings that were held in Durango and Colorado Springs, we discussed domestic violence, as I indicated to you. Our recommendation to the Attorney General is that every single domestic violence case that's viable should be prosecuted and every Tribal liaison I met with concurred with that. We also came up with specific recommendations regarding additional legislation for better federal laws on child endangerment and shooting into occupied vehicles. So, that was all presented to the Attorney General, however, no report has been made. So there is not a website that you can check for those things. And I really respect what you're doing, since you clearly have a heart for advocating on the behalf of domestic violence. I'm sure you would agree with me that those of us who care a lot about this issue mustn't let it die and we need to make sure that each victim's rights are honored. I encourage you to continue to monitor those individual cases, because that's how we are going to build the story and turn this problem around.

(Gena Tyner-Dawson): If I can add to that, the Deputy Tribal Affairs Director will be here and I will gladly raise questions to her that have been brought up here, and ask her to respond back to you on those issues and concerns – many by statute. There is a mandatory annual consultation held that is convened by OVW, and I believe HHS is also called on the legislation to convene consultation. For that reason, there is a standing forum that is held and I know that follow-up should be occurring on those sessions. So, let me please look that, and help ensure a response gets back to you it. And Jackie, I know that you've been discussing data collection as well, so I'll refer to you next on those comments.

(Jackie Johnson): For those of you who want to give formal comments, once again, our staff is sitting in on this consultation and you can sign up with them if you want to give formal comments. Otherwise, we will have a conversation and a dialogue. I also want to let you know that the follow up on this conversation about data is one of the issues that the Tribal leaders had brought up, repeatedly, at Tribal consultations. They stated it was something on which they would like to have future consultations and although we don't have time to go over it, what we were planning to go over during our lunch meeting (but didn't because I thought it was more important to have more dialogue on the detention centers) was the idea around data gathering – not only the issue of lack of data, where the gaps are in Indian Country, but I was hoping to go over federal funding, and how we gather the data, how we deal with data, the ownership of the CAT tax and the research and analysis that's necessary for the data. We get much data gathered by federal agencies that could be useful to us, and also for advocacy purposes. But beyond just gathering data, data is supposed to be a measure of success, and with a need in Indian Country, how do we truly measure success, so we are not getting stuck with measures that are not necessarily those that truly dictate success in our communities. So we want to engage with multiple federal agencies on this conversation, about those measures of success.

We also heard suggestions of further development of conversations that need to occur regarding mental health issues in Indian Country. You heard a lot of it having to do with the juvenile justice issues, and some of the mental health needs of inmates, but clearly untouched (which came up in our Tribal caucus last night) were the needs of the mentally disabled and the clearly growing population of disabled children who have mental challenges just because of the growing crisis of meth and other substance abuse issues in our communities.

We also had a request to deal with the follow up on the federal law enforcement issues and response to our Tribal communities. Our plan is that in the March consultation, we will take this topic into more depth and deal with it further. We're hoping to dedicate a consultation in March to this dialogue. And we also had some revelations for dealing with things such as treatment centers and active justice activities that are important for our communities. If you have additional idea that you feel are important, we would like to hear from you.

Q (Flora – audience member): I’m a governmental specialist for my Tribe and I have some questions about rural Oklahoma and north eastern Oklahoma. It’s taken me the entire two months that I’ve been in my position to find out that we even have an SBA office available to us. No one at that office seems to know anything about assisting Native Americans to get a contract, submit a business plan, etc. I feel it’s not useful to the Tribe. I really want to be an advocate so I can help them get contracts and they can get jobs in this area, so how can I help the State learn what they need to do in order to help the people in our Tribe and the nine Tribes that we are connected with in northern eastern Oklahoma?

A (Geri Garcia): I’m the person here in New Mexico who serves as the 8A Director for SBA development. The first thing I would have you do is make an appointment with your SBA District Director. Every state has at least one SBA office and is a counterpart that does exactly what I do in working with small businesses, especially Native American Tribes, Native Americans, etc. So that is what I would recommend you do is to meet with your SBA District Director.

Q (Angela Sandstol): Being from a small Tribe in Alaska, our economic base is very limited. We have small businesses that operate around us and I know our corporation is an 8A business. However, we have never been approached either by any kind of opportunities and that seems like an outreach problem to me. Maybe I’m mistaken, because I’ve only been the president for six months, but I have been on the council for twelve years, and we have never seen anything come in front of me that stated that the government would assist Tribes in developing 8As.

A (Jackie Johnson): The 8A program is a business development program. One of the benefits in the program, of course, is to obtain some federal sole source contracting. Every small business is assigned a business development specialist, so there should be some kind of contact between your organization and the SBA. What we recommend that 8A companies do is go out and market for those contracts. Unfortunately, SBA does not have a pile of contracts to handout what you must do is go out and marketing to federal agencies to find such opportunities.

(Geri Garcia): Also, in every state, there is a District Director (you can find yours by visiting www.sba.gov and clicking on “local resources”), which equates to a contact person that you can call and directly set up some sort of outreach. An example of what we do here in New Mexico is the first Thursday of every Monday, we hold a two hour briefing on the benefits of 8A and SBA, and we make it available to everyone. We also actually go out and speak to Native communities and rural communities.

Q (Angela Sandstol): Alaska is very rural, and the thing that I’m concerned about, as a leader from Alaska, is that it will continue to be very rural if we don’t get the economic base growing. I don’t know how many Alaska representatives are here, but I’ll even go back and e-mail every Tribal member that I know who doesn’t know about the 8A, because we have corporations that are in multi-million dollars contracts with the government, but the Tribes are somehow not being educated on how to do the same. What needs to happen is not happening. Why?

A (Geri Garcia): I know that the Alaska SBA office is actually pretty responsive, so I would definitely suggest that you make contact there. Also, NCAI is hosting on January 15-16 here in Albuquerque, a workshop on government contracting for Tribes. We planned this workshop to address the many requests similar to yours regarding assistance figuring out what knowledge is needed and what steps are needed to develop relationships with local SBAs and create opportunities through such relationships. Additional goals include sharing information about getting in the business and also providing time for networking with the other organizations that are within Indian Country and those outside of Indian Country that are involved in government contracting

The differences between the benefits on Tribal 8As versus individual 8As is that the individual 8As can only go as high as \$3.5 million on a government contract, but for a Tribal entity, there is no limit (so for example, they could be sole source to a \$25 million contract). Now the 8A program is a nine-year program and those years go by very quickly. So, definitely check with the people in our organization and make sure that you take advantage of everything you can while you are in the program.

Something else that has come up on our SBA web page at www.sba.gov, if you're planning to apply for the 8A program there is a 15 minute interview process through which you must go. This has only been in place for the last two or three weeks and I would suggest to anybody that is interested in applying for the 8A program, whether they are Tribal or not, to get into that system and walk through it. It will indicate to you once you've completed the interview whether or not you're really ready for the 8A program. We've implemented this because we've found a lot of people that do get into the 8A program just aren't ready. And again, those nine years go by so fast that by the time you're in the program, it's over. And individuals can only use their certification once in a lifetime. Tribes can only use it once in a lifetime, but I understand that they can actually have "spin offs" from their corporation and they can basically have other entities spin off from the Tribe.

Q (Angela Sandstol): So what you're basically saying is that if we go to the SBA office, you help us create a business plan? Is that what I'm understanding?

A (Geri Garcia): When you're approved for the 8A program certification, within 30-60 days you are required to submit a business plan to SBA, which we review and approve. You must have that approved before you can go out and start marketing with those federal agencies. So yes, you are required to do a business plan. SBA actually has a form called a 1010-C, or you can use your own business plan if you have one already available. You can also get onto the internet and find one through one of our resource partners such as Service Corp of Retired Executives.

(Gena Tyner Dawson): I have a brief announcement regarding an outcome from the Phoenix consultation. Tribal leaders had requested an advisory group to be established to work on the Adam Walsh issues. The consultation did work and the work group has been established. We will meet beginning tomorrow. For those of you that are here, and are new members of the T-JAG (as it is already referred), to we will convene at 10:30 am tomorrow morning in the Eagle Room. We will convene as the break out sessions begin, and we will conclude our meeting tomorrow when we come back into the general assembly here, and we will conclude with the same time-line. You will have some manuals and binders left at the front desk for you this evening for that session tomorrow that include all of the materials that we have provided for you. So we look forward to the first meeting of the Tribal are justice advisory group, a work group that came out of the Phoenix consultation discussion. So thank you for your input at that meeting and for being willing to volunteer your time for that session.

8A & SMALL BUSINESS ENTITIES

SBA and Small Business Organization Representatives

Edward Cadina, Deputy Director, New Mexico District Office, Small Business Administration (SBA). Mr. Cadina began by advising he was representing William Largent (Assistant Administrator for SBA's Office of Native American Affairs), who was unable to attend due to a meeting in Washington DC. He also noted that the SBA recognizes the significance and importance of their agency to Tribal communities and promised that the program would continue to be managed as intended to serve such communities.

He continued with further information about SBA's Office of Native American Affairs:

Small Business Administration's Office of Native American Affairs is mindful that there is a great need for oversight, and therefore today I am seeking comments and suggestions from those that know the program best and would be most impacted by change. You should know that Congress has held 11 hearings to date on government contracting, and a number of bills have been written that will place caps on the size of contracts that Tribes and ANCs can win. The profits from Tribal 8As are used to benefit all Tribes, and therefore larger contracts are needed to create the results Congress intended. This is the reason Tribes and ANCs are so concerned. For many, it is the only economic activity available to them.

(Jackie Johnson): So there you have the official word. Karen Atkinson is here today from Native American Contractors Association and she has been one of NCAI's partners in helping put together not only the technical response to SBA, but also just helping us coordinate the efforts of trying to get the response to SBA. And just to let you know, there has been a lot of work around this particular area. For those who haven't participated in previous meetings on the government contracting issues, there have been a number of challenges in Congress to which we are trying to respond, including reports from the GAO that say SBA must make some changes as far as monitoring and oversight of the government contracting program. Such issues have caused the media to step in and question whether or not there are problems in the program or problems with the monitoring.

What NCAI has done for the last two years is hold various meetings across Indian Country to discuss these issues and seek solutions and program recommendations. Initially, we were making program recommendations because we knew the funding was coming up and we knew it was an opportunity to be able to address refinements to the program. But as we continue to be engaged in our work, we continue to be challenged by SBA and Congress around issues targeting Alaska Native corporations and Tribal preferential treatment under the 8A contract governing provisions.

These issues are something about which Indian Country clearly feels very strongly. It is an economic tool to be able to bring or diversify our communities, and to bring a resource to our communities, particularly for those communities who don't have access to I-5 corridors or places where they might have other opportunities (such as gaming), or other access to economic means, and government contracting is one that has proven to be a worthwhile venture for those from the remote villages in Alaska, as well as many of the smaller communities in the lower 48. So in our joint effort together, we compiled our testimony, which includes recommendations to improve the program. It is not about trying to identify changes to the Tribal exclusive provisions within the program, but clearly that these are issues that the 8A program needs to address. Such as areas where we can improve our relationships with other small minority businesses, by expanding the federal contracting dollar pie and by dealing with responsible reporting and accountability by creating electronic systems that make it more feasible and efficient for the SBA to deal with their monitoring, and for participants in the program to submit the information so that there is a more regular review process.

We need to look at and evaluate opportunities for promoting subcontracting requirements for larger contracts, so that we can get more small minority players in these contracts that are designated for minority businesses and perhaps even come up with a base of having teaming arrangements that may address the joint ownership issues, for the small businesses, that want to engage in larger group teaming around certain contracts. We also need to work on strengthening the program that we feel, through the limited use in Indian Country, has been very successful in building capacity - - it is a program we don't want to lose.

Additionally, with the protégé program, we have a number of recommendations on ensuring that the mentor really provides the capacity building, goals and measures of success that demonstrate that the protégé is indeed building its capacity, establishing milestones and even extending to some of the other joint venture arrangements.

So NCAI has a number of recommendations that we have formally submitted to the SBA. I know that in this area of the country, there is a lot of interest in the expansion of government contracting, so I'm hoping that other people want to engage and have a dialogue and talk about recommended solutions. Clearly, I'm not a technical expert, that's why Karen is here.

Karen Atkinson, Director, Native American Contractors Association. Ms. Atkinson began by providing information about her organization, stating that they are based in Washington, D.C., and have been working very closely with NCAI and Tribal agencies to formulate a Tribal response and develop consensus among the national organizations that work in government contracting, along with Tribal 8A companies.

She went on to discuss the following:

We have been working for a couple of years developing policy recommendations and submitted a joint policy recommendation at the November 11th Tribal consultation that dealt primarily with oversight recommendations for improving SBA's oversight of the 8A program (not only for Tribal contractors, but for all contractors), as well as working jointly on legislative recommendations that would expand opportunities for all small businesses. It is our understanding of the process from here is that the SBA will develop a proposed rule that will address 8A regulations across the board, not just for native contractors. It is also our understanding that it will focus on mentor/protégé relationships, joint ventures, and also recommendations made in recent GAO reports. Once that is completed, it goes for review and after that point, we will have an opportunity to see the draft proposed rulemaking. At that time, it will be very important to be engaged in the process and provide our comments on the proposed rule and then also submit our comments on the final draft before the rule is finalized. It's our understanding from the SBA office that they plan to have this done by the end of this administration. It would be remarkable to get a rule document within the time that's remaining. Hopefully, it is possible.

(Jackie Johnson): I want to add to that, because we have seen a commitment from the agency at a level that we have never seen before. I think from the leadership, the helm of the SBA, they are committed to getting this done. And the good thing is that they have been very responsive to inclusion from our Tribal viewpoint. They call and have held meetings with us, and with smaller groups to try to obtain information about the issues. So I want to commend them for the work they have done, and encourage them to continue with the very inclusive conversations and dialogue with us as they go through the development of the proposed regulations, and proposed rule. But I think it is going to be upon us to stay engaged. To keep putting forward our issues, and keep showing the response from Indian Country that has been very helpful. So it's going to require us to stay thoroughly engaged, as Karen said, which we think will be at an expedited level.

(Karen Atkinson): And that's why we are here, because we want to make sure that we have a vetting of the concerns of Tribal country, especially here in New Mexico and throughout the west. So, if there is anything that you can think of, or 195 even if there is something that you think of after you leave here, please email your comments to Bill Largent in SBA's Office of Native American Affairs. His email address is William.largent@sba.gov. I know he is very active and engaged in making sure that Indian Country concerns are heard and relayed to the agency. So please make certain to contact Mr. Largent. We will have a booth out here for tomorrow also, and so if there are any questions, comments, concerns, anything of that nature, please come talk to Geri or myself and we will be more than happy to see what we can do.

(Geri Garcia): Additionally, there are also some good business tools on www.mdba.gov, including business plan developer formats which will help you put together a business plan.

Michael Peacock, Associate Director, New Mexico Native American Business Enterprise Center. Mr. Peacock took a few moments to explain about the New Mexico Native American Business Enterprise Center:

I'm the associate director for the New Mexico Native American Business Enterprise Center, which is under the American Indian Chamber of Commerce of New Mexico. There are eight Native American business

enterprise centers on a national basis, and Albuquerque is one such site. For the people who are here today, your state may have a Native American Business Enterprise Center which can provide management and technical assistance as far as business development, 8A packaging, and business plan development. There are other centers in Mesa, Arizona; El Monte, California; Seattle, Washington; Bismark, North Dakota; North Carolina; and a new center is opening in Tulsa, Oklahoma. And the services are provided at no cost. They are funded by the U.S. Department of Commerce Minority Business Investigations. That's a good resource for anyone who needs help with 8A packaging, and other resources. I wanted to inform the audience about that.

CLOSING

Jackie Johnson closed the forum by thanking everyone for their time, discussion, and ideas. She noted that NCAI is committed to providing leadership around the issues to help make changes happen and that is what they are hoping to do with this legislation. She continued by stating that the NCAI staff has worked hard on drafting the outline and working with the staff of Congress to come up with the proposed legislation and although it will not be the "be all, end all" legislation, it will serve as the next step down the road.

She also encouraged participants to submit their comments on how to improve the consultation process and the value of the consultation including how should they be structured, how they can be more interactive, and what other topics need to be addressed.