

Tribal Justice and Safety  
Tribal Consultation  
March 27, 2007

A tribal consultation on March 27, 2007 provided an opportunity for tribal leaders to discuss issues with Federal officials from the U.S. Departments of Health and Human Services, Interior, and Justice. The consultation provided the opening forum for the Tribal Justice and Safety Tribal Training and Technical Assistance Session in Prior Lake, Minnesota. Second in a series of four sessions developed under the direction of Assistant Attorney General Regina B. Schofield, included three days of workshop and plenary sessions.

A welcome video provided the tribal session greeting from William Mercer, Acting Associate Attorney General, U.S. Department of Justice. The tribes were also welcomed by Cecilia FireThunder, former President of Oglala Sioux on behalf of the Native Women's Society of Great Plains.

Opening comments were provided by Linda Holt, Councilwoman for Suquamish Tribe, L. Jace Killsback, Northern Cheyenne; Robert Chicks, Stockbridge Munsee Band of Mohican Indians; Jerry Gidner, Bureau of Indian Affairs, U.S. Department of the Interior; and Eugenia Tyner-Dawson, Office of the Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice.

*L. Jace Killsback, Northern Cheyenne:* Shared a traditional story from his childhood about the message of making healthy choices over taking the path that ends. Young people today are no longer taught the cultural ways. Technical support can help us bring in cultural resources.

Opening Tribal leader remarks were provided by Robert Chicks, Chairman, Stockbridge Munsee Band of Mohican Indians and Area Vice President of National Congress of American Indians: "Make no decisions about us without us. Consultation is a two-way street. Tribal leaders also have an obligation in the process."

Jerry Gidner, Bureau of Indian Affairs introduced the Department of the Interior staff attending from the Bureau of Indian Affairs.

Eugenia Tyner-Dawson welcomed everyone on behalf of the Assistant Attorney General's Office and recognized the Department of Justice representatives at the consultation table for today's discussion.

*Dr. Eric Broderick, SAMHSA:* Our purpose is to help understand issues, have staff understand the issues and establish relationships.

SAMHSA is a granting organization – providing funds to grantees at the community level. The partnership between DOI, DOJ, and SAMHSA is good; it makes us all better. Since the December session, there is a new administrator, Terry Cline, who supports this consultation policy process. Earlier this month, he signed revisions made to SAMHSA's existing Tribal Consultation Policy. Copies of the newly revised policy are available at this training session.

SAMHSA is establishing a new Tribal Advisory Committee and is accepting nominations for committee members to assist SAMHSA in carrying out its mission in Indian country. Please contact SAMHSA if you are interested in being involved on this Committee.

There are a few priorities I want to draw your attention to briefly. The FY 2008 budget provides for increases of both the Screening, Brief Intervention, Referral and Treatment (SBIRT) and Drug Court grant programs and tribes are eligible to apply for both.

SAMHSA's FY2008 budget also includes \$3 million for youth suicide prevention which will expand on a long-term commitment to tribal youth through our Native Aspirations project. The Native Aspirations initiative is a five-year project that is operated through a contract with Kauffman and Associates, Inc – a native business located in Spokane, Washington – I am pleased that Jo Ann Kauffman is here with us this morning. SAMHSA consulted with Tribes through Kauffman and Associates and to date, 24 tribal communities are participating in the Native Aspirations project.

The last priority I want to highlight is the Access to Recovery program (ATR) that provides treatment and recovery support services for clients with addiction disorders, including methamphetamine. SAMHSA has just announced \$96 million to fund new ATR grants in FY2007. The FY08 budget proposes \$98 million for ATR of which \$25 million is expected to support treatment for clients using methamphetamine.

*Linda Holt, Councilwoman, Suquamish Indian Tribe; Board Member, National Indian Health Board:* As part of the review panel for the SAMHSA Grant, there should be a specific set-aside for smaller tribes. For block grants, the states are using Indian populations for state grants, but do not share the funds with the tribes. Several tribes do not receive money at all. There should be block grants

that Tribes can apply for on their own. Tribes are able to run their own programs and best meet the needs of the tribal programs.

Sustainability requirement is difficult for tribes to determine how to sustain before the program starts. Tribes are resourceful in figuring out how to keep programs working. Matching requirements should not be imposed on tribes.

It is unfair to assume gaming tribes have a greater capacity to sustain programs. Gaming tribes have struggled for years to bring their tribes up to a standard of living that others have enjoyed. Being a gaming tribe should not bar the tribes from being considered by reviewing panels.

Deadlines for grants and issues with uploading grants on the GMS system can result in grantees being denied an opportunity for funding. No tribe should be disqualified until the tribe has been contacted to determine the reason. Every agency here should allow tribes to submit hard copies and enough time to submit their proposals.

Treatment facilities are needed in Indian country. Methamphetamine treatment facilities are not available to Tribal members; alcohol treatment standards (28 day programs) are not sufficient. Methamphetamine treatment modalities should be available for tribes and developed with tribes for treatment plans. SAMHSA should bring in tribes that have these programs to get some methamphetamine-specific treatment going. Tribes should speak to their state leaders for appropriations to fund treatment facilities.

Youth treatment facilities are also needed. There is only one, old facility in Oregon and it needs to serve three states. The need is desperate – for all types of treatment facilities. SAMHSA is not able to fund this. Tribal leaders should put their lobbying effort forward for SAMHSA to issue facilities monies.

There is a great need for expansion of mental health funding. There is no money for all of the needs that exist.

*Moses Pavilla, Sr., Atmaultluak Traditional Council, Alaska:* Most of the Alaska villages are small, including his village, with only 300 people. In the future Methamphetamine will come into Alaska villages. Will small villages be able to apply for technical assistance.

Response: *Dr. Broderick:* Yes.

*Kim Claussen, Councilwoman, Oglala Sioux Tribe:* There should be other partners (Departments) at the table: Homeland Security; Housing and Urban Development. Indirect costs should be allowed to keep tribal governments going.

Increase the other services beyond law enforcement. Funds should be available for 911 technology advancements. Reservations like Pine Ridge (large – over 100 miles) – have long response times.

I H S does not provide detoxification services.

Partnerships in DOJ – Agencies need to talk about the needs and assure all areas are covered.

“Until you have walked a mile in our shoes, do not make decisions for us. If you want to consult with us, come to our tribal council and discuss with us. We don’t consider this a consultation.”

*Wehnona St. Cyr CEO, Omaha Tribe of Nebraska:* There are no juvenile services. A small tribe has a hard time to consider a local, reservation treatment facility. Youth are sent far away and cultural resources are not available to them. They come back worse for what they learn from the experience.

There is a need for more education about methamphetamine to prepare local providers on what to do. Once you find a place to send a patient, Medicaid does not provide long enough treatment. CMS is missing from the table today.

There are problems working with states and IHS as well as with the local county – housing numbers do not align with the 911 grid – and delays in responding cause tragedies. Counties as well as states need to work with the tribes and consult with them.

Suicide prevention and community-based programs need to be at the local level and involve culture. “We want to use our own culture. To work with our children, they have to be with us; not off the reservation.”

*L. Jace Killsback, Tribal leader, Northern Cheyenne Reservation:* There is a notion about when Tribes come to the table – government to government – partnerships need to be made at home within the tribes to change the paradigm – and end territorialism. As an example, the Montana-Wyoming Tribal Leaders Council is looking at a treatment facility that combines efforts by tribes within a region. Partnerships need to be networked – starting at home. We can come to the table – talk about what the government is not doing – but tribal leaders need to look at what they can do as well. Grass roots level work on collaboration needs to

be done. Challenge tribal leaders to take this home, recognize what they already have and to organize human resources at home. Tribes should show the government the resources they have at home.

*Albert Long, Senior Program/Project Specialist, Behavioral Health, Navajo Nation:* There have been a lot of consultations and this opportunity to state positions to federal partners. He appreciates the tribal specific grants under SAMHSA – and the 3 sessions that were held in regions 8, 9, and 6. There should be a more user-friendly process for making grants available to tribes.

Open all grant opportunities to tribes, even though they are also open to states and other entities: SAMHSA has done a good job of this. Encourage tribes to apply and expand their services. State block grants – tribes are capable of doing this – direct block grant funding should be made to tribes. It has worked under Social Services, Energy, and Community Development as well as Child Care. It has worked with these programs and can work with others. Strongly recommend having direct block funding to tribes.

Glad the tribal consultation policy was signed by Terry Cline. This is something to take advantage of – tribes should use this to communicate with SAMHSA – it's a good policy.

The state of New Mexico has a state tribal consultation policy – designed around the SAMHSA policy. It will be signed next week – and will help tribes express their needs and make recommendations to the state.

Construction: There is a need for adolescent treatment facilities – as well as adult facilities – there are regulations that might negate this effort – When Congress authorized funding for facilities, there were not enough funds to be effective. Under the CCDF, facilities have been built however there needs to be continued advocacy to meet the needs in Indian country.

There is a problem with the Grants Management process. SAMHSA OMH services; getting funding is challenged because the mechanism being used needs work to get the initiative implemented. Would like to sit down and talk about this with Trudy Anderson.

There is a need for additional dollars for Mental Health Services. It cannot be on its own. Integrated services are needed – social services, mental health, alcohol and substance abuse, and other behavioral health services. It cannot be set aside. Glad the partners are here to listen today. Other partners should be here to listen as well.

Access to Recovery and Drug Courts – increase in funding is good. It has been minimal. It is appreciated that \$25 million on methamphetamine is a step in the right direction. Through future gatherings and discussions, and sharing of recommendations there will be positive changes for Indian country.

*Roger Trudell, Chairman, Santee Sioux:* When grants are competitive, they go to those that can hire the best grant writers. Whatever happens with the smaller tribes has a greater impact on a per ratio basis. There were three suicides within 18 months, as well as other “non-successful” and it happens to traditional; through trauma and even within stable homes/families. Culture may not be the answer completely. With modern technology – TV, Internet, we need to broaden our view of what it will take to heal a community.

The one component that is missing is economic development work for people on reservations – this is a critical component of the healing process. Without money in the community to meet the needs of parents to meet the needs of their children, we will wonder what we can do to bring about change. There will never be enough money to meet the mental health needs – or to take care of the end result (deaths) that are caused by not having enough mental/physical health support – these are impacted by access to money for jobs and growth. The building of the community needs to be done as part of the process of healing. Bring jobs to non-gaming tribes – and rural tribes. The Department of Labor and the Department of Interior made promises to help develop jobs for tribes on the reservation. These dollars have been decreased. All the things being discussed – tribes that cannot hire professional writers, problems will grow as tribes are not able to attack methamphetamine. Process to hire vacant positions needs to be streamlined. PL-280 for 53 years – Santee Sioux was retroceded back to Federal jurisdiction and is struggling to develop infrastructure.

Things taking place here this week – did not have enough materials to meet the needs of those that are here.

*Jace Killsback:* The reference to culture – not the only way. There was a grant in the area to develop “Planting Seeds of Hope” – helps counsel tribal members – developed a 24-hour response plan. Culture is a resource – there mainstream resources available – are tribes competing against each other? There is a huge resurgence on the reservation and identity – starting with leadership will insure this.

Include tribes in the development of creating set-asides from block grants.

“Is the government still doing divide and conquer mentality for grants?”

*Jean Bear Crane, Tribal Attorney, Blackfeet:* SAMHSA’s assistance in developing methamphetamine plans is a good idea. In addition to developing plans for the user – there needs to be assistance in developing plans for the family members. To preserve families, there is a need to work with children that are impacted by individuals around the user. These individuals are not eligible for services. Without adequate mental health care, foster home placement creates victims of the children and families. Develop a plan where children of users are included in the plan. Local foster homes should be available – include within the guidelines monies to recruit and train foster homes. These need to be therapeutic homes. Children need this type of placement. Rural areas need therapeutic homes on or adjacent to the reservation to provide local monitoring.

With the overwhelming number of children coming into the system, the federal agencies are there, but are not adequately meeting the needs of the tribes. There is always a reason why they are not there – don’t cover up the problems; correct them. This happens at every level.

Therapeutic care for families should include assistance when children cannot be returned to the homes. Any type of help would be appreciated. Not only is there concern about providing services but also there is concern about the timeliness of reuniting families. Methamphetamine’s impact on families for tribes encounter additional challenges in getting children back into the homes – based on federal laws.

*Ron Duke, Councilmember, Oglala Sioux Tribe:* With 23 years of law enforcement background prior to council, he recognized problems with BIA and Justice – grants are running out for DOJ funding which can impact up to 50% of law enforcement. Tribal communities are facing this – BIA needs to be at the table with DOJ; they have been dealing with this for many years without a solution. Homeland Security funding should be directed to the tribes rather than through the states. They do not get to the tribes from the states.

*Patti Marks, Attorney, Oglala Sioux Tribe:* She represents a coalition of tribes (Circle Project) – any number of those tribes experienced disallowed costs and are being levied which creates a lack of ability to apply for other funding and prohibits some of the poorest tribes in the country from accessing programs. Put together a team of people and sit down to reach a reasonable resolution for avenues that are currently not open.

*Posen Alexie, Chief Judge, Native Village of Togiak, Alaska:* (Yup'ik - through an interpreter)

*Anna Mae Ferguson, Tribal Child Welfare Worker, Native Village of Togiak:* Suicide is evident in this community. Drugs and alcohol are also evident. We use laws and regulations and ordinances that are available to work on these issues. As we mention our ordinances, we have everything we do in the community has rules – even with airlines and airplanes. We do community policing the best we can. Even though it is a dry community, there is a great deal of illegal substance available. At one time, banishment was used. The village council can use this and did do this at one time. Banishment was used because if the rules and regulations are not used, it will get worse. Asking for help from anywhere else; we must take care of issues ourselves. Even without monies, they take care of their issues. Because we love our youth, we take care of our own issues.

*(Anna Mae comments):* The challenges faced in the community as a health worker – she recognizes division among the people within the community. Suicide is a problem that stems from alcohol and drugs. Small villages like Togiak do not have good grant writers but they try to take care of the issues without funding. They will get better, but need to work together. Division is hard to deal with for a community. Other services – BIA, EPA, and others are available but it is not enough.

*Hope MacDonald Lonetree, Councilwoman – Navajo:* Recommendations to SAMHSA – take this to I H S: There is a great need for treatment facilities for juveniles as well as adults. People are sent off reservation to private facilities – and they would like to see the cost-effectiveness of being sent far away and brought back without reintegration services and without their own culture

We would like to see grants for facility construction.

I H S: Place a greater priority on education to become clinicians – mental health professionals who will be able to run the facilities once they are built.

*Linda Holt:* Let Congressmen and Senators know of this need.

*April Tonita Flores, Crow Methamphetamine Project, Crow Nation:* It is not the responsibility of DOJ or SAMHSA to clean up the communities – it's up to the local community to take responsibility. Crow initiated an education grass-roots effort. With our cultural and spiritual values – it is important to keep part of what is done. Re-instill work effort – value individuals – mothers, children, brothers, sisters. Locally this needs to be picked up and addressed. Locally – you know



what the needs are – it takes the local people to take action first and be unified in the approach. We all have to be unified in our goals regardless of where we are in the country. If it's not already a problem in your community, you still should be part of the effort to keep youth safe. Let's not wait for methamphetamine to become a problem. Let's unify to prevent it from becoming a problem.

*David Vallo, Acoma Tribe, Councilman:* Support is needed for young students who have been off the path, especially with different kids growing up who are now interested in bad things. They are leaving their educations behind. Support is needed, especially on Acoma. Everyone also wants your support. Government funding is needed to do away with bad drugs. All Natives know once government made an oath to support the Natives – now he is backing off. All the money is going to Iraq to kill innocent people. Tribes should support each other for more funding to the tribes. Lives are being left behind. Don't forget sovereign power that can be used to put money into tribes. Don't forget we still are under sovereign power and don't abuse our lives; appreciate what God gave you. Pray for each other.

*Albert Banteah – Pueblo of Zuni and Pueblo of Picuris in New Mexico:*

The problems are shared in both the smallest as well as the largest pueblos. The choice to leave the reservation was set by the government. It is good to be raised on the reservation, but when a system is set up with full support of the government (like a tribal court system) – then the funding is taken away and the community struggles, but Tribes always make-do with what is available. The full support is deserved. Funding is like teasers.... If you are lucky enough to have a grant writer to get the funding ... then the funding goes away. Don't want to incarcerate people but rather find a place where then can be returned to the community. The answer is not incarceration – even though we must put people in jail, we want them to find that balance. Funding to support programs is in jeopardy – healing to wellness courts are good – back to the days when we knew how to care for family members. The big battles are waiting; we win the little struggles. Make voices be strong; stand together; competition between tribes for funding – stand together or we will be left behind.

*Carol Crazy Thunder O'Rourke, Judiciary Committee Member, Oglala Sioux - Pine Ridge:* All the same concerns are faced by all tribes. When we work together as a nation we can get things done. Need a tribal assessment. First time use of methamphetamine can kill and did kill someone on the reservation. Methamphetamine prevention and intervention funding is needed – when it comes

from the heart things can get done. Death to Meth concerts – second one this year – all are invited. Get packets out to everyone on what the tribe is doing. One thing that is important – babies are our future – that’s why we are here – for the children. Thank you for bringing a baby here – they will be at the table in 20 years.

Doing a tribal assessment for each tribe is important. Before the next consultation – bring forward the assessments from each tribe. Veterans who help fight for our country – give thanks to them. Thank the veterans for fighting for us and for our freedom. Put more funding to the programs – health, veterans, from early childhood to college. Johnson O’Mally funding, housing, roads, 9-1-1 response time – for all rural tribes need to be addressed. Facilities – domestic violence, abuse and neglect in Indian as well as non-Indian families – water rights – suicide prevention – unemployment – provide money for jobs. Because jobs are not available youth turn to other things like gangs. A better and brighter future – we need to do long-term planning for the tribes.

Trickle down effects never end – goes back to assessment and planning. Legislators need to set priorities and bring them back to the next consultation.

I H S – dollars are limited and go to contract care. Life-or-death priorities are there in response time – they are not timely. Tell the tribes what is needed. Recognize the veterans.

Bureau of Reclamation – needs more money to complete their work.

What can we as tribal leaders do to increase the amount of money SAMHSA receives? Let us know.

Recognized the leaders and representatives from Oglala Sioux. Work together first as a council and then as a nation. Thank you for bringing the baby here this morning.

*Eleanor Baxter, Councilmember, Omaha Tribal Council:* Send the Governor or Hilary Clinton here to hear our needs and get someone from DC to be here. Listen to the concerns that tribal people are experiencing, it is the same as what we are trying to survive from – looking at grants and foundations – it’s about money. Money was turned back to the Bureau – contract health needs are identified as priority 1 – 2 – 3; serious concerns like car accidents, cancer, and other health care – caused this situation – money is needed for health care because of the illnesses and accidents on the reservation this year.

When children are tracked from head start, the number of graduates is low. They get lost some where and they are the future – work on young people and on ourselves – infighting within can split the council and keep people from working together. Women need to keep those men in line. COPS grant was serious situation. There was not an understanding of the in-kind match.

When the grants come down there is a need for technical assistance on how to make up the in-kind matches and KNOW how NOT to get in trouble with matches and indirect cost rates. Tribes need to be supported with the funds from indirect funds.

*Erick Voice, Crow Creek Tribe:* Suicide, methamphetamine, alcohol, and other drugs are impacting not only this community but others as well. Have been working with SAMHSA and Native Aspirations to take steps to collect data and assist youth – elders with cultural ways, law enforcement and schools need to work together to fight methamphetamine, drugs and alcohol. The tribe is waiting for funds that were granted to start a project.

Funding is a problem for all reservations. The jail and detention center was closed. Juveniles are taken 3 hours away and so are the adults. Numbers are used by the county to increase their funding. Tribes are asked to lobby for funding and it goes to the county – not shared with the tribes. ICWA and Housing need to be here.

*Debbie Delorme, Program Director Sacred Shield, Northern Arapaho Tribe -* The federal government has made promises to the Indian people – this time, will you make good on these promises that are being made today, or will this be like the past history. One of the greatest concerns we have is that we hear from Washington about this, but do not hear real positive back. We are willing to go out and help our Nation, so Mr. Bush needs to listen to the Tribal chiefs.

*Response: Dr. Broderick:* We are here today to hear from tribal leaders from throughout the country to hear about the issues. Speaking for SAMHSA, we will continue to work with the tribes. We are partnering with Northern Arapaho and will continue to do so. To the extent that it can be – and not being certain of what promises you are referring to, but SAMHSA will continue within our authority to respond to the needs in the communities. Issues cut across many federal partners and the government is complex. It is made up of people like those around the table and they will help to understand the issues and work together.

*Debbie Delorme (Continued):* Sovereignty – Adam Walsh Act – concerns that need to be addressed in responding by the deadline. Grants from other agencies as well – federal people need to really connect with tribes – sending people onsite to see the conditions, which is different than hearing them. Go onsite and see that what is being said is the truth.

Response: *Dr. Broderick* – I completely agree. SAMHSA is a small organization – our project officers do site visits and to the extent that the organization can interact with tribes, they look for and welcome those opportunities. I could not agree more that there is no substitute for being onsite -- one day in a community -- is worth more than any books you can read. SAMHSA looks forward to more opportunities in the future.

*Jace Killsback:* MT and WY came together for a Methamphetamine Round Table and requested the federal government to network its own resources and bring DOJ, I H S, BIA LE, Corrections and Agency people together to have ducks in a row. Do what you are telling the tribes to do – Housing, Education, Head Start – all need to be at the table to address social and medical problems.

*Kim Claussen, Oglala:* Suicide prevention is an issue. Court staff concerns: Pine Ridge is rural and quite poor. Courts have been running for 5-6 years on 758,000 dollars for salaries. The juvenile department has become so large there is not enough staff to handle the work. 2-year grants deplete so quickly. 60% of the population is under 16.

Parks and basketball courts and entertainment for children are needed to compliment housing. Basketball is important to the community. Housing clusters are not sufficient for the needs of the community members. Obtain funding to support the people and their ways of doing things. There are limited resources to do what needs to be done.

The jail was condemned but still has people in the facility. If something happened, the BIA would be held liable. The courthouse floods but people still work there. Public safety is in the oldest building on the reservation. If no brick and mortar is funded, the government should be held accountable if something happens. Visit and spend a few days at the reservation to see what it is like.

*Linda Holt:* Congress is where the message needs to get for the facility requirements to be addressed. Get the stories there – to hear the personal stories – the offices are receptive to hearing and are sympathetic to the individual stories. Get more stories in to Congress – show them WHY it is needed – show children

and elders that are suffering and veterans that are homeless. Every tribal leader here should get to Congress and to the representative to get these needs addressed. Pound on them to get what you need.

*Lynne Basina, Executive Director, First American Prevention Center and Project Director, Red Cliff Band of Lake Superior Chippewa Indians:* Sitting and listening to the tribal leaders here this morning makes my heart hurt. As a grandmother with two little grandsons, this experience made my life change. I will talk from the heart and from the work in the field of human services for 31 years. Looking back as far as the government has been doing studies and reports on Indian country, the story is always the same: the communities are in trouble and have been for over 100 years according to the reports. Right now, the consultation is not with cabinet level officials but with program administrators and directors. The things said today – who should they be directed to? A key word is nation-building. When you talk about having \$5 million for a program, and there are over 500 tribal nations competing for that, it's not much money when you divide it among all those tribes. Tribes are victims of a broken system, getting fragmented pieces of funding to attempt to fix problems. Look at the root of the problem – where does it come from? As long as there is a demand there will be a supply of whatever drug is treating the community's symptoms.

Even though in this great United States, we represent a small portion of the population. The Natives age faster, die younger, and have a shorter life expectancy. 11% of the population makes up 44% of the caseload. Nothing goes to the tribe in services. Funding formulas need to be reexamined and done in a fair way to tribes.

I H S is in such despair – and is such a small part of the HHS discretionary budget. It is a shame.

Having a match is not fair – when it is not required for other grants to non-tribal entities. The shame is not on anyone here – the responsibility is on every one of us.

Historical trauma – as soon as we learn and recognize and the sooner the federal agencies (SAMHSA, HHS, BIA, and others) do – the better we will be. Education is needed on what historical trauma is and what is needed to treat it, as well as knowing the healing rituals and practices to use. Recidivism is great.

The need is for I H S to take care of veterans. PTSD impacts the individual, the community and the family – and this is happening throughout the tribes. Self

Termination – is seeing kids with no respect – because we cannot find a way to bring communities together to heal – or there are not resources. Kids need a work ethic and to learn how to work. Grief is great and when someone dies you relive the death of everyone else that has passed before. Deaths hurt everyone in the community. The rituals and ways to cope are not there.

The approach needs to be without blame but with one heart. Children suffer because families do not know how to be families – we are fragmented. When we put our money into building nations across other continents, we are forgetting to build nations within our own. We need to love our children.

NCAI should organize an event on the Mall in Washington in their regalia and data and come out with a proposal to the government to rebuild our nations.

We don't have methamphetamine in our community yet, but we do have overdosing on prescription drugs. Over 25% of prescriptions are going towards depression and anxiety. There is not enough money to cover these issues.

*Sonia Little Hawk Weston, Judiciary Committee Member, Oglala Sioux:* Would like to ask what percent of SAMHSA dollars are going to Tribal children, adolescents and adults? The need is so great – the concern as a leader and a community member – is that there is a great deal of lobbying that needs to take place. You need to be able to walk the talk of the vision and mission of the organization and get the funding needs out to the reservations.

Facilities are a separate issue but are one that Pine Ridge faces.

*Mr. Paul Iron Cloud – Oglala Sioux – Legislative Liaison for the Tribe:* Came in to work with different committees. The concern with Elders is the ability to live a safe life. The court house and jail have been condemned but the tribe tries to make things work.

To have economic development within the tribe a good justice department is needed. I H S and justice have been long-standing concerns in Indian country. Is there justice on the reservations? Methamphetamine is killing people and youth are involved. Invite Justice Department representatives into the communities. Safety is needed for healthy minds.

Housing needs to be at the table. Cluster house is where the problems begin on the reservations.

Put Tunkasila in your life to make things happen and make things better.

*Jo Deen Lowe, Deputy Attorney General, Forest County Potawatomi:* Will focus on issues that have not been raised yet. When Congress passed the Adam Walsh Act, the state's jurisdiction was extended over the tribes in PL 280 states. Repeal Section 127 A 2 which automatically places PL 280 tribes under the jurisdiction of the states. All tribes must be given the opportunity to exercise their sovereign right to exercise this jurisdiction.

Support the Passage of Proposed anti-methamphetamine legislation.

Gang violence is increasing in Indian country. The Dept. of Justice should be supported for funding programs to address gangs.

Cooperative arrangements between tribal and other agencies should be supported to improve working together.

Crime data collection in Indian country is not sufficiently funded and is currently done through surveys and word-of-mouth. Tribes are not able to address crime in Indian country due to the inability to gather hard objective data. Immediately develop a program to effectively gather data, particularly in PL 280 states.

*Patricia Moran, Manager, White Earth Anishinabe Nation:* We ask for fairness and justice to better develop programs and services locally. Alcohol and drugs are the reason for crime, broken families, and violence. Healing is needed.

*Garfield Little Dog, Chairman Judiciary Committee, Oglala Sioux Tribe:* In 2004 there were 83 officers – there are now 69, and there will be another 28 offices being lost due to DOJ funding ending. 41 officers will not be able to cover the vast area of the Oglala Sioux Reservation. What message is being sent to the drug dealers and traffickers when there isn't enough law enforcement to keep communities safe?

There have been many meetings with the Bureau and nothing happens. Tribal leaders need to make something happen. Leaders need to take care of their people and work with the young people to educate them about gangs and drugs. It cannot be depended upon to happen from these meetings.

### ***Federal Response***

*Dr. Broderick, SAMHSA:* Regarding Sonia's question of what percent of SAMHSA dollars are going to tribal children, adolescents and adults, in FY2006 grant funding, SAMHSA awarded nearly \$50 million to tribes/tribal organizations for prevention, treatment and recovery support services.

Thank you each for your thoughtful comments and the way you brought them to us. There was comment on the number of times these meetings have occurred; the ability to have these interactions is important. The desire is to fix all problems that exist but the system unfortunately does not lend itself to that. We are asking the tribes to be partners in addressing the problems.

Grant discussion: SAMHSA is a granting organization that does not operate programs directly. We help communities develop capacity. The nature of grants programs and the comments about set asides are well taken. Set asides could, however, become a ceiling.

Grants (RFA's) are sometimes difficult to apply for. A number of things are being done to remedy this. Those that are familiar with the process are asked to provide feedback on making the RFA's more tribal-friendly. Technical assistance is provided to help tribes be more effective in developing proposals and increasing capacity for tribes to write grants.

When grants are evaluated, authorizing legislation calls for objective peer review. Grant submissions provided by tribes are given to people outside SAMHSA to rank them. Tribal people need to be part of that process. Those interested in being reviewers for SAMHSA grants are encouraged to contact SAMHSA.

There is an openness to hearing more ideas beyond these three.

SAMHSA does not have discretion to award block grants directly to the tribes. This authority comes from Congress.

Methamphetamine treatment – the matrix model is the treatment model advocated at SAMHSA and we are making this available to communities in general. Would like to identify promising practices and make them available to other tribes interested in knowing more about that. The One Sky Center and Dr. Dale Walker are part of evaluating these promising practices.

Access to Recovery grant announcement made on Friday provides an innovative approach for funded tribes and states to develop recovery support services, including transportation, housing, etc. to maintain recovery. Tribes are encouraged to apply for this funding that provides for many of the services mentioned today.

*Erick Voice – Crow Creek Sioux Tribe* – Dr. Broderick will speak to him after the session on the funding concerns.



Level of resources comes up often and we acknowledge what is available is not sufficient. The field of Mental Health and Substance Abuse is a problem throughout the country. Make resources available to the maximum benefit. 50 million people across the country suffer from mental health problems or addiction disorders.

Suicide prevention is a priority to SAMHSA – especially for youth. The devastation to a community is a personal concern and we will continue to focus on this. Native Aspiration program – you are encouraged to talk to either Dr. Broderick or Jo Ann Kauffman about the program and how to make it available to the community.

*Ft. McDowell Yavapai Apache Tribe:* SAMHSA should advocate to change licensure laws that limit the availability of service providers in Indian country.

*Desiree Allen-Cruz, Domestic Violence Services Coordinator, Confederated Tribes of the Umatilla Indian Reservation:* SAMHSA and I H S –doing family violence work, including elder abuse, teen dating violence, sexual assault and rape, and having to work with tribal state and federal agencies, one avenue to address is in working with I H S or mental health services – they are not trained in specific areas of violence and the impact on the family. Clinicians and therapist should learn about domestic violence and substance abuse programs as well as batterers intervention programs.

The violence in Iraq and dealing with the violence that comes at home, a strong recommendation for clinicians and therapists who deal with returning veterans, PTSD, identity and culturally specific services, and understanding family/dating violence, sex offenders, and batterers intervention. For Tribal leaders and I H S people, please consider those who are doing the work.

Sovereign dependent is confusing – to be truly sovereign, tribes should be able to take care of ourselves, especially when taking care of human beings. “Tribes should be able to take care of their own tribes, in their own way with their own monies and in their own time. In the end, maybe it’s a dream of mine, I’ve always believed tribes should be able to take care of themselves.”

*L. Jace Killsback:* It is our job as tribal leaders to recognize that it is our job to take care of our communities. It has not been a level playing field and it is new to the new leaders. Need to look at brother and sister tribes that have been successful and help those that have not had the same opportunities. There should not be anything political about social issues. By the time our children are our age, it is

scary to think of what the problems will be like at that time. The right people are here to share this message back at their departments.

Response: *Jerry Gidner, Deputy Bureau Director, BIA*: COPS grants – Oglala Sioux – BIA does not control the COPS program, however BIA was able to increase funding base for law enforcement. This does not fully cover the gap by expired COPS grants, but will hopefully go a little ways to offset this. Meetings are taking place in DC to discuss this.

Jails and detention centers: There is work on a master plan for corrections facilities. Many are inadequate. It would cost billions of dollars to replace those facilities.

Crime statistics – we are unable to collect data in an effective way. DOI is working on an IT system that will collect data across the department to include park services, fish and wildlife, etc. There are concerns about how the program is being developed. The decisions have not been made yet about that program's future (too expensive and not user-friendly). It is web-based, which is a problem for BIA.

BIA no longer has an alcohol and substance abuse program. It was de-funded in '06. There is a huge interest in the field, but there is no funding. Social workers at the local level funds social workers through 638 compacts/agreements. This is what is contributed to this effort, especially around prevention.

Housing and HUD being here is a good idea. BIA has a small housing improvement program which is proposed to be eliminated in 2008.

The Bureau cannot solely be relied on for funding, as they do not have a budget that comes close to meeting the need in Indian country. Contract support costs were increased for 07. We think there will be an ability to fully fund the indirect contract support costs with a small amount available for direct contract support costs.

*Steven Perry: Bureau of Justice Statistics* - Crime data and statistics: important beyond the financial resource aspect. Knowledge is power. BJS is working with tribes to provide software to help them collect their own data, and work with BIA to improve the process and provide training.

*Eugenia Tyner-Dawson*: The AAG has moved aggressively to elevate tribal issues and challenges at the Office of Justice Programs and elsewhere within the Department of Justice. There are 6 workgroups that are part of the AAG's

Council. These sessions are her efforts to invite all federal departments to work together.

- 1 – Grants Policy/Training/Technical Assistance
- 2 – Economic Development and Commercial Codes
- 3 – Research and data collection/information sharing
- 4 – Youth initiative – OJJDP and OVC co-chair this group
- 5 – Intergovernmental affairs
- 6 – Federal employee work force training on American Indian and Alaska affairs

We have ensured that our subject matter experts are here with you today to hear your issues and take steps to respond; to take action. We look forward to the June session and being able to report to you at that time on progress that has been made regarding this discussion.

*Representatives of Turtle Mountain Band of Chippewa Indians:*

*“Tribal elder”* - The reservation was a pleasant place to live many years ago but it is not like that today. There seems to be no help for the youth that are on drugs.

*Helen Keplin, Director,* I H S does not have a juvenile detoxification program. There is no psychiatric inpatient treatment. No after-hour crisis line. Not enough doctors at the I H S facility – and no available transportation. Facilities are over 300 miles away. The turnover at I H S is high. There are many issues around the abuse of prescription medications.

*Bernice Delarme:* Good codes are needed for the tribe. 1100 case backlog. Politics are involved in which cases get heard. Some do not remove themselves from cases that involve relatives.

Drug dealers don't get arrested – who benefits from the chaos? Training issues for housing security officers. A drug dealer was excluded from the community. Seized assets should come back to the tribe to provide services on the reservation. Background checks are done but do not impact the hiring process.

Increase the requirements to run for tribal council.

Veterans have a longer waiting period to be covered by employee insurance upon their return, and they get less coverage. Senator Murray is in touch with the veterans' movement.

*Leslie Hagen, Assistant US Attorney, Western District of Michigan assigned to the SMART office at OJP.* This office was created under the Adam Walsh Act.

Section 127 is where most of the comments from leaders will be today. There is an important piece in section 215 which amended the major crimes act. Felony child abuse and neglect has been added to the list of felonies where the federal system can step in and prosecute.

The SMART office focuses on Title One – SORNA – Sex Offender Registration and Notification Act – all 50 states have registries. As this evolved, we want to know who is living in our communities. Tribes were not included under the Jacob Wetterling Act. If tribes opt in, they wish to set up their own registration. If they opt out the responsibility is delegated to the state. The criteria are the same for states and tribes. The state has a right of access if you opt out. Tribes must make this decision by July 27 of this year. Non-PL 280 tribes, if they opt in, there are two additional years beyond the decision-date for compliance (2009). There is another provision that says if there has been substantial progress there can be extensions to this timeline.

Non-PL 280 – If they opt in, they can always opt out at a later date. There are many issues and questions around this – Ms. Hagen is available to answer questions and provide assistance. There is agreement that we want to know this information, and it is in our favor that we are at the ground floor with the development of this. The legislation was just signed and the SMART office is new. Work out cooperative agreements to help with the implementation for this program, to include agreements between tribes and states as needed. The decision needs to be made by official document and forwarded to the SMART office.

*Virginia Davis – National Congress of American Indians* – working on the Adam Walsh Act. This was done without appropriate consultation and NCAI is working to help address issues and concerns. To stress a few key points, the way the statute is written, there are two choices for most tribes: opt in or the state is given jurisdiction to enforce the act. This changes the landscape of criminal jurisdiction in Indian country. This is a sovereignty issue at NCAI and it undermines the purposes of the Act and hinders successful implementation. NCAI passed a resolution at their winter session. This was done without consultation. The resolution is available on the NCAI website and it is included in packets available at the breakout workshop. Ask your tribal attorneys to look into the AWA and to respond by the deadline of July 27 of this year. NCAI has a model tribal resolution that will help you get started if you wish to preserve your rights. The resolution is also available on the website. There are details that will be worked out later on

implementation. Preserve your rights by passing your tribe's resolution before the deadline.

Regarding communication with Congress, NCAI asks the federal employees to also speak up for tribes' rights when they have the opportunity.

*Jerry Gidner* – question: Is there a provision for new tribes?

*Virginia*: No – it does not make a provision for tribes that will be recognized later. It does not allow for tribes that may have an interest and capacity later on.

There is an interim rule that includes a retroactivity provision that says past tribal court convictions now have a registration requirement as well. How does that work?

*Leslie Hagen*: Yes, there is a regulation that deals with retroactivity and registration needs to happen within an identified period of time. You could have someone that is convicted in Tribal Court a year ago who can be punished federally under this new Act.

*Linda Holt* – this will be addressed in June at Squaxin Island in Shelton, WA as well. Register early for that session for updates on this Act. Eugenia Tyner Dawson and Leslie Hagen are available to speak at tribal conferences as needed between now and July 27.

*Hope MacDonald Lonetree*: Navajo nation exceeds an area larger than W Virginia. There are only 82 jail beds available for the entire area. At this time the Nation, can not keep prisoners overnight. In the last three months, 1,100 individuals were arrested, only 9 served time. The meeting is asking agencies here to make sure the policies and procedures fit the people who the grants are intended for. Line items in the 2008 budget will be eliminated. It is important to be sure that these items remain. How is Criminal Justice System to adequately partner with other systems when these individuals are constantly released into the environment? It would be good to have local training.

*Maria Fuentes*: Grateful for comments today. The E-Government system may provide more challenges than before. Want to look at the things that can be done better. What are the problems when working with the grants process? How can solicitations be more clear? How can they be marketed better?

*Judge Carl Pepion, Blackfeet* – The tribes do not have the funding to handle the number of cases that are coming through the court. The tribes realize they need to work with other tribes, the government and the states.

*Carol Crazy Thunder – Oglala Sioux Tribe:* The match requirement– create an assumption of tribal authority to address the match.

There is a need to have a Methamphetamine Conference in Indian Country – *Dr. Broderick* - the NW Portland Area Indian Health Board is working on a project to gather best practices and is working with the One Sky Center in Oregon to evaluate best practices to see what can be developed and distributed to tribes. Tribes are allowing SAMHSA the opportunity to learn and share best/promising practices. The partners will discuss the opportunity to make this part of the next-steps.

*Jerry Gidner* – response to the disallowed costs: BIA has been working on this with Treasury and are working on how to reimburse tribes.

*Patty Marks* – Please designate someone to address disallowed costs. There is debt forgiveness in federal regulations. Technical problems in the regulations make the tribes ineligible. For example: If an officer is put on the payroll 2 weeks early this is disallowed. This results in significant levies.

The announcements on methamphetamine cause frustration because the problem with methamphetamine has a need that should be a package – prevention, law enforcement, detention, courts, diversion and treatment – without all of these things included, it becomes just a band aide. It needs to be packaged together. Money should be used to develop across programs. An interagency agreement would allow agencies to work together and combine funds. This could be beneficial to the tribes.

Response: *Eugenia Tyner-Dawson:* Disallowed costs: runs across OJP, COPS, and OVW. Kathy Zebell from OTJ will identify a point of contact for the tribes on this matter.

Third party issues and grant issues – the following sessions will help respond to the issues that are raised. Grant management and reporting is part of these sessions. Constantly assessing the effectiveness of these sessions is important.

The components of addressing methamphetamine require multiple areas and a comprehensive approach. The band aide is temporarily addressing the immediate needs while the comprehensive approach is being developed. Tribal leaders asked for the Methamphetamine issues – the package will need more help from the tribes to get to the package approach.

Thank you to the federal representatives for their openness, honesty, and the opportunity to have concerns brought forward to those that can help address the concerns that were raised.

*Response: Dr. Broderick:* We are exploring ways to align methamphetamine initiatives. SAMHSA worked with ONDCP to help align resources and develop discretion to allow for flexibility in program development. As conveners across the federal departments, ONDCP is looking seriously at these issues and how to bring the resources, issues, and approaches together.

*Moses Pavilla, Alaska:* There are no roads between villages in Alaska. The mail planes are unreliable in the area. When there is a grant announcement, there should be a little more time to respond due to these conditions. Most times when a village knows about the grant, there is not enough time to turn in an application.

*Ron Old Man, Northern Arapaho:* A great deal of information has been provided today and the tribe has the same concerns. There will be more input at the next session.

There are many examples out there on how to consult with tribes. DOJ should have a developed policy on how to consult and provide written copies of this to the tribes prior to the next consultation.

*L. Jace Killsback* – There needs to be time for tribal leaders to address their concerns and speak about the issues. There should be protocol as well as one-on-one time with the government representatives. This is part of the defining the process and protocols for future consultation sessions.

A draft summary of today's discussion will be made available to participants at this session. The information gathered during this consultation will help develop the agenda for future Tribal Justice and Safety training and technical assistance sessions and the agenda for future consultation discussions.