

**Tribal Justice and Safety Consultation, Training, and Technical Assistance Session # 4**  
**Tribal Consultation Summary**  
**July 31, 2007**  
**Sheraton Crescent Hotel**  
**Phoenix, Arizona**

**Introductions:**

Juana Majel-Dixon – Tribal Legislative Councilwoman – Pauma Band of Mission Indians, NCAI Secretary  
Richard Armstrong, Tribal Council Representative, Colorado River Indian Tribe, Arizona  
Sidney Fitzpatrick, Jr., Legislative Representative, Crow Nation  
Blanchard Matte, Makah Tribal Council  
Madonna Marcellais, Turtle Mountain Band of Chippewa Indians  
Beatrice Law, Little Traverse Bay Bands of Odawa Indians  
Joy Johnson, Winnebago Tribe of Nebraska  
Tipi Means, Winnebago Tribe of Nebraska  
Aaron Smokey, Washoe Tribe of Nevada and California  
Charles Stevens, San Carlos Apache Tribe, AZ  
Terry Rambler, San Carlos Apache Tribe, AZ  
Martha Interpreter-Baylish, San Carlos Apache Tribe, AZ  
Bernadette Goode, San Carlos Apache Tribe, AZ  
Emil Jojola, Isleta Pueblo, NM  
Diane Peigler, Isleta Pueblo, NM  
Anna Huntington-Kriska, Rampart Village Council, Fairbanks Native Association  
Verlon Jose, Tohono O’Odham Nation  
Alene Garcia, Hopi Tribe, AZ  
Todd D. Honyaoma, Sr. , Hopi Tribe, AZ  
Lloyd Hanks, Shoshone Paiute Tribe, NV  
Ben Nuvamsa, Chairman, Hopi Tribe, AZ  
Alvin Moyle, Fallon Paiute Shoshone Tribe  
Delores Greyeyes, Director, Navajo Nation  
Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley  
Genia Williams, Walker River Paiute Tribe, NV  
Jeanne A. Jerred, Colville Confederated Tribes  
Brandelle Whitworth, Shoshone-Bannock Tribes  
Mariddie J. Craig, White Mountain Apache Tribe  
Bernadine Burnette, Vice President, Fort McDowell Yavapai Nation  
Raphael Bear, Fort McDowell Yavapai Nation

Diane Enos, President, Salt River Pima Maricopa Indian Community  
Louis Manuel, Tribal Council, Ak-Chin Indian Community  
Chris Devers, Chairman, Pauma Band of Luiseno Indians  
Donna Chippewa, Grand Traverse Bay Band of Ottawa and Chippewa Indians  
Raymond Joe, Council, Navajo Nation; Public Safety Committee  
Samson Cowboy, Navajo Nation  
Rex Lee Jim, Council, Navajo Nation; Public Safety Committee  
Edmund Yazzi, Navajo Nation Council  
Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board  
Linda Otero, Mojave Indian Tribe  
Mike Sandoval, Pueblo of San Felipe  
Wilfred Whatoname, Sr., Hualapai Tribe  
Eugena Hobucket, Quinault Indian Nation  
Walliman Clark, Sr., San Carlos Apache Tribe, AZ  
Joe Garcia, Chairman, All Indian Pueblo Council; President, NCAI  
Jefferson Keel, Lt. Governor, Chickasaw Nation; First Vice President, NCAI  
Jackie Johnson, Executive Director, NCAI  
Virginia Davis, General Counsel, NCAI  
Dione Carroll, In-House General Counsel, Miccosukee Tribe of Indians of Florida  
Richard Brannan, Chairman, Northern Arapaho Tribe, WY  
Bernadine Jones, Havasupai Indian Tribe  
Hope MacDonald LoneTree, Council Member, Chair Public Safety Commission, Navajo Nation

**Opening:**

Opening comments were provided by Jefferson Keel, Lt. Governor, Chickasaw Nation and First Vice President, National Congress of American Indians (NCAI). Eugenia Tyner-Dawson, Senior Advisor to the Assistant Attorney General for Tribal Affairs, Executive Director Justice Programs Council on Native American Affairs, Office of Justice Programs, U.S. Department of Justice welcomed the participants and acknowledges the participation of the National Congress of American Indians in coordinating this consultation. Ms. Tyner-Dawson recognized Joe Garcia, President, National Congress of American Indians and Jackie Johnson, Executive Director, National Congress of American Indians for their role in coordination of the Tribal Caucus as well as the consultation planning process. She provided instruction for the session which included recognizing that discussions may cross-cut our respective Federal agencies. Therefore, all of the federal policy staff were asked to remain in this session and be prepared to respond to issues as they arise. Once all of the Tribal leaders representing each of the tribes in attendance have concluded their comments, an opportunity would be provided for elected tribal leaders to offer further comment and that all Tribal leaders would be able to present their issues.

While there was an established an agenda for this session to conclude at 5pm, it would continue until all Tribal leaders have had an opportunity to provide their comments. Third, the session would be summarized to capture tribal issues, challenges, and comments on the overhead screen, and make the draft document available to everyone as soon as possible. Participants were asked to state their name, title and Tribal affiliation when they spoke, and please feel welcome to view the typed comments to verify it represents their issues and statements. Tribal and federal moderators were here to help guide the discussions, and to ensure everyone is given the opportunity to comment. Federal representatives would also be called upon to respond to questions that may arise. The goal is to have a dialogue and not to just listen without giving comment where appropriate.

Co-Moderators for the morning consultation session were Bill Largent, National Director, Office of Native American Affairs, U.S. Small Business Administration, and Robert S. Kroll, Deputy Administrator, Southwest Office of Native American Programs, U.S. Department of Housing and Urban Development.

After the first consultation, tribal leaders identified a need for the Department of Justice to develop a plan and policy for consultation. This is being explored with General Counsel and Sr. Leadership on behalf of Assistant Attorney General for the Office of Justice Programs, Regina Schofield. Ms. Schofield worked extensively on consultation when she was at the U.S. Department of Health and Human Services. She brings the experience and input on this process to the U.S. Department of Justice. Her goal is for this session to be productive for all participants.

The consultation began with a presentation on Adam Walsh Act – SMART: Sex Offender Sentencing, Monitoring, Registering and Tracking. The SMART Office implements the standards of the Act. The focus today is Title 1: Sex Offender registration and notification act, which sets minimum standards for registry. Adam Walsh now includes the tribes in Section 127. Proposed guidelines for implementation of the Act were provided to attendees. The implementation guidelines are open for public comment until August 1. Comments do not have to be formally provided. Write down your ideas or e-mail by close of business August 1 for inclusion. The comments heard in March and June as well as from today will be included in the document for inclusion in the discussions leading to the final guidelines. Some of the comments today will be broader than the guidelines and suggestions for Act amendments will be taken back to Washington as well.

There needs to be time to listen to the comments; questions about funding will be addressed. There were 25 million dollars made available (active now) for implementation through the OJJDP Juvenile Sex Offender Treatment Development funding.

July 27, 2011 is the absolute deadline for implementation. Every jurisdiction should submit their implementation plan by April 2009. The SMART Office is tasked with technical assistance and can assist with hardware, software questions as well as training and other assistance.

*Virginia Davis, NCAI* – At the caucus there was detailed discussion of the Act – NCAI will provide technical support as possible. There are magazines that provide background information on the Act – please get a copy to help if you are new to this topic. The joint statement prepared at the Caucus was circulated for signatures.

### **Tribal Leader Presentations –**

*Juana Majel-Dixon, Tribal Legislative Councilwoman, Pauma Band of Mission Indians; NCAI Secretary:* There are issues brought before the caucus and with the task force. One of the items for discussion is that we are aware this group is not representative of the change-makers. Tribes were not at the table at the time this is designed – it was done without Tribal participation. We must talk frankly about how this was developed without tribal participation, particularly in section 127 and the implications for states and tribes that are similar to PL-280 implementation. *A tribal working group is needed to help in the implementation of the guidelines. Changes to the Major Crimes Act are needed to aid the tribes in enforcement.* A national registry between tribal nations will help track individuals that use the reservations to avoid being tracked.

Implementation – *Who will determine compliance? How will it be determined?* Cross-jurisdictional coordination questions need clarification. Federal prisoners being released are required to be registered somewhere – why wouldn't they be registered prior to release rather than giving them time before being registered? Funding is a burden on the tribes to develop registry and the other costs of implementation. Regarding the development of a tribal advisory group – a number of agencies already have committees or groups that provide assistance in working with the federal agencies for consultation and guidelines. These groups would provide assistance in developing guidelines but would be different than and separate from the consultation process. There is some imbalance in the level of agencies represented for this consultation. It needs to be government to government – and be sitting across the table or in direct conversation with decision makers from the federal agencies. It is recommended that a tribal advisory group be established to help the federal government agencies to develop guidelines and protocols. Ms. Tyner Dawson will talk with Ms. Regina Schofield, the Assistant Attorney General to decide how to proceed.

*Alvin Moyle, Fallon Paiute Shoshone Tribe:* He recognized the tribes that are here presently, there are about 4 from Nevada. It is important to note that the tribes have always had to defend their rights. This takes away their sovereign rights. In talking about the Adam Walsh Act (AWA) – coming in behind an act that has already been developed to this point – the discussions should have happened before now. The tribes coming in at the back end of the movement has been a historical situation. Issues pertaining to the AWA – leaders need to come to the table with those

that drafted to law. The Inter Tribal Council of Nevada drafted a position paper. It will be presented to Ms. Hagen after the meeting.

*Diane Enos, President, Salt River Pima Maricopa Indian Community:* We have been discussing the implementation of this Act with the State of Arizona. The letter outlines the concerns. As a tribal leader, we signed on the statement that will be handed in today. The Department of Justice did not properly discuss with tribes in releasing the guidelines. The guidelines must define substantial implementation and how this will be made. Cultural and religious concerns are not adequately addressed. *DNA evidence clarification is needed. States and cooperative agreements with tribes as well as cooperative agreements between tribes should be addressed.* The lack of resources must be addressed. State – Tribal coordination should be supported through funding and facilitation as a priority. Federal prisons must be required to register offenders. They should not be released before being registered. Guidelines for state action within tribal jurisdictions must be addressed in the guidelines. The Guidelines undermine the effectiveness of SORNA. *There is a conflict between the guidelines and the frequently asked questions – this must be resolved.* Tribal governments not functioning as registration jurisdictions – the role of the tribe in successful implementation must be defined more clearly. How tribes are included in the system for registration.

Speaking as the tribal leader from Salt River – the tribe opted in “under protest”. Their resolution says the SRPMI requests adequate funding for implementation and wants to assure there is accountability. A “one size fits all” approach does not work for the tribes.

Page 16 – 4A Convictions generally – states, under the guidelines, will decide whether a tribal court conviction will require registration. This is an example of non-recognition of tribes as sovereigns. This should be amended to require states to confer with tribes. Many tribes do not have money for representation. To have a fair assessment, it is urged that guidelines reflect collaboration between the tribe and the state. The joint statement is supported by Salt River Pima Maricopa Indian Community.

*Blanchard Matte, Makah Tribal Council:* Where is the money for implementation? OJJDP funding has been mentioned. Access to the funding is not possible right now.

Leslie Hagen: It is a given that this is a resource intensive effort for all jurisdictions. \$25 million for implementation was announced on May 17. The one solicitation out there now will be joined by an additional \$12 million. A specific tribal set aside is expected. It would be nice if all money went directly to the tribes, but a specific amount may be set aside.

*Blanchard Matte, Makah Tribal Council:* Referenced specific language in the OJJDP solicitation - and indicated this is hardly enough money to address the concerns of the tribe and implementation.

Leslie Hagen: This one grant program is not sufficient. There is also a responsibility to work with the states. Discussions with tribes have been about sovereignty – states have issues about how this affects juveniles. There is no one grant program that will fund a start up and implementation of registry. There are different pockets of money that will become available. For example, palm and finger prints are required for registry. One component of the funding through T-CHRIPS will provide technology for this component.

*Blanchard Matte, Makah Tribal Council:* Regarding re-entry, how much do you think it will cost a tribe for one person's re-entry?

Leslie Hagen: I don't know why there was a certain amount of money affixed to this particular grant, I do not know what it would cost for one youth to return to the community.

Blanchard Matte, Makah Tribal Council: The tribes are dissatisfied with the amount of money provided for implementation.

*Ben Nuvamsa, Chairman, Hopi Tribe:* There needs to be continued respect for the government to government relationships between Indian tribes and the federal government. Time is needed to develop the meaning of consultation and the process for how to consult. Sovereignty must be carefully protected and preserved. Many issues will be brought up regarding the uniqueness of tribes. Due process in how the states appear to have unilateral authority must be addressed. A working group should be set up that represents the concerns. This group would work hand-in-hand with the government. There needs to be increased funding – some grant opportunities are for specific purposes and there is a range of needs in Indian country that go beyond the opportunities. Sovereignty discussions must be done carefully to protect individual tribes. Find ways to provide protection. Want to acknowledge and thank NCAI for their assistance and leadership in this process since the Act came about. Thank you to the Inter Tribal Council working groups for providing the prepared statement.

*Jefferson Keel, Lt. Governor, Chickasaw Nation; First Vice President, NCAI:* There are a number of specific questions being raised regarding the Act. Can a list be created for response? Provide them in writing for a comprehensive response.

*Ben Nuvamsa, Chairman, Hopi Tribe:* Comments are being gathered collectively. Will response to the comments and questions be provided to participants?

Eugenia Tyner Dawson: Comments were provided from Prior Lake and Shelton comments will be available. The comments are provided in draft format at the consultation. Once we receive comment, feedback, and format a final copy, it will be posted on the website as final once this review is completed.

Leslie Hagen: The SMART office will sign off on all implementation plans, including the plans for states as well as local jurisdictions and tribes.

*Sidney Fitzpatrick, Jr., Legislative Representative, Crow Nation:* Treaty tribes, IRA tribes, other types of tribes each have different relationships that impact the implementation of this Act. The United States spends trillions of dollars in Iraq and only allows minimal funding to work with perpetrators and sex offenders – the worst offenses possible. Crow Tribe passed laws and has a registry. The Attorney General determines if tribal laws fit the Attorney General's needs. Utilize the Senators and provide for representation in DC to meet with IHS, BIA, DOJ and others to address the tribes' needs. It is beyond time to talk; it is time to act.

*Richard Armstrong, Tribal Council Representative, Colorado River Indian Tribe, AZ:* It has to be more than coordination; there needs to be an agreement made that represents the uniqueness of each location and jurisdiction. *Court decisions are a factor. This needs more than coordination or collaboration – there need to be specific agreements.* Work with those that are less-complicated first. What happens after implementation – it is important to bring in BIA and other agencies to discuss the long-term costs and time factors of implementation. *Start looking at the budget process to identify funding for the long-term (2-3 years) from now.* State offenders will also need to be registered on the reservation. How is the treatment for sex offenders being addressed now? It is expensive and time-consuming. 6-weeks is not enough time to sufficiently treat offenders.

*Todd D. Honyaoma, Sr., Hopi Tribe, AZ:* Thank you to NCAI for providing a copy of the discussion. Some other agency consultation meetings have not provided a follow-up document. Consultation is about respect in discussing the issues and the process of resolving differences. The guidelines raise a number of questions and concerns. We should thank the veterans and post-veterans for their contributions to our being here today and the rights we have. *Using traditional names is not addressed properly in the Act.* This is another way to get information out of the tribes. The data is tied to funds and the states will use tribal data to get more funding. The formation of an advisory group should happen soon.

*Verlon Jose, Tohono O'Odham Nation:* Thank you to those that are here today. Offenders will move from one jurisdiction to another and tribal court criminal records will remain unavailable for registration. Make the system stronger and provide the greatest measures nation-wide to include tribes and tribal court decisions. Federal correction facilities should register offenders prior to release. If we must walk together then we must respect each other. Collaborate, work together, and communicate for the best interests of all or the entire Act is not effective.

*Jeanne A. Jerred, Colville Confederated Tribes:* Thank you to everyone in this room for time to speak. Section 3 of the presidential executive order on consultation speaks to policy-making criteria. Agencies shall adhere to the extent permitted by law to criteria in implementing policies that have tribal implications. (Ref: Executive Order – A – B – C – 1, 2, 3). Tribal government bodies want to have basic equality on laws that will impact peoples for years to come. It appears federal and state laws are weakening traditional laws, actions, and activities that have existed since the beginning of time; these ways were working. Is there a plan for facilitation of inter-

jurisdictional coordination between tribes and states as well as between tribes? Unfunded mandates being passed without consideration of the funding will continue to drain the tribal resources. Time and resources are concerns for the tribes. *Tribal courts should be given full faith and credit for their court decisions.* The grants will defeat the purpose and put tribes in competition against each other for limited funding. Tribes should have been the first ones considered in looking at solutions. What might seem to have been new are things that the tribes have been doing for years. Only the Colville Tribe can speak for the Colville Tribe and only the Colville Tribe knows what will work for the Colville Tribe – this same concept applies to each individual tribe when laws are developed that will impact each tribe. The agencies are respected and are doing what has been given to them. The decision-makers need to be informed that this is not acceptable practice and this process needs to be changed. We do not need to redefine the words.

*Raphael Bear, Fort McDowell Yavapai Nation:* Thank you to NCAI for holding this event. The chance to comment is still out there. White men misunderstand what is said – tribes want a chance to be heard. There are some victims on the other side of this. *Ft. McDowell wants to make sure the website has local control of what information is released. The tribe wants to control DNA and how it is handled.* This is a sensitive consideration for the community – it has a spiritual element. Want to assure interaction with the state and the county. The Attorney General has identified the handling of Tier 1 offenses that affects the treatment of offenders at the tribal/local level. Revisit the Indian Civil Rights Act (ICRA) to allow tribal courts to have more control over the well-being of tribal members.

*Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board:* Thank you to Gena Tyner-Dawson and Regina Schofield for initiating this process. This Act being passed without consultation is opposed. *NCAI litigation is requested to evaluate the process used in the implementation of this Act.* The legislation to fix the tribes participation in the act has been put on hold. Go home and talk to Senator Ensign to support the legislative fix and hold him accountable for his role in putting a hold on the legislative fix. Funding for implementation of the act needs to be full and direct to the tribes. The work of the SMART office and Leslie Hagen is appreciated. Registration of juvenile offenders through tribal court retroactivity can cause serious damage to those that are effectively rehabilitated and integrated back into the communities. Look at concerns around the impact on victims. States that are implementing the process for tribes also need additional funding. *HIPAA compliance is not addressed in the guidelines.* How does this fit into the guidelines?

*Dione Carroll, In-House General Counsel, Miccosukee Tribe of Indians of Florida:* The Miccosukee Tribe concurs with many of the other comments made by tribal leaders, and more complete comments of the Miccosukee Tribe are available in the written comment document submitted to the federal government, dated August 1, 2007. By way of supplement to other comments heard, the process used in the passing of the Act is unacceptable. They failed to do tribal consultations. States are not treated like tribes under the statute. *If a state fails to comply*



*it loses 10% funding; if a tribe fails, the state may move in and take jurisdiction AND the tribe loses 10% of the funding. For states, Constitutional issues may be considered in defining substantial implementation under the guidelines; there is no similar consideration made for tribes.* The SMART Office can help address this matter by providing more clarity, more specificity regarding the requirements for implementation, and a method to give tribes due process and adequate review of agency action on decisions regarding implementation (e.g., whether a tribe is accomplishing substantial implementation and what a reasonable time is for implementation).

*Charles Stevens, San Carlos Apache Tribe:* This is about federal funds. We live in the greatest nation: the United States, but sometimes the government is hard to understand. The veterans are respected. Millions of dollars are spent on the Middle East, not just for the war efforts but also for rebuilding those countries; this is not being done in Indian country. Why can't the same efforts be done here that are being done for other countries? Some veterans are elders that served in the armed services who fought for the country but they could not vote. It is time to take a stand on federal funding and it is hoped they will hear us in Washington. If we unite together we are stronger. We have a ways to go on being united.

*Richard Brannan, Northern Arapaho Tribe:* Thank you for being allowed to be here today. Northern Arapaho is shared with Wind River; they also have a shared council. The state of Wyoming is somewhat frontier in terms of Indian tribes. As part of the AWA, look at the relationships that each tribe has with the states. Some are treated as equals, however others are not that way. The state's infringement on tribes is related to resources; natural resources, land, etc. Tribal leaders go to Washington DC and pray for open ears, eyes, and hearts to have them understand what the tribes are faced with on the reservations. Pray for their conscience awareness when making decisions. When tribes come forward talking about and looking for justice, where is the Justice? There are counties that try to infringe on tribes. Doesn't the US Government owe trust responsibility to treaty tribes? Support protection of the children as the most vulnerable part of the communities. It is unsettling that the government would use abused children – it is like a back-door attack. Let's be straight-forward to say we are going to protect every child no matter what their ethnicity. We should be arguing on how to find the resources to develop the systems that will protect all our children. Tribes have difficulty getting basic healthcare and other services. Sovereignty is one of the few things we can pass on to the future generations – it is the freedom and the best thing that can be maintained for the future.

*Jefferson Keel:* The frustrations expressed here today do not represent all the opinions and feelings of other tribes that are not represented today.

*Gena Tyner Dawson:* Leave copies of written statements with the recorder so we can assure the accuracy of the comments that have been provided. Lunch will be provided and the discussion will continue during and after lunch.

**Leslie Hagen's Response:** Thank you for the excellent comments and questions. It is an honor to visit Indian country and learn from you. There is no particular order to the responses.

**Resources:** Not only is there a need for infrastructure resources, but commitment issues for staffing resources are needed. Tier classification of the offenses will require differing levels of reporting for registration and 3-month check-ins. Two solicitations closed. These addressed research through NIJ and a training grant. The only open solicitation is currently the OJJDP solicitation. Grants.gov will be the location all postings will be provided. The 25 million dollars is for implementation within all jurisdictions; not just Indian country. Additional monies and solicitations will be out there.

**Federal Prisoners:** There is no federal sex offender registry. Jurisdictions subject to AWA are the 50 states, 5 principal territories, District of Columbia, and tribes. There is no federal registry. Individuals prosecuted in federal court are registered in the state or on the reservation where they live. There is a valid concern that registration of individuals in military or federal prisons are to be advised and sign an acknowledgement of their obligations. They have 3 days once they get to where they will be living. They will be on supervised release and someone will be responsible for monitoring their behavior within the communities. The probation officer will be aware they are coming to the community and will work to assure registry. Tribes should be alerted but unfortunately there is no federal registry and no mechanism for doing this before they are released.

**Attorney General Guidelines:** Congress did not approve the guidelines. Comments have been compiled from sex offenders as well as from defendants and others. The proposed final guidelines will be written and will go through a process prior to approval.

**Tier System:** AWA sets a 3 tier classification system. Jurisdictions setting up their registry do not need to follow this system, but they will need to be able to determine where they fit in the tiers, which will determine their reporting guidelines. AWA sets minimum criteria. More severe guidelines can be developed.

Tier 1 – misdemeanor crimes - Tribal court convictions are always tier 1 as a minimum. Jurisdictions can look beyond the facts and can tier them as another tier based on the case. The maximum for tier 1 is 15 years.

Tier 3 – lifetime registration.

**Cooperative agreements between tribes:** Where jurisdictions have overlapping obligations, the law does not provide specific language about this. For example, Oklahoma has a number of tribes in close proximity, and this issues will be given consideration in the final guidelines.

**Juveniles:** What is the effective retroactive timeframe? A narrow group of juvenile offenders will need to be registered. Some are waived to adult court – for AWA if a juvenile is processed

as an adult or is a delinquent 14 or over, they will be subject to registry. This narrow category will be on the public website. This may raise some of the constitutionality issues around juveniles.

**HIPAA Compliance:** If individuals are receiving mental health services, there will need to be more research on how this will be addressed in the guidelines.

**States weighing in:** Most of the AWA work has been in Indian country. Virginia Davis has been working with state considerations. Many states do not have a great deal of experience with Indian law. The SMART office will have a symposium focusing on implementation in Indian country that will include tribes along with the states.

**Resources** - there was not any discussion on the state cost – it was focused on jurisdictions and authority as well as the approach for how to work together. There are so many adults as well as children that are impacted by this Act.

*Jefferson Keel, Lt. Governor, Chickasaw Nation; First Vice President, NCAI:* In Oklahoma, 70% of offenders are native. The majority are not in compliance (Data is included in the Chickasaw Nation statement). How will the consultation record be open, especially since the comment period ends tomorrow? How will this impact the federal relationships with tribal governments attempting to make sense of the facts of the act?

*Ben Nuvamsa, Chairman, Hopi Tribe:* Can there be a consideration of an extension of the August 1 deadline for perhaps another week to assess the implications and considerations?

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* One of the most important things you said was the idea of a symposium between tribes and states. When and where will this happen?

Leslie Hagen: It is hoped it will be this calendar year, or early next year. It does no good to plan a conference from DC; the event will be planned by a working group. The event will tap into working, successful efforts and will be planned by those that will be developing the implementation plans.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* Why can't the Department of Justice and the states be respectful to hold off on the response period until after a symposium would be help?

Leslie Hagen: This is unfortunately out of my control.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* We will need to meet and develop an initial agreement. It would be good to provide a recommended date to meet.

*Juana Majel Dixon, Tribal Legislative Councilwoman, Pauma Band of Indians of California; Secretary NCAI:* It has to go on record that states must not be given unilateral authority over tribes. Respect must be used in developing cooperation and collaboration between states and

tribes. There is a trust responsibility and government to government relationships are in existing. There is a long history of stories and events that impact who the tribes are and how they got to where they are. Jurisdiction 101 should be taught to states, even though they should already know this information. SMART office should establish a working group to develop the guidelines. How will non-280 tribes be impacted by the guidelines? Where do we connect the dots on existing guidelines? Federal prisoners are not registered before release. How can we not have the federal government comply but there is a double-standard for tribes to comply?

*Alvin Moyle, Fallon Paiute Shoshone Tribe:* On behalf of the tribes in Nevada that are not represented here, they should be given time to respond. Thank you for acknowledging that you learned some things today. We request an extension for comment.

*Genia Williams, Walker River Paiute Tribe:* The registry is something that will protect our families and communities; however there is concern about the limited resources available to support this. Written comments were provided by the tribe that includes a copy of the resolution. This is not a true and meaningful consultation as it is after the Act has been enacted.

Comments must be postmarked by tomorrow. They can be emailed to: [Leslie.Hagen@usdoj.gov](mailto:Leslie.Hagen@usdoj.gov)  
Fax #: (202) 616-2906. Leslie will accept written comments in person through tomorrow as well. The street address is SMART Office, Office of Justice Programs, 810 7<sup>th</sup> Street NW, Suite 8240, Washington, DC 20531.

*Beatrice Law, Little Traverse Bay Bands of Odawa Indians:* Tribes must do a better job of educating within their states and sit at the table with department program heads to be there when laws and policies are put in place that affect our people. Have a petition to get an extension.

*Jeanne A. Jerred, Colville Confederated Tribes:* I echo the request for an extension to tomorrow's deadline. Tribes need a clearer understanding of why they should opt in.

*Michelle Rivard-Parks, Spirit Lake Tribe of North Dakota:* Speaking for Myra Pearson. (written statement provided). The Classification process and providing legal counsel conflict with federal law. Please continue to include Spirit Lake Tribe in the process of consultation.

*Anna Huntington-Kriska, Rampart Village Council; Fairbanks Native Association:* Thank you for the opportunity to address the issue. There are just a handful of tribal leaders from Alaska that are here today. Unfortunately, there has not been an opportunity to consult directly with the tribes in Alaska. This message comes from Tanana Chiefs Conference which represents 42 tribes in the middle of Alaska. The letter states their strong support from tribes to opt into the AWA. (Written comment to be provided)

*Mariddie J. Craig, White Mountain Apache Tribe:* Due process needs to be exercised properly in the implementation of the AWA. The tribe stands firm in objection of the implementation deadline of tomorrow.

*Verlon Jose, Tohono O'Odham Nation:* Expressed concern over meeting the deadlines/timelines.

*Joe Garcia, Chairman, All Indian Pueblo Council; President, NCAI,* while there is disagreement in the law being passed and the way it was passed, our conversation needs to be focused on the implementation of the Act. *The categories and fields needed for a database are identified in the implementation guidelines. The limited fields are already in some database.* What is different about the development of a registry that would be different than something that is already created? Record field names must be common to allow sharing of information and coordination of data system development. Don't lose sight of the practical side of implementation that remains constantly focused on the tools needed for implementation. Propose creating a diagram to show the flow process for the implementation that shows when the act kicks in and how it is handled on the practical side.

*Louis Manuel, Tribal Council, Ak-Chin Indian Community:* This project is being developed backwards. Are there resources to carry this out? When and how can states come onto reservations to implement the registry guidelines? Are we doing the best we can today for our people? Respect was not there to bring tribes to the table prior to enactment.

Richard Armstrong, Tribal Council Representative, Colorado River Indian Tribe, AZ: How is this different than the mandatory child abuse reporting laws?

*Madonna Marcellais, Turtle Mountain Band of Chippewa Indians:* Planning sessions and communication are integral parts of every military mission; this is not happening with this issue. Come to Turtle Mountain to see the impact and understand the resources or lack of resources. It helps see the local problems and issues related to the border and other local concerns. The planning and communication must come first and go beyond Washington, DC. The people need to be heard.

*Bernadine Jones, Havasupai Indian Tribe:* Opting into something that questions sovereignty is not right. DNA is a concern.

### **Afternoon Session:**

Afternoon moderators and Federal representatives: Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board; Dr. Eric Broderick, D.D.S., M.P.H., Deputy Administrator, Substance Abuse and Mental Health Services (SAMHSA), U.S. Dept. of Health and Human Services; Jon Perez, Ph.D., Director, Division of Behavioral Health, Office of Public Health, SAMHSA; W. Patrick Ragsdale, Director, Bureau of Indian Affairs.

Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board: The addition of other federal partners to the consultation process is appreciated.

*Richard Brannan, Chairman, Northern Arapaho Tribe:* Two major drug busts on the reservation involved over 100 people. A significant amount of methamphetamine has been distributed by

the Mexican cartel. The meth is made in Mexico and Mexican nationals use tribal members as distributors. Tribal council saw this as one of the most critical threats to sovereignty, the community, and the children. The tribe partnered with SAMHSA on a national initiative to focus on intervention and also works on the acute aspects of dealing with methamphetamine. The tribal partners met yesterday as a coalition to determine what is workable to address methamphetamine in Indian country. It has been a difficult effort to develop. A focus on law enforcement and prevention will help address weak areas within the community. The development of resources and training programs to educate the people are priorities.

*Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board:* Looking to tribal leaders to have your concerns addressed by the agencies participating in the consultation. The floor is open to comments.

*Eugena Hobucket, Quinault Indian Nation:* Within housing there is a zero tolerance policy for drugs. It has impacted other drug use occurring on the reservations. We are calling attention to the issue and asking for solutions.

*Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board:* There are tribal members that are being pushed onto the street due to their drug involvement which increases the homeless population. This increases the need for transitional housing and other services for treatment and re-entry to help them break the cycle. We would like to see HUD support this effort through funding for transitional houses as part of the treatment process for meth-addicted tribal members.

*Wilfred Whatoname, Sr., Hualapai Nation:* There is a problem trying to incarcerate tribal members. It is 50 miles to the medical center and 120 miles from Flagstaff.

*Francis Bradley, Police Chief, Hualapai Nation:* A major concern of law enforcement is how to deal with problems that occur after service provider agencies are closed for the day and when the access to services is limited or not available. Officers have to choose how to best-handle the situation. Direct service for health care must be addressed.

W. Pat Ragsdale: BIA – The Wind River project has been replicated in other areas. Law enforcement is facing a tidal wave of lawlessness in the communities. There is a better ability to partner between the federal agencies as witnessed by this session/consultation. It allows an opportunity to deal with communities in the worst need for assistance. Top-driven emphasis doesn't work well; community based programs must be fostered to address problems. Set priorities on the aspects most needed for community safety.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* How can we increase the budget so there is not a continued decline in resources for law enforcement officers? What can we do to get more money into the system?

Pat Ragsdale: The BIA enforcement services have a slight increase for 2008. Only tribal leaders can articulate the needs to respective members of Congress. Native level of tolerance for being miserable is high which is why tribes have survived so much over the centuries. There needs to be more done to articulate the needs and concerns to those who can impact the funding decisions to have a measure of public safety. The war efforts may be impacting the ability to recruit sufficient law enforcement officers.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* Are the tribes working with the states to develop MOA's?

Pat Ragsdale: Wind River and other project have had extremely successful partnerships between states and tribes. Having said this, there will always be some differences. It is highly encouraged to engage with colleagues at the federal and state levels to address safety and partnerships for enforcement.

*Charles Stevens, San Carlos Apache Tribe:* The state highway patrol has jurisdiction over I-70. Working with the state has worked out well for San Carlos to monitor this interstate.

*Eugena Hobucket, Quinault Indian Nation:* Building relationships between agencies that will be working together should involve tribes from the beginning. Department of the Interior, Fish and Wildlife; should not access tribal lands without permission.

Jon Perez, Indian Health Services: The budget included an increase of 15 million dollars for methamphetamine and suicide; although these proposed amounts are not final – this represents a start. It is a culmination of efforts to provide to Congress clear, reliable data on the level of the war we are fighting. It is paying off. There are individuals genuinely supporting this and working together within IHS.

*Verlon Jose, Tohono O'Odham Nation:* We need to be proactive rather than reactive. It is affecting our people. Lack of funding for law enforcement officers makes it impossible to sufficiently focus on sex offenders and methamphetamine. Indian country is underfunded and personnel are stretched too thin. Continue to work together to address the issues.

Pat Ragsdale: Commend the Tohono O'Odham Reservation for their great work with limited resources in providing law enforcement services.

*Ben Nuvamsa, Chairman, Hopi Tribe:* There needs to be more funding put into treatment facilities. Look at regional facilities to also address the current needs. Tribes should get together and think about locations for the facilities. There is no money for detention facilities. Also look at regional detention facilities. Everyone should work together as tribes. Tribal governments have lobby authority. With villages so far apart, it is difficult for police officers to manage the many situations that happen. Another officer was killed during a drug bust in Phoenix. The

Census data is used for HUD language. Detention facilities are deteriorated and do not allow for sight and sound separation for juveniles.

Dr. Eric Broderick, SAMHSA: There is a need for consultation around budgets; tribes have had the opportunity to consult annually on budgets and priorities. There are many issues raised that are not new.

*Ben Nuvamsa, Chairman, Hopi Tribe:* It would be appreciated to have more lead time on funding opportunities with at least 60 days to respond properly and obtain tribal support.

Dr. Broderick: SAMHSA provides at least 60 – 90 days to apply. If anyone is interested in being added to the electronic distribution list, they can be added to the list.

*Unidentified Participant:* Lack of funding for youth with methamphetamine treatment keeps tribes from being able to access inpatient treatment close to home to help the whole family heal. Traditional treatment time does not allow for adequate assessment of potential underlying causes and factors. One death affects the whole tribe. There is a level of denial within the community. More children were placed in foster care this year than ever before.

Jon Perez: Another facility and Fort Defiance are treatment facilities that may be options for placement.

*Raphael Bear, Fort McDowell Yavapai Nation:* Arizona tribes are attempting to deal with a lack of detention facilities. No rehabilitative services and an increase in criminal activity in Arizona are concerns for tribal leaders. *Request the Inspector General conduct a review of facilities to determine if there has been progress.* There is an increase in the number of individuals placed in facilities. There is a distinction around corrections; around rehabilitation vs. detention. BIA does not have funding for staffing and other costs of supporting building new detention facilities. The request is for more funding.

Pat Ragsdale: Red Lake and Mississippi Choctaw Tribes helped respond to disasters in other areas. BIA works very hard to address the 20+ recommendations made by the Inspector General. There will be an overall assessment of detention needs in Indian country. There was a personnel review of Indian Country law enforcement when compared to rural law enforcement. Better training for police and detention officers is a goal of BIA; working with the Bureau of Prisons to enhance the current training capacity. Tribal and BIA programs have high-quality law enforcement and detention facility employees.

*Alvin Moyle, Fallon Paiute Shoshone Tribe:* It is important for tribes to hear the resolution from the Western States Sheriffs Association from CO, NM, AZ, CA, NV, OR, WA, UT, MT, WY. What started as a law enforcement issues went into economy and other business endeavors. This needs to be acknowledged. The NV Intertribal Council drafted a position paper on this resolution. It is wrong to have law enforcement officers looking to put down the tribes.



Eugenia Tyner-Dawson: In looking towards the closing and wrap-ups – the statements will be responded to on issues that were raised. There are current correction facilities funding available – 3 solicitations for tribes – 1 - planning facilities which closes Sept 13. 2 - Renovation of correctional facilities which closes on Sept. 17. 3 - Funding Correctional Facilities Training and TA which closes August 20. These are Office of Justice Programs, U.S. Department of Justice programs funded through the Bureau of Justice Assistance.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* What about reservations and tribes that started facilities that are not being used?

Eugenia Tyner-Dawson: BJA Can only do bricks and mortar. BIA should be responsible for the other components of facility operations. Work is being done with BIA as well as HUD to look at the full operation of facilities.

Pat Ragsdale: Working to get an agreement to get the facility operational. Some have not met the security facility engineering requirements. There is a resource crunch. There is a 2-year budget planning process. DOJ and their planners are being encouraged to get on board with cost effective facilities. Tribal leaders will need to make some decisions about where to go in the future regarding cost-effective approaches, including regional facilities.

*Unidentified Participant:* With overcrowding, members are being housed at other locations and the tribe is responsible for transportation to housing. We need to help juveniles. When will people be hired to get the youth facility operational? Need to have HUD and Finance for housing people on the reservation.

Pat Ragsdale: He apologized about the delays in opening the facility. There have been a number of problems in staffing the facilities. There were delays in getting security clearance for staff. He looks forward to coming to the reservation to visit the facility. Pat will work directly with individual tribes on their specific issues around facility operations.

*Verlon Jose, Tohono O'Odham Nation:* Thank you, Mr. Ragsdale for coming to the Nation. There are 108 individuals in a facility developed to hold 34. We must continue to work together. Funding is the bottom line issue. Liability is an issue. The federal government should meet the mandates of the tribes; not the other way around. Meet half way.

Pat Ragsdale: BJA will hopefully help address the overcrowding facility issues at Tohono O'Odham.

*Ben Nuvamsa, Chairman, Hopi Tribe:* Thank you. We are kind of preaching to the choir. The agencies at the table are stuck because the agencies here understanding the funding issues. What are the root causes? Look at a more holistic approach rather than individual small, disconnected pieces across agencies and departments. Bring someone from OMB and Congressional folks here to discuss the issues and listen to what we are saying. Having been in this position before,

we know what the need is out there. Agencies that have not had prior obligations to the tribes should initiate a meaningful dialog with the tribes and get to the local level to build those needs into the budgets. Jails are good; operational dollars are needed. Where should they come from? There should be a way to help the federal government help us – crime data collection is one way to work together.

*Bill Largent:* Has been taking notes and will respond after tribal leaders.

*Hope MacDonald LoneTree, Navajo Nation:* Shares the frustration over the ongoing issues around facilities. Continue to pressure Congress to provide resources. How can Interior and Justice best work together to serve the communities? There is a law enforcement crisis across Indian country. Public safety is a #1 priority for tribal leaders' council. Navajo Nation is opposing FY08 budget cuts for Indian country. In 2004 there was a recommendation to develop a plan for facilities in Indian country. No plan is in place at this point. \$16 million is barely a start to address the tribes and needs in Indian country. Another issue is how to partner with other jurisdictions when there is little support for re-entry services. Thank you, Dr. Broderick for being here – help us address treatment and reentry programs for alcohol and rehabilitation needs. Senate has increased the line item to 15 million for prison construction; house is 12 million. Request to maintain these requests in the budget. NCAI requested 50 million originally. Thankful for the forum and the process and recognize that there is more to be done.

*Jackie Johnson, Executive Director, NCAI* – Request a hearing with Senate Committee on Native American Affairs – it is on the list for September.

*Eugena Hobucket, Quinault Indian Nation:* There is an increase in incidents of children breaking into elder's homes and stealing prescription drugs. It's not just methamphetamine causing problems in the communities. Elder abuse and theft are also issues. The tribe is not prosecuting children because there is no place to put them. There is an agreement with an outside agency for only 2 beds. There are questions about the safety of FEMA trailers (formaldehyde). The process of attaining trailers is under review. Concerns by BIA and HUD are that they are not insulated for cold weather. Retrofitting would be needed.

*Jackie Johnson, Executive Director, NCAI:* FEMA Trailers had a process for obtaining the trailers. Notices will come about regarding how to deal with the issues. Indian country gets this kind of opportunity throughout time and it is unfortunate that they are insufficient for the need. NAHASA reauthorization will support law enforcement officer housing in Indian country.

*Richard Brannan, Chairman, Northern Arapaho Tribe:* We need to be able to track data on methamphetamine. How can IHS and SAMHSA help the tribes track data? Apprentice programs can help gather facts, figures, and the need as well as positive outcomes. Thanks to SAMHSA CMS to help break through funding issues. There is no sustainability resource beyond the grant funds. Tribes must quantify need and identify funding to address the needs by developing a

system to provide services. Is there a working group formed to gather information specifically on methamphetamine and substance abuse – IHS data may not be properly recorded.

Jon Perez: There is no reason why you cannot have access to the data now with a T1 line. For everyone, he is asking for what has been needed for years. When the Omnibus spending bill of 2001 came out, it went out for consultation. Over the last 4 years IHS has captured data and documented treatment. IHS had hard numbers last year. Now that the systems are in place (3 of them), you can access the information with a T1 line and a PC.

*Richard Brannan, Chairman, Northern Arapaho Tribe:* We need to know what the prevalence of substance abuse is.

Jon Perez: The system will give you this information. The IHS service data is available to communities on PMS. The data systems are free to 638 tribal programs.

*Charles Stevens, San Carlos Apache Tribe:* There are only 16 police officers to cover a large area for sometimes up to 16 or 24 hours at a time. How can different reservations have more officers than San Carlos? In hiring, the first preference is to tribal members; second to Native Americans. When they find out the pay scale they turn away. The potential for good officers is lost. There are 2-3 babies born a month addicted to methamphetamine. Contract doctors don't have the same level of care as those that stay with the community for a long period of time. If funding was available, it would benefit the people.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* When people talk about different ingredients for making methamphetamine, is there a policy that some medication cannot be prescribed?

Jon Perez: The medications you are referring to, when used appropriately, are effective. A ban will not necessarily be effective. The level of education in what happens with Sudafed is that now it is locked up behind the counter. Oxycontin and Oxycodone can be drugs of abuse, among others, and should be monitored vs. banned. There must be balance in using vs. abusing.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley:* All facts must be addressed to know what is going on within the communities.

*Charles Stevens, San Carlos Apache Tribe:* How is it determined who gets contract doctors?

Jon Perez: Generally full-time doctors are not always available and contract doctors are used to fill holes in staffing.

*Madonna Marcellais, Turtle Mountain Band of Chippewa Indians:* The tribe built their own database to reflect adult and juvenile records. Tribes are looking for sustainability, according to the grants, statistics are needed. The tribal court has addressed this with the BIA to obtain more funding for an IT person to make the statistics compatible and user-friendly. A major issue for

the tribe is to obtain additional funding for sustainability from BIA. How can the tribe get more funding to handle the tremendous case load of the tribe?

Pat Ragsdale: The funding will allow for hiring of some additional law enforcement and detention officers. The money available is not enough for the need – it is a modest start.

**Regina Schofield, Assistant Attorney General,** AAG Schofield thanked Gena Tyner-Dawson, the OJP and other Department of Justice staff, the staff from our federal partners, Fox Valley for their work in making this session such a success. She also thanked the Tribal partners, the National Congress of Americans, who stepped in to assist us on short notice for the final Fiscal Year 2007 consultation session. She expressed her appreciation to the Tribal leaders who helped to moderate and lead the discussion, and to everyone in attendance for bringing their issues forward. She thanked them for their hard work and commitment, and for taking time out of their busy schedules this week. AAG Schofield emphasized that the President and the Attorney General are committed to improving law enforcement and criminal justice in Indian country, and to ensuring that federally recognized Indian tribes are full partners in this effort. Coordination and cooperation with tribes has been her priority long before she came to the Department of Justice. During her time at the Department of Health and Human Services (HHS), she was closely involved in helping to improve the government-to-government relationship between tribes and the federal government. She shared one of her proudest accomplishments at HHS was the development of the Tribal Consultation Policy that is now in effect.

At OJP, her focus on the importance of tribal consultation has not changed. She doesn't believe in meeting for the sake of meeting. Those who know her are fully aware that when she consults with tribes we are sincerely looking for common ground and opportunities to address the issues raised if they are within her purview. When she first came to OJP, tribes wanted greater access to information and better coordination of our resources available to tribes. OJP responded by launching the Tribal Justice and Safety Web site, dedicated to providing up-to-date relevant information for Indian country, which you have heard much about this past year. OJP responded through the Justice Programs Council on Native American Affairs that she established, which is working hard to improve OJP's and the Justice Department's coordination and policy efforts on behalf of tribes.

Tribes stated their needs included building the capacity of tribal public safety and criminal justice infrastructures by creating opportunities for more information sharing on grants opportunities, training and technical assistance specific to Indian country. She responded by establishing these training and technical assistance sessions as another key part of our effort to improve our service to you. This is our fourth training, and the feedback OJP has received has been very encouraging. Tribes said that Tribal governments have needs beyond the walls of OJP, and law enforcement cannot be addressed by DOJ or BIA alone, complex jurisdictional issues exist and everyone must work together. Tribes shared that their issues are not limited to law enforcement, but must include better health and welfare for all of community members. She

responded by inviting other federal partners to the table, and today was pleased to be joined by five federal departments that were willing to come together to address these issues. At the first session in Palm Springs, CA, held last December, Jefferson Keel and other Tribal leaders in attendance asked the federal partners to include formal consultation. She met with Dr. Broderick, and discussed the need to respond to this tribal issue by including consultation as a part of our remaining sessions. It is this time the federal agencies use to hear directly from the tribal leaders about what their communities face in accessing federal resources. Through the consultations, she learns about the greatest challenges to their community in providing public safety and public health for their members. While she may not always agree, it is only through an honest dialogue that any real progress can be achieved.

OJP must demonstrate that we have taken the next step: to make sure we can partner with tribes to provide the appropriate training and technical assistance necessary to break down the barriers identified in the consultations. We must improve access to our resources, and address the issues you consider as public safety and public health priorities. During the last two consultation sessions held in March and June, 2007, OJP solicited your input on how we can improve the grants policy. She was pleased to announce several changes that are going to be implemented for Fiscal Year 2008. OJP will send e-mail notices through tribal listserv about grant solicitations. Include a link to all of OJP's tribal grant awards through our Tribal Justice and Safety Web site and offer specialized training for all OJP staff that work with tribes.

OJP will specify that tribes are eligible for all of our grants unless we are directed otherwise. If tribes are not eligible for a particular grant we will specify why that is the case. All tribal-only grant programs will have at least a 60-day application period, barring exigent circumstances. Those are just a few examples. OJP will have more information about the changes in the days and weeks to come.

She announced that we will have three new training and technical assistance sessions in Fiscal Year 2008. These sessions also will include tribal consultations. The federal agencies look forward to working with NCAI and our other tribal partners to plan quality consultation sessions that address the priorities of concern. SAMHSA and NCAI will keep us informed on the development of the consultation agendas and we will share the information about the new sessions as soon as the dates and locations are final. Just like this year's sessions, next year's will be coordinated with our federal partners. That's been one of the exciting aspects about what we have done this year: having many agencies participate. One need only look at the panelists up here with her to see how we are all coming together. This coordination would be further demonstrated during the Tribal Meth Summit. She conveyed that everyone in the room was aware how serious a problem Meth abuse is for tribal communities. She was pleased that we can work with the White House Office of National Drug Control Policy to address this issue.

She also proud that we will be hosting, through our Bureau of Justice Statistics (BJS), the 2007 Tribal Crime Data & Information Sharing Conference this Thursday and Friday. The ability to

collect reliable data on arrests, victimizations, and other criminal justice-related issues is essential. The Department has made it a priority to build the capacity of tribes to collect this critical data, realizing that the infrastructure for what can be a costly process is often lacking. During the conference, BJS would distribute a new report on its Tribal Criminal History Records Improvement Program, or T-CHRIP. Tribes have used T-CHRIP funds to purchase electronic fingerprinting equipment and train law enforcement personnel how to use it. T-CHRIP funds have also been used to improve electronic information sharing both on and off the reservations. In addition, tribes are automating DWI/DUI records, domestic violence protection orders, and ink or manual fingerprint cards. At the conference we would be releasing information about the Tribal Violence Prevention Technology Assistance Program. Through this program BJS will work with SEARCH - The National Consortium for Justice Information and Statistics - to provide tribes with technical assistance for criminal record development and improvement. This assistance will help tribes contribute to federal criminal record systems and comply with provisions in the Adam Walsh Child Protection and Safety Act. The conference also will feature a session on an initiative very close to her heart, AMBER Alert. As the National AMBER Alert Coordinator, she was working with tribal representatives and a national working group to involve tribes more closely in our AMBER efforts. OJP set aside funds to implement AMBER Alert plans in tribal communities. Once the appropriate plans are in place, these funds will bridge the gap between tribes and state and regional programs across the country.

In February and May 2007, she testified before the Senate Committee on Indian Affairs and pledged to continue her efforts to improve public safety and criminal justice in Indian country. She was asked to work across Department lines and was pleased to report that this was already doing this to a great degree. In consultation sessions and in tribal delegation meetings, tribes asked us to do more regarding sexual assault crimes and victims needs. She was deeply disturbed by the sexual assault statistics in Indian country and more must be done. OJP was meeting with other federal agency partners and recently convened an interdepartmental working group to discuss options and coordination opportunities. Consultation works, collaboration works when we want to work together to make it successful, and she was committed to working with Tribal leaders. She thanked everyone for all of the support they have given her these past several years and she has tried her best to return that support to all of them.

*Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board:* Thank you for the continued commitment to holding these sessions and we are happy there will be more next year. I met with CDC a couple weeks ago – hopefully they will join next year in the sessions.

*Raphael Bear, Fort McDowell Yavapai Nation:* Substance abuse issues with youth can stem from a loss of identity. Stepping between worlds and feeling disconnected. Historical trauma impacts the mental/behavioral health and substance abuse issues that are passed on from generations. Depression is another issue affecting children. The costs are staggering. \$20,000 per child –will double in the next few years as mental health care costs are skyrocketing. YASA – staff and

community members work together to coordinate a response in partnership with the wellness court to offer diversionary programs. Federal agencies are asked for their help in addressing youth concerns around substance abuse, to include dollars for education, treatment, wellness court and other programs. Afterhours care, after treatment and money for treatment of non-members in the community are areas that need assistance. School-based prevention activities are needed. Hep-C, HIV/AIDS, and other illnesses need prevention education programs. Collaboration between the tribes and the federal government are needed. Thank you to the Tohono O’Odham Nation Chairman for his comments.

Dr. Broderick: Co-occurring issues are common and individuals with mental health and substance abuse issues should have both issues addressed for effective treatment. In September tribes will be invited to attend a policy academy on co-occurring disorders. This is to develop the capacity within tribal governments to understand the issues around co-occurring disorders and understand the resources available through SAMHSA to address the issues. Last week SAMHSA convened a panel of individuals to address the issues around co-occurring disorders. Thank you for raising that issue.

The mention of trailers and insulation – the trailers won’t be good for hot weather any more than for cold weather.

Dennis Smith, Sr., Duck Valley; How long will you be in your position? There is great frustration around “consultation” and the tribes feel some things that happened did not have true consultation. Ms. Hagen was here throughout the consultation to hear the concerns. She talked about a symposium to discuss implementation for tribes. Can you, Ms. Schofield, tell us if there is a possibility to have this session?

Ms. Schofield – we are looking for a venue in October to make this happen with Jackie Johnson at NCAI.

Dennis Smith: Can there be a working group to address the implementation?

Ms. Schofield – yes, this will be done immediately with the help of Jackie Johnson.

Dennis Smith: Can the August 1 extension deadline be extended?

Ms. Schofield – we will continue to provide an opportunity for comments.

Jackie Johnson: We don’t get an extended comment period for the guidelines, but a working group for implementation and consultation comment period can be extended for 2 weeks so your comments can be provided and included in this consultation summary.

*Delores Greyeyes, Navajo Nation* – Tribes were not consulted about priorities on how to address problems in Indian detention facilities. In the OIG 2004 report, there were a number of suicides described in the report. The deaths occurred because there was not enough staffing for the

facilities. BIA should come to the table to ask the tribes what the priorities and needs are. Additional officers are needed. OMB, DOJ, and BIA visit the facilities but there are not dollars made available for addressing the issues identified on the visits. People are back out on the streets without serving any time for major crimes. There were \$1 million put out for technical assistance for detention facility planning. BIA assessments for renovations are not needed – these buildings are beyond renovation. New facilities are needed. Why do tribes need to compete for these dollars? \$3 million went to BIA without competition. BIA is to provide assistance with MOA's with IHS.

Pat Ragsdale: There is not enough money. There are no new appropriations scheduled for DOJ or BIA to address new facilities. The mental health factors are for IHS to address.

Jon Perez: The extent to which we can stretch the resources, we do. The resources are not sufficient to meet the needs.

Pat Ragsdale: The providers must meet all community needs; they are not dedicated to correctional facility needs.

Jon Perez: Is that fair? No, it's not, but that's the way it is.

*Delores Greyeyes, Navajo Nation:* IHS is not limited to mental health care. If there is an assessment needed, maybe it can be done more quickly to get the officers back to their jobs.

*Dennis Smith, Sr.,* Question for Regina: This is the 4<sup>th</sup> session. Even though there's frustration, we want to let you know we support your efforts. We appreciate your assembling the group that has gone out to do these sessions. Can you assemble a meeting with those in Washington that can make the decisions? Can we ask the tribal leaders to come back in Washington and meet directly with the decision makers?

Regina Schofield: Dr. Broderick mentioned working on this at SAMHSA's facility.

*Dennis Smith, Sr.,* When can something like this be possible?

Regina Schofield: We are working to institutionalize this at the Department of Justice and are working at higher levels of government to assure this continues to happen.

Dr. Broderick: We recently enhanced the partnership with the National Congress of American Indians and have worked with the National Indian Health Board to accomplish what you are suggesting. If this is to happen in Washington DC it is as easy as selecting the date.

*Dennis Smith, Sr.,* We want decision makers – in DC we have access to the decision makes and can get business done with Congressional leaders.

Jackie Johnson: March 6 is a Thursday following NCAI tribal leaders' conference.



*Dennis Smith, Sr.*, We are in this together and we are going to stay together. Regina, you are the driving force behind this and we thank you for your leadership and support. 1 - faith; 2 - hope; 3 - love.

Dr. Eric Broderick: There were some recurrent themes. That is how the issues are viewed. There is a need for treatment, treatment facilities, and treatment for those in detention facilities. As patients transition out of facilities, it is important that they have access to care. Regarding limited funding, SAMHSA is a granting agency and discretionary grants are meant to address populations at risk and encourage evidence-based practices. We need to be able to demonstrate that programs work. Staff should look for ways to work with tribes that use culture and help them be placed on the evidence-based practices list of programs. Initially, these sessions started out as technical assistance. There will be 13 awards in August around the country to provide technical assistance. These awards will help the technical assistance providers to work through Indian Health Boards to identify tribes in need of assistance. Love Foster Horton works with a program to provide rapid testing for HIV/Aids. Let her know if you are interested in more information on that program. SAMHSA has a tribal advisory committee that provides assistance on how to work with tribes and federal partners to create opportunities to work together in collaborative arrangements to address issues that cross multiple agencies.

*Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board*: These consultation meetings are not regional – they are nation-wide. Tribal leaders should attempt to attend as many as they can.

Jon Perez: This consultation has been productive. Thank you. IHS is the baseline piece that provides direct services. Funds that come through IHS to the tribes are part of what makes it all fit together. There are levels of interest that have not been there before. It is encouraging for agencies to challenge each other.

Pat Ragsdale: After coming back to the Bureau of Indian Affairs, I thought it must not be that bad, but after meeting with national staff, this is the most significant crisis I've witnessed in 40 years. Resources are part of the problem. Having said that, I would say I can also see a lot of improvements in our public safety programs. There have been some incremental improvements in programs. Tribes are working better with state and federal agencies. BIA must be true partners with Indian country. Work with NCAI on public education will be in place this fall.

William Largent, SBA: I asked to go last as I have a different approach to discuss. I bring problem-solving to the government. There are 18 months left to achieve goals. I have listened to your concerns and your needs. There was discussion early today and late today about decision-making. People named as decision makers are not decision makers – they are influencers. The decision makers are the American people. Most American voters do not know anything about Indian people. There needs to be a different approach. The issues were not being addressed before 9-11. Two strategies: Need for Indian country to band together and fund a public relations

firm to educate the public about what Indian people are doing to be self-sustaining. Economic growth – we cannot cut our way to growth – we must identify what our needs are – aging; roads; water issues; sewer issues. There is no end to the need; there is an end to the resources. SBA provides a self-assessment tool. As representative of sovereign nations you pay no taxes – that’s a 35% advantage. You have work force advantages and assistance from federal agencies. I will continue to come to tribal consultations, but I hope future sessions will focus on economic growth.

*Linda Holt, Councilwoman, Suquamish Tribe and Board Member Washington, National Indian Health Board:* Thank you to everyone for being here from the federal agencies. This has been productive for all of you to be here in one place. As Dr. Broderick mentioned, bringing the groups together to break down the silos is a good idea. I would like to recommend that there be a summary of all 4 sessions put out to Indian country and also responses from all the agencies on the concerns and issues being brought out by the tribes. Come up with a process that will work to address the issues. The comments on economic development are appreciated. Collaborations are important; break out of individual nations and collaborate with states and other local agencies.

Thank you, Dennis for making the suggestion to have a meeting in Washington, DC. Thank you all for being here and have safe journeys home.

*Verlon Jose, Tohono O’Odham Nation:* In Indian country we are here to state our concerns in Indian country; we are telling you the realities of what is going on in Indian country. We are not sitting back waiting for the federal government to come in and fix things. We are doing things now to help ourselves.

William Largent: The perception is that economic development is working. In the past 18 months he has been to 30 conferences and in 36 villages. There are a handful of gaming and resource tribes that are doing well; in spite of those attempts, the results are not good. Most tribes are not ready to compete in a global economy. It is not the tribe’s fault. Infrastructure issues; codes, education, health care, etc. all inhibit economic development. The challenges are immense and the point to take from the comments is that there is an increased urgency now. The situation in Washington is getting worse and there is less institutional knowledge and respect for the history of Native American tribes and the treaties. I did not mean to offend. We are working to develop a tool that will help the tribes compete in a global economy.

*Unidentified Tribal Leader:* In some cases there are tribes off-the-road that are in a different situation. I applaud tribes on the state highways. I would like to propose the slogan be “A population at risk”. You can’t turn your head away from it – the Native American people are at risk. We have to be able to build a package they (Congress) will all understand.

William Largent: You raise a point that allows us to illustrate what is needed. There are tribes that have no economic development. There are some cottage-type things that may bring in a few dollars. Alaskan villages are dependent on 8A programs where regional corporations pick up

contracts and have a partner to help with the work. Identifying the need alone will not solve the problem.

*Jackie Johnson, Executive Director, NCAI:* Thursday there is an all-day meeting at NCAI to begin filtering information on ideas to provide ideas on approaches to move the dialog along and keep the momentum going.

Thank you for the comments and the response.

*Richard Brannan, Chairman, Northern Arapaho Tribe:* I agree with the comments – we live in two worlds – we must educate the public. I want to thank the tribal leaders.

*Eugena Hobucket, Quinault Indian Nation:* Thank you to everyone that stayed. The tribes remain the same even when administrations change.

*Dennis Smith, Sr., Shoshone Paiute Tribes Duck Valley,* providing the closing prayer.