

## **GOVERNMENT-TO-GOVERNMENT CONSULTATION SESSION**

### **Summary**

March 5, 2008  
Washington, DC

#### **Moderators:**

Jonathan Windy Boy, Chippewa Cree Business Council, Montana State Legislator and Co-Chair, Substance Abuse and Mental Health Services Administration Tribal Technical Advisory Committee  
Gretchen Shappert, U.S. Attorney, Western District of North Carolina and Chair, Native American Issues Subcommittee, U.S. Department of Justice

#### **Panel Facilitator:**

Eugenia Tyner-Dawson, Executive Director, Justice Programs Council on Native American Affairs, and Advisor to the Assistant Attorney General for Tribal Affairs, Office of Justice Programs, U.S. Department of Justice

#### **Discussion Participants:**

- David Hagy, Acting Principal Deputy Director, National Institute of Justice, U.S. Department of Justice
- Leslie A. Hagen, Assistant U.S. Attorney, Western District of Michigan and Senior Counsel, SMART Office, U.S. Department of Justice
- Renee Williams, Program Specialist, Office for Victims of Crime, U.S. Department of Justice
- Cynthia Dyer, Director, Office on Violence Against Women, U.S. Department of Justice
- Lorraine Edmo, Deputy Tribal Director, Office on Violence Against Women, U.S. Department of Justice
- Thomas A. Nunemaker, Section Chief, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice
- Drew Malloy, Associate Deputy Director, Bureau of Justice Assistance, U.S. Department of Justice
- Dr. Eric Broderick, Deputy Administrator, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services
- Robert G. McSwain, Acting Director, Indian Health Service, U.S. Department of Health and Human Services
- Mirtha Beadle, Director of Minority Health Services, Office of Minority Health, U.S. Department of Health and Human Services
- Jerry Gidner, Director, Bureau of Indian Affairs, U.S. Department of the Interior
- Christopher B. Chaney, Deputy Director, Office of Indian Services, Bureau of Indian Affairs, U.S. Department of the Interior
- Mario Redlegs, Supervisory Special Agent, Office of Justice Services, Bureau of Indian Affairs, U.S. Department of the Interior
- Rodger Boyd, Deputy Assistant Secretary, Office of Native American Programs, U.S. Department of Housing and Urban Development
- Matt Moore, Supervisor, Special Crimes Unit, Federal Bureau of Investigation, U.S. Department of Justice
- Laura Ansera, Tribal Youth Coordinator, Office of Policy Development, Office of Juvenile Justice and Delinquency Prevention Office of Justice Programs, U.S. Department of Justice
- Jacqueline J. Johnson, Executive Director, National Congress of American Indians
- Norman Coeoyate, Governor of the Pueblo of Zuni and Councilman, Intertribal Council of Arizona
- J. Robert Benevidez, Governor, Isleta Pueblo, New Mexico
- Joe Garcia, President of NCAI and Chairman of the All Indian Pueblo Council
- Jefferson Keel, Lieutenant Governor, Chickasaw Nation
- Pamela Thomas, Council Member, Southern Band Tuscarora Indian Tribe, Deer Clan
- Chief Gary Harrison, Tribal Chairman, Chickaloon Village Traditional Council

- Fidelia Andy, Chair of Law and Order Committee of the Columbia River Inter-Tribal Fish Commission, Yakama Nation
- Terry Goudy-Rambler, Tribal Council Representative, Yakama Nation
- Rebecca Miles, Vice-Chairwoman, Nez Perce Tribal Executive Committee
- Juana Majel/Dixon, Secretary of NCAI and Legislative Council of Pauma-Yuima Band of Luiseño Indians
- Alvin Moyle, President, Inter-Tribal Council of Nevada Executive Board and Chairman, Fallon Tribe, Central Nevada
- Pamela Vanderhoop, Judiciary Board Member, Wampanoag Tribe of Gay Head (Aquinnah)
- Stephanie C. Sully, District 10 Council Representative, Rosebud Sioux Tribe
- Ron His Horse is Thunder, Chairman, Standing Rock Sioux Tribe
- Leo Stewart, Vice-Chairman, Confederated Tribes of Umatilla Indian Reservation Board of Trustees
- Charlene Wolf, Judge, Central Council of Tlingit and Haida, Juneau, Alaska
- Joseph LaPorte, Director of Public Safety, Chair and Chief of Police, Little River Band of Ottawa Indians
- Dawna Hare, Executive Director, Pawnee Nation of Oklahoma
- Gary Hayes, Vice-Chairman, Ute Indian Tribe
- Thomas Christian, Councilman, Fort Peck Tribes
- Suzanne Garcia, Assistant Counsel, Washoe Tribe of Nevada and California
- Bernie Teba, Tribal Liaison, Office of the Secretary, New Mexico Children, Youth & Families Department
- Danita Washington, Community Mobilization Against Drugs Coordinator, Lummi Nation
- Jolanda Ingram-Marshall, Director, Stop the Violence Program, Hoopa Valley Tribe, California
- Diane Enos, President, Salt River Pima-Maricopa Indian Community
- Susan Carry Moccasin, Santee Sioux Tribe and Unit Director, Boys & Girls Club of Brookings, South Dakota
- Arlan Melendez, Chairman, Reno-Sparks Indian Colony
- Ernie Lovato, Governor, Pueblo of Santo Domingo
- Brian Cladoosby, Chairman, Swinomish Tribe

The fifth Tribal Justice & Safety Consultation session was held on March 5, 2008, providing an opportunity for Tribal leaders to discuss important issues with Federal officials from the U.S. Departments of Justice (DOJ), Health and Human Services (HHS), Housing and Urban Development (HUD), and Interior (DOI). The forum served as the opening session for the Tribal Justice and Safety Government-to-Government Consultation, Training & Technical Assistance Session, including a National Tribal Symposium on Sex Offender Management and Accountability.

The welcome and opening remarks were presented by Jonathan Windy Boy, Chippewa Cree Business Council, Montana State Legislator and Co-Chair, Substance Abuse and Mental Health Services Administration (SAMSHA) Tribal Technical Advisory Committee. Councilman Windy Boy thanked all in attendance, particularly National Congress of American Indians (NCAI) and HHS staff for their attendance. He went on to remark that Indian Country is embarking on a new era and that thinking outside the box would be necessary. He stated that increased funding remains key to help sufficiently run existing programs in Indian Country. He then emphasized the importance of the Tribal leaders present making strong statements in helping to address their respective community's needs.

Councilman Windy Boy continued by acknowledging that there are many issues facing Indian Country, including: funding shortages or unavailability, jurisdiction, health care system (Level 12), and life and death circumstances. He emphasized his point by sharing a story of a family member who, up until her recent death, had still been waiting for U.S. Federal Bureau of Investigation (FBI) feedback on a case involving the murder of her son six years prior to her death. He then extended thanks to Dr. Eric Broderick, Deputy Administrator, SAMSHA, for thinking outside the box in trying to ensure that resources for substance abuse and mental health services are made available to Indian Country. He continued by saying that this is done through

recommendations from Tribal leaders, and that they are at a point where they can and will make a difference. He hoped that the leaders' testimonies would be heard clearly by the Federal departments.

Councilman Windy Boy then turned the floor over to Eugenia Tyner-Dawson to introduce tribal leaders. After thanking all participants and acknowledging the four Federal agencies in attendance, Ms. Tyner-Dawson introduced herself as an advisor to the former Assistant Attorney General Regina Schofield, who was committed to the Council summation process, and Jeff Sedgwick, the new Acting Assistant Attorney General for the Justice Program's Office who is committed to continuing this process and having this dialogue on a regular basis. She went on to highlight notable progress made to date, including the new Federal online training program *Working Effectively with Tribal Governments* to improve the Federal government's knowledge of working with tribal communities. In response to the March, June and July consultation recommendations to improve the grant process, in September 2007, the Office of Justice Programs (OJP) implemented a new grants program to continue working on those concerns. Also, OJP established the Tribal Justice Advisory Group, in response to the July 2007 tribal consultation recommendation. In closing, Ms. Tyner-Dawson acknowledged that all have worked hard to improve communication and outreach to serve American Indians, the general public and other Federal agencies.

Jacqueline J. Johnson, Executive Director of NCAI, then took the floor and encouraged participants to consider the session as a comprehensive approach to addressing the numerous issues around violent crime. She went on to acknowledge that many comments had to be addressed within a short timeframe, and rarely do tribal leaders have the benefit of the magnitude of the Federal agencies represented in finding solutions in a comprehensive way. She went on to remind participants to focus on the agenda goal to discuss how to more effectively and efficiently use their limited resources and coordination to fill the gaps for resolving issues. She reminded all not to get bogged down in conversations about budget and that those issues could be addressed with the U.S. Office of Management and Budget (OMB), the White House, and the secretarial levels of the departments.

Ms. Shappert also encouraged Federal representatives to consider this a dialogue and that their responses should not be long descriptions of various programs or statements about how the budget is limited, that it's outside of their control, the kind of statements that tribal leaders have been frustrated with in the past. She then opened the floor for discussion on the topic of violent crime in Indian Country.

## **DISCUSSION OF THE ISSUES**

### **Tribal Leaders/Representatives**

*Diane Enos, President, Salt River Pima-Maricopa Indian Community.* Ms. Enos opened her discussion by explaining that the following issues were previously presented in Phoenix at a meeting with the DOJ and tribes of Arizona. Included in her presentation were detailed statistics to demonstrate urgency of the matters.

**Issues:** The Salt River Pima-Maricopa Indian Community is in a situation that is unique among tribes, in that its 52,000-acre community is close to metropolitan Phoenix and surrounded by other cities, with heavy traffic resulting from a freeway going through the community. Because Salt River is a gaming community, it has resources to address some of the problems. However, the following problems in need of urgent attention are a supplement to those Ms. Enos presented to the DOJ in Phoenix. Crime is on the rise, as supported by statistics that Ms. Enos provided, including 55 drive-by shootings in 2006. In 2007, there were 29 drive-by shootings and arrests were made in only 28 percent of them. In 2008, there have already been 12 drive-by shootings. Perpetrators are associated with inside and outside gangs, which infiltrate the community, driving by houses where children are present. A church was shot at two weeks ago. Beginning late December 2007 and early 2008, the shootings have escalated to walk-up shootings and shootings of police officers.

In 2006, 496 domestic violence-related crimes were committed. 451 domestic violence crimes were committed in 2007. In January 2008, 32 domestic violence crimes were reported. Statistics from Salt River Police Department show that most arrests occurring in the community are of non-Indians. In February 2007, 142

Native arrests occurred, compared with 215 non-Native arrests. For the rest of 2007, most arrests were of Salt River or Native people. In June 2007, 221 Native people were arrested by the Salt River Police Department and 123 non-Natives were arrested. In October 2007, 165 Native people were arrested, compared with 245 non-Natives. In December 2007, 183 Natives were arrested, compared with 301 non-Native arrests. For 2007 youth crimes, a total of 41 arrests occurred in start of the year, translating to more than one youth a day. In April 2007, 44 youths were arrested. Hundreds of juvenile arrests occurred in 2007. Of the total number of crimes processed in 2007, detectives and crime scene specialists were called out to scenes 65 times. 1,728 items of evidence were taken by the Salt River Police Department Forensic Unit. That number is important because funding from the FBI for crime processing has been stopped. The community itself has entered into a contract with the City of Scottsdale, so that it could process evidence from the community's investigations, both Native and non-Native arrests, because the community works closely with the FBI and U.S. Attorney's Office. Relating to the freeway going through the community, 1,281 accidents were investigated by the Salt River Police Department in 2007. Salt River statistics indicate that a crime is committed against a child every 71 hours in the community, totaling 124 such crimes reported in 2007.

Salt River has reached some agreements with nearby cities and with Maricopa County Attorney's Office, which allow Salt River to hold non-Indian perpetrators until the State Police takes custody. With the understanding that Salt River has strong ties with the FBI due to their close proximity to Phoenix, and that other Arizona tribes do not have that opportunity because of distance and/or lack of resources, Ms. Enos presented the following recommendations:

**Recommendations:** (a) At the Federal level, encourage developing relationships between tribes and local districts. This would work if the Federal government drafts an agreement to protect sovereignty, which is what Salt River did. (b) Resumption of criminal jurisdiction over non-Indians. As shown in the statistics, many domestic violence arrests involve non-Indian people passing through the community. Ms. Enos suggested allowing the Salt River Police Department to pick them up on DUI, or assault at the casino, and hold the alleged perpetrator for the State to take custody. Federal laws such as Violence Against Indian Women and the Adam Walsh Act require tribes to outlay resources to exchange information and assist in the criminal capture or prosecution of people that violate these laws. But it also calls upon tribes that have fewer resources than Salt River. For example, while Hopi has 6 officers, out of sheer necessity, there are 117 sworn officers in the SRPMIC, in addition to a technical forensic team and many prosecutors who are also state attorneys. (c) The Federal government could develop a pilot program involving several tribes, including Salt River, which has a functional court system, state-of-the-art jail facility for both juveniles and adults, and experience working in tandem with the DOJ (DOJ funded half of the \$21 million jail facility). (d) Resumption of criminal jurisdiction over non-Indians. A large number of Hispanic people live in the Salt River community. As such, jurisdiction over non-Indians is a must. (e) Mutual aid agreements. Salt River has been able to do this with surrounding cities such as Scottsdale, Mesa Department of Public Safety, and the State of Arizona, and has a particularly excellent, supportive relationship with the Governor of Arizona. Tribes should seek out and work on relationships, but it is recommended that the Federal government assist in that process. (f) Establish several intergovernmental task forces to observe the number of crimes occurring, the health effects and what HUD can do in terms of housing needs and how task forces can be tailored to assist in reducing criminal activity. (g) Funding for the Adam Walsh Act implementation. Implementation requires setting up a DNA database and a website to include Federal and state convicted criminals, which translates into the funding of additional personnel. That area of funding must be increased for all tribes. (h) The Indian Health Care Improvement Act must continue to address the mental health issues that are occurring in Indian communities. Some of these issues are systemic, and perhaps go back to the boarding school issues in that many boarding school experiences were the beginning of the breakdown of Indian village systems and familial organizations.

Ms. Enos then acknowledged Assistant Secretaries Artman and Russell for their work with Salt River in getting a special law enforcement commission agreement signed in November, which enables Salt River to work with Federal law enforcement. Once they have completed training, Salt River sworn police officers will have the same authority as an FBI agent and may arrest people that fall under the Federal crimes jurisdiction. Salt River

has devoted many hours and resources to this effort, and continues to do so to protect the community. Before expressing thanks, Ms. Enos emphasized the need for urgent action on the above and other recommendations.

**Chief Gary Harrison, Tribal Chairman, Chickaloon Village Traditional Council.** After briefly introducing himself, Chief Gary Harrison expressed the following problems and discrepancies in Alaska:

**Issue:** Community Oriented Policing Services (COPS) grant is no longer available to tribes within organized bureaus. We have no relationship with the state. We had a COPS grant, and we tried to get to NCIC but the State of Alaska basically ignored us. When we had our COPS program, crime went down in the area and we didn't have to worry about a lot of the criminal things that happened. And it's because we had our people there on the streets who knew where crime was going to start, who would be there to prevent it. But, crime went up again. It's not working now. How do we get past the states that are not working with us, because you obviously said that's where this NCIC access is. Senator Steven's passed legislation saying no more COPS grants for tribes within organized bureaus. It just so happened that the organized bureau that we are in doesn't even have security guards, so that's a crazy legislation that has passed. We don't understand it. It's a big problem, even though they had this particular grant at the time when we had a governor that would work with us. I am not so sure we have that now.

**Issue:** Funding and match requirements. Part of the problem is with the other funding in this area, as we don't get any more than some of the other tribes do. The other part is the money you have to come up with on your own. We don't have funding coming in from other places to match some of the grants coming in from the OJP. It's a hardship for a lot of the tribes in Alaska to come up with the money. We don't have casinos or anything like that. One of the issues I wanted to bring up to the DOJ is the matching monies that you put up for a lot of the tribes in Alaska in order to receive some of our grants. It's not practical, and it's not working. That's why there are a lot fewer justice grants in Alaska than there probably should be. The Alaskan Natives are some of the highest in all of the bad statistics that you can think of. Some of the problems that other tribes have in Indian Country are funding requirements that come down from the DOJ. Regulations make it to where you can't implement the law. The grant system needs to be changed so that we don't have to out-poor each other. Competitive grants require us to out-poor each other to receive money. That's a sad state of affairs to say, that I am poorer than everybody else and I need the money. That's not the way it should be.

**Issue:** We shouldn't have to sign off sovereign immunity for the pass-through monies coming from the Federal government. In the State of Alaska, in order for some of these pass-through funds from the Federal government to come through the state to the tribes, we have to sign off sovereign immunity. That's not right. The money was earmarked and sent for the tribes, not to be stopped by a state agency. I am mainly talking about some of the child money that we have been trying to get. The State of Alaska says you don't have sovereignty, but to get the money, you have to sign away your sovereignty. That's not right either. That's also not government-to-government.

**Issue:** The State of Alaska still does not recognize that we issue our own driver's license and we license our own vehicles with our own license plate. We went to court and won that lawsuit. How are we going to get through some of these problems?

**Issue:** The dominant society that has taken over has also passed the Native Land Claims Act, which split many of our communities and has resulted in loss of culture, self-esteem and issues that go along with that. The loss of culture because they have created these corporations, stolen all the land from the tribes and said now you guys can go be corporate members. Now when we go down to get a card from the Bureau of Indian Affairs (BIA), we cannot be registered. They call us shareholders, yet we don't have rights as human beings as shareholders. Alaska is very different from many other places in the U.S. in that there are two different organizations that have to be dealt with: the corporations and the tribes. The tribes have the rights and the corporations have the land and the resources. Also, they call us a 638 state, yet we never voted to give concurrent jurisdiction to the state of Alaska. There are a lot of discrepancies in Alaska.

**Recommendation:** Homeland Security could be added to agencies that might need to be here. If we were to talk to Homeland Security about some of the issues we have in regards to passports, driver's license, getting on airplanes, and things like that, we might get a little more resolution on some of the other issues that we have. It also comes down to some of this registry stuff when we start talking about registering under the Adam Walsh Act. These are a lot of problems that we have, and we need some help on them from you.

**Fidelia Andy, Chair of Law and Order Committee of the Columbia River Inter-Tribal Fish Commission, Yakama Nation.** After a brief introduction, Ms. Andy presented the following issues that the Yakama Nation has that are influenced by its location in the heart of Highway 97, which comes from Mexico, through California, and up to Canada:

**Issue:** We don't have a jail, detention centers, treatment centers, or mental health resources for our children and adults. We have had several suicides, such as the suicide in the Yakama jail. The family that sued the BIA got attention to us in the first place. They turned around and 638'd us, gave us the jail, then came back and shut us down. I told the BIA that the jail was their responsibility in the first place and they should have maintained its upkeep. The BIA never came back to touch up, remodel or anything. Then they came back and closed it down and said it wasn't suitable for anybody to be incarcerated. Now we are sitting there without a jail. The juveniles run rampant because they know there is no place to put them. We also jail the prisoners. We have a contract, and that jail is worse off than the jail they closed down and it doesn't even meet the requirements that they are demanding us to meet now.

**Issue:** More police are needed. We don't have very many for as big a reservation as we have. And the drugs that go through the reservation include everything you can think of, yet we don't have the police force to keep up with it. We partner with the sheriff's department and do what we can. I would like a lot of help on that because many Indian people live on the Columbia River.

**Issue:** The negative impact that meth and growing of marijuana has on our reservation. A couple years ago, when the meth problem in Sacramento was epidemic, Attorney General Gonzales came out and saw the impact that meth and the growing of marijuana has on our reservation. Hoards of marijuana were taken out of the mountains that were protected by gang lords, protecting their resources on our reservation. They were there and they had the Mexicans' outposts clear around the marijuana fields that stretched out about three miles in every direction. Mr. Gonzales had funding for us for a period of time. There have been two raids on our reservation thus far, with tons of marijuana. We are in the heart of where the drug lord is, where the drugs come down 97 from Mexico through California and into Canada. We don't have the resources on our reservation to watch out for us, and they are using our children for peddling their meth and everything on our reservation. Because of this, our children are getting away from us, from our cultural lives. They are gone and their lord is meth. That's a horrible thing to say about the children, but it's true on reservations. They would rather be in a gang than go to a religious function. This is one thing that's frightening to me.

**Issue:** Need more funding for the police force. Gang lords go up and down the Columbia River. When they are drowning, we are out there helping them. There was a plane wreck—one of the airport air jets wrecked over the Columbia River—and we were right there helping them collect all of the bodies that went into the River. Many things could have been handled better had we had the resources such as boats to get out there quicker. There are plane crashes that happen on our reservation but we can't get non-Indian people up there to help them quick enough. There is also a separation of power, where somebody would say, "That's our area, no this is our area."

**Issue:** Need to address FBI and State of Washington separation of power. Just before I came, we had FBI Agents Frederickson and White Foot down there. I asked them why so many accidents are being turned over to the State of Washington. He said because up in Yakama, they are saying this is not their problem. We are the reservation; we are supposed to be the problem. They are FBI. We won't take them. They will be turned over to

the state or the sheriff. When I came on board as tribal council member, a contact person in Spokane was helpful a little bit.

**Recommendation:** I know the dollars can't come in today, but I would like to see something in writing to point us in the right directions.

**Terry Goudy-Rambler, Tribal Council Representative, Yakama Nation.** Our nation is in great need of any help that there is out there. I would just like to shed a little bit more on what Fedelia Andy said. I had three children, two boys and one girl. I lost two boys, who died in one year. This August it will be one year since their deaths. I am still waiting for the investigation to come back. Because the tribe turned it over to the state and Federal governments and there is a real strong lack of communication between them. I will not use my position as the tribal council representative to badger any of these inter-governmental agencies, but I am patiently waiting and we need your help. Thank you.

**Alvin Moyle, President, Inter-Tribal Council of Nevada Executive Board and Chairman, Fallon Tribe, Central Nevada.** The state of Nevada is in need of the same thing everyone else has already talked about. It's the same thing for our country and on our reservation. There is a need for sufficient funding and much more coverage from the law enforcement division. But before you can take care of that issue, you need the funding to do that. And we need that on our reservations in the state of Nevada.

**Stephanie C. Sully, District 10 Council Representative, Rosebud Sioux Tribe.** One of our biggest problems with our tribe is the internal affairs process. When I got on Council (this is my third year), we took 63 complaints from our people on law enforcement, and our president carried them up here to Carl Artman. It's one year, seven months later, and they still have not been addressed. We referred them back down to our office in Aberdeen, so it's really bad when it comes down to the internal affairs process. I have sent them to Albuquerque and elsewhere. We need a response from the people, because the entity to serve and protect our people is failing our people. There is no trust among our people and law enforcement at home.

**Ernie Lovato, Governor, Pueblo of Santo Domingo.** I am a lifetime Councilman and the Governor of the Pueblo twice. If we can't ensure public safety for our people, or be able to provide the ability to address their health issues, we won't have healthy communities. Absent funding, some of us have built health facilities, including safety complexes, to try to bring about that peace of mind to everyone. But that doesn't mean we can't think outside the box, find the means to address these issues. If I had a way to bring about housing for everyone, I would. But that's beyond our means. We are not a gaming tribe. We are trying to be innovative, but it's certainly going to be looking to not only the Federal government, but also state governments, who have an obligation to the constituents of our Native people on the lands that we have. So, thank you for making this event possible, because I think here is an opportunity where we can collaborate at the highest level to bring about some of these changes.

**Joe Garcia, President of NCAI and Chairman of the All Indian Pueblo Council.** After a brief introduction, Mr. Garcia emphasized the need for a major change in the Federal budgeting process and the way the funds are appropriated and budgets are proposed. He pointed out that, unless it is recognized that many times Federal departments are split and separated, not much impact on partnering would be made. He went on to discuss the following recommendation as it relates to meth:

**Recommendation:** Meth needs a three-prong approach. The first prong is that you have to get rid of the people creating meth, and it's not going to happen by virtue of one agency. It can't be DOJ only, or only the BIA, or only HUD. It's got to be a combination thereof. The second prong is that we have got to go for prevention. If we don't have prevention efforts in place, we will continue to see a lot of disparity and harm of innocent people. The third prong is that we ensure that treatment happens for those that are impacted. While it would take different organizations and different approaches to accomplish each prong, a partnering approach would win

the battle for each issue we are faced with. Unless we do that, we are not going to see a whole lot of improvement or solutions.

**Brian Cladoosby, Chairman, Swinomish Tribe.** The biggest issue is our police forces. Violent crime in Indian Country goes back to educational upbringing, among other factors. How many tribes have cross-deputization agreements with your local sheriffs? If they say that our officers cannot arrest a person, that's a problem. We currently have a bill in Washington State that is going through the process. It made it out of the House and is in the Senate now. The bill would overturn Oliphant in Washington State and allow our officers on reservations to arrest anybody committing crimes. Now there are 38 sheriffs from 39 counties fighting that bill. They do not recognize its importance. Sometimes it takes a county sheriff 30 to 40 minutes to respond to an incident in a rural area, maybe longer in the bigger Yakama area where the reservations are really huge. Any support to move this issue forward, to allow tribal officers who are well qualified and trained to arrest these people, whatever help we can get, we would appreciate.

**Norman Coeeyate, Governor of the Pueblo of Zuni and Councilman, Intertribal Council of Arizona.** In his introduction, Mr. Coeeyate explained that, in addition to being Governor for the Pueblo Zuni, he also belongs to the All Indian Pueblo Council. On the other foot he is a member of the Intertribal Council of Arizona, which places him in two states so that his stakes are higher than most other tribal leaders. Mr. Coeeyate pointed out that the way to approach problems with the DOJ would be to consider the commonalities. He then went on to discuss the following issues:

**Issue:** Domestic violence is becoming an increasing problem for Zuni. Just yesterday, I had a lady who was having a relationship with a gentleman who had been an abuser five times until he met her. Her case was heard yesterday, a severe assault in which she had her leg broken. The jury deliberated only an hour and a half for the final outcome of guilty verdicts on aggravated assault and imprisonment. But he only gets 25 days, fined \$400 and 6 months' probation. It's almost a year since the District Attorney (DA) and FBI individuals have been told that this case might be forthcoming to go to their level. The evidence was so great, including the medical reports, that it was considered a 'slam dunk' case. Yet responses to my inquiries yesterday from the FBI and the DA's office are that it's before the grand jury. They decide what is going to happen next. This has been similar to many other cases in my neck of the woods, where our officers practice due diligence and pass on the evidence to the FBI and the DA, hoping there will be some recourse in the end. And it never happens. It seems like there is a black hole where all of these cases go. Nobody seems to know where they are or when is the end point. Where is the process? What is the process? I have talked to the DAs in New Mexico and they tell me it's still in the process of being reviewed. I have to go home every day as all of these tribal leaders do. They ask me the same question: When is my case going to be heard? Are they ever going to put this guy or this person to justice?

**Issue:** The second issue is health care. Perhaps I should declare my reservation as a Federal prison so that we would get better health care. When am I going to get good health care? What you tell me, I will have to relay back home. We will have to take care of ourselves because nobody will take care of us. The basic premise of why treaties were entered into back with our ancestors has been lost. In western philosophy, if you sign a contract, which is a treaty, and one party breaks it, the other party has an opportunity to go back and reap what they lost, based on that contract. So, why can't we as Natives go back and reclaim our ancestral lands and all of the resources that were under it? In a way, the U.S. has breached its contracts to its treaties.

**Recommendation:** Cross-deputization. I recently had a criminal investigator that went to Quantico to go through the FBI course. Why can't he be the one that is seen as FBI to gather all of the information to get the case and present it to the DA? We are told that he can't be because he is not commissioned, he is not recognized. Yet he went through the same process the FBI people did. Why not? Is it because he is working on Indian lands? To address the gentleman that asked to see how many nations have cross-deputization with their county officers, we are one of those. That's the only way that we could prevent non-Indians or even Indians



from using our reservation as a safe haven. It's a few of us who use whatever resources we have locally to ensure the safety of our people. But that's not enough.

**J. Robert Benevidez, Governor, Isleta Pueblo, New Mexico.** Governor Benevidez introduced himself and added that he retired from the BIA in 1993, had worked in California corrections, and has been in law enforcement for most of his life. He expressed concern in that there seems to be no true government-to-government consultation any time the Federal government is reorganizing or making changes within the system. He then went on to discuss the following issues related to not having police officers out in the field and lack of funding for law enforcement.

**Issue:** Recognize us as police officers. There are old timers here that know the history of law enforcement. There used to be an Indian Police Academy in Roswell, New Mexico. As time went on, they changed the location to different areas. We got training just like, and probably more than, anybody else, even compared with the State Police, county sheriffs and city police departments because we went not only to the Indian Police Academy but also to the law enforcement academies within the state. It's just a matter of giving us that opportunity and recognizing us as police officers. There are a lot of different prejudices in different states. I have been to Umatilla, where they refused to give police officers cards. They have a special deputy commission card, so you need to be careful what commission cards you have, because one commission card can be an identification card or calling card, and they issue those out to everybody. Those are the ones they want to give to Indian police officers. In the mid-1980s, when law enforcement reorganized, there was never government-to-government consultation. The investigations unit, which was the criminal investigators (CI), went on and in so doing they went under. The DOJ took 60 percent of our BIA money. That's our money. I say this with all due respect to the FBI office. I have a lot of friends from the FBI office, I present a lot of cases in Federal court, and I had a 100 percent prosecution rate, including two prosecutions at the Wounded Knee trials. It's important to give credit to and recognize the uniformed police officers who are really doing the work out in the field.

**Issue:** Many tribal leaders here can tell you that, when they do have a crime, the CIs and FBI agents aren't coming out and that eventually compromises the evidence and ultimately increases the chance of losing the case. There was such a thing called the 14 major crimes, but it was always the police uniformed division that did the initial investigation. And the reason why you are getting a lot of declinations is because you are coming after the fact: two, three or four days later. Some of these places are remote. I have 10 reservations in four counties. And when you call the FBI office or call the CI, they say they'll be out there tomorrow. And they come out and they get their report from the police officer. You are not going to get a prosecution if you go by somebody else's report. You have to be out there at the initial investigation because you are losing critical evidence. And if you don't do that, then your case is lost when you go to court.

**Issues:** Jurisdiction and funding: With no government-to-government consultation with the tribes, and reorganizing law enforcement, and putting them under DOJ, it's easy for the department to get funding because you are getting the numbers from the tribes. We need to get some of that money back. That funding was earmarked for the BIA. That money was earmarked for the tribes, not for DOJ. DOJ has a big responsibility, and the FBI has a big responsibility. And a lot of your agents don't want to come out because it's little stuff. You have an entire country that you are working with, some major crimes, and we appreciate what you are doing as agents. But in Indian Country, we are the only ones out there. Some of these states are not friendly and some states don't want to work with the tribes as they have their prejudices, such as in South Dakota and many western states. It's just really hard to appreciate being a police officer right now. Some of these police officers are working with one officer for every 2,000, 5,000, 6,000, 7,000 people. That's 24/7. Those people need some help out there; we need some funding at that level. A lot of cases that they handle, initial investigations, they are the ones that present these to the U.S. Attorney. At least we used to. And we got our cases prosecuted. What's the difference now? I don't want to hear this stuff about statistics and stuff like that. We have got crime happening on the Indian reservation. We had a meth case here about two months ago. We still haven't gotten any word on it. I haven't gotten any word from my police department. They made the arrest, they found the substance, they found the evidence, but nothing has been done yet. So we need

somebody out there. If you are going to take our money, then you need to assign police officers there at the reservation so they can be available to handle these cases so we can get some prosecution. So that those people who are being raped, living under conditions like that, the kids that are being raped and molested, are protected.

***Jefferson Keel, Lieutenant Governor, Chickasaw Nation.***

**Issue:** You are talking about two different issues here: one is lack of resources. Everyone in the room understands that, without the appropriate or adequate resources, we can't police Indian Country. That's a responsibility of the Federal government. And people understand that. The BIA can't do it alone. They have been given funds to police at a certain level. But at the same time every year, we see a continued drop in the level of resources. The funding gets cut. We continue to come to these consultations and we have had several, yet we still see the budget being cut. We understand what you are saying, and we appreciate the fact that you are sitting here listening, and hopefully you will take some of this back. Without the resources, we can't accomplish cross-deputization. There are some tribes that have been successful in accomplishing that. There are others who haven't. And that's not to say that they haven't tried.

**Issue:** Now we are talking about jurisdictional issues. So there needs to be something that looks at giving adequate jurisdiction to the tribal courts. So the tribal courts can prosecute some of those folks when we talk about domestic violence, drugs and alcohol, and all of the things that take place in Indian Country. Tribes are victimized because drug dealers come to Indian Country because they know they can get away with it. They feel like they can hide. That's something we need to address. There are a number of issues here. What we really want to talk about is separating those into categories. How do we get adequate resources?

***Ron His Horse is Thunder, Chairman, Standing Rock Sioux Tribe.*** After acknowledging that Mr. Chaney offered good suggestions in terms of treatment and trauma for youth in BIA social services, Chairman His Horse is Thunder emphasized that prevention is key. He further acknowledged Dr. Broderick's comments and encouraged SAMSHA to consider providing treatment and prevention for children who have been victims of trauma. The Chairman went on to discuss the following issues:

**Issue:** One thing that I am consistently told in cases of rape is that HHS or Indian Health Service (IHS) does not have rape kits available at each and every hospital. Or it appeared they don't have people who are trained to adequately administer those rape tests, which creates a huge problem for prosecution later on.

**Issue:** Fast police presence and response relates to a problem with funding.

**Issue:** One issue that other tribes have been saying repeatedly is that the training that they have to take in Artesia has a huge backlog.

**Issue:** Regarding investigations and police presence, another topic I have heard multiple times is cross-deputization, or cross-jurisdiction. It does not work and has not worked since the one time it worked, years ago, until one small town mayor's son got picked up for a DUI by a BIA law enforcement officer. That agreement was thrown out the window. Since then, the concept of cross-deputization has been reintroduced because we have the unfortunate distinction of being a reservation that has the second highest crime rate in the country as of 1.5 years ago. We obviously have a problem on the reservation, and part of that is lack of law enforcement officers. We have entered into a discussion with the County (Jackie Johnson was at a number of the meetings), he is pushing it. Unfortunately, we have a sheriff in our county who is flat-out racist and has used cattle prods on Indians who are drunk in the streets. I am not saying being drunk in the street is right, but using cattle prods is something that we don't enter into agreement with. That type of law enforcement is not going to work for us.

**Issue:** Need data sharing capabilities. Regarding detention and treatment facilities, I am told the DOI is going to release a new study on all of the tribal detention facilities. We are anticipating that so we can advocate when we go to Congress. You have some information that we need in order to better advocate on the Hill. We

absolutely need that report. That goes back to data sharing. If your tribal courts and prosecutors get somebody who is arrested for a crime, we don't have access to all the data that the Federal agencies or law enforcement agencies have on that particular individual. That person could have a rap sheet an arm long and we wouldn't know it. If he is a first offender in our jurisdiction, we are going to sentence him accordingly. If we had that shared data, we would be able to keep some of these status offenders behind bars longer.

**Recommendations:** (a) Here is the potential solution, which Jackie Johnson has agreed with. We have a number of game and fish officers who used to be former BIA police officers. We increase tribal law enforcement agents, we don't 638 the program. We have an additional 4 law enforcement officers that are out there. We are slated for 12, and hopefully we will get there. It is interesting because you can only have a maximum of three on a Friday or Saturday night shift, otherwise only one person is on shift. Who are the first responders? The ambulance. When there is a DUI, there is an accident, so the ambulance is there first. When there is domestic violence, the ambulance is there first. I know I am being facetious when I say you should cross-deputize the ambulance drivers as well. I know they have to go to Artesia and get training. The U.S. Attorney's Office has deputized our officers. The Bureau is cutting tribal courts down. It's a problem. If the DOJ would look at the special prosecutors working in the tribal courts, it would alleviate some of the burden and would allow them to recognize the important function that our tribal law enforcement does, that we are the first ones on the scene aside from ambulances. The FBI comes in a week later. There is a gap in some of the information that has been gathered. (b) Address waiving grant matches with Congress. We are able to match many grants. But if we want to utilize all of the services you have out there, and we are encouraged to do so, we don't have the money to continually match each and every Federal grant, no matter how important the program is. When can you waive the match requirement for tribes? It will overcome a huge hurdle for us. We are already strapped for cash. Our money goes to important infrastructure needs and social welfare needs on the reservation. (c) A suggestion in terms of rape victims is to make sure the kits are available and make sure the nurses or doctors have adequate training for them. (d) To reiterate what tribal leaders have been saying repeatedly: look at alternatives for having Federal assistance in training.

***Juana Majel/Dixon, Secretary of NCAI, Legislative Council of Pauma-Yuima Band of Luiseño Indians.***

**Issue:** Justice and judiciary positions should be filled by traditional and western trained people. Indian Country should be considered. We have cooperative agreements in our nation that are inclusive of the recognition of our tribal courts authority. The system in which we live together and educate our children does not include us in the teaching of our young. Your social studies unit in the third grade required by congressional curriculum includes only brief moments when tribes previously not included are now included. Aside from that, there is no requirement to say anything about Indians ever again, all the way up to 12th grade. When you consider that America doesn't even teach us to their young, we raise generation after generation with no knowledge of this Federal relationship. At college level it's by choice, from a romantic stereotype notion, where they have seen things and they have learned. And knowing that is probably the largest form of institutional racism that we can look at, we don't see, we have a blind eye to it.

**Issue:** Drug trafficking and violent crime. We had to shut down the border because we had 5 execution-style killings two years ago. We live in the south by Mexico. The Mexican people, the drug lords, traffic lords, don't care about us and consider us expendable. They walk right up to your children, put a gun to their head, and don't even hide it. We are still working on that. We were asked to talk about the racism that occurs in our countries that encounter so much violence and we are putting this together for Mr. Melendez, regarding human rights. When you put together the racism that comes with it, it's such a hatred that is so imbedded that one generation after another just takes it on for no reason. Sometimes, we are not seen as people where I am from. We called in our Federal partners, because we have so much drug trafficking. But the trafficking isn't so horrific as taking our women and making them drug beetles, then concubines of the drug lords. Mexican gangs where I am from take our women and rape them. After they are through with that, the gang has the Indian girl identify a young Indian male so they can beat him up. This is happening where I am from. It's not right.

**Issue:** We have epidemic health concerns. Youth suicide, youth trafficking and AIDS have increased. Youth and elderly diabetes and chronic diseases have increased. We have overall mental health issues and chronic illnesses that are among the adults for which they need assistive living yet it's not available. So many of my people are hurting. I am suffering from a lung injury from a fire.

**Issue:** We need more Native woman shelters as we only have one.

**Issue:** There is no money to protect us from fires, no investigation. There are 360 arson fires up in the Hupa area per year. There is no count on the crime rate that occurs around there. There is no law enforcement to respond to arson. Those are real issues as we live in the wilderness, in areas where this has impact on us. We couldn't pull out some of our young people because of the fire, because of the looting, and they suffer and now they are ill. We have a job as a tribe to heal them and take care of them.

**Issue:** Treatment for sex offenders is just as important as it is for the victims. As we continue to do our work in Indian Country, we know we have perpetrators that are our own people and we have to heal them. There is only one grant paying for offenders. SAMSHA has an incredible program going through reorganization and needs some improvements. In California we got hurt. \$17 million went to one organization and all of the other small programs got cut out. There isn't just one program that fits all in California. We are huge, with 109 tribes of great diversity.

**Issue:** We need the FBI to provide us identity numbers as soon as possible so that we can begin to enter real-time data into the NCIC. When I attempted to get statistics from the FBI, they said they don't share the same statistical program. I learned there are three different databases. Based on information from our sheriff's office in San Diego, our 144-square-mile area that was serviced by about 5 sheriffs at the time, 2,843 rapes were reported in a two-year period. Within that service population, 142 reported rapes were Native women. We know that our Native women do not typically report the rapes, so we estimated a higher number based on the statistics. Yet we were conservative with the current statistical data with DOJ and estimated the number was more like 426 in the two-year period. We also noted that there were no statistics on stalking or dating violence, but there were statistics on murdered and missing. That's when we began to realize how much trafficking had occurred. There were over 4,000 reported murdered and missing cases and we estimated of that number 247 were Native women. Considering we are about 15 miles from the border and the domestic violence cases that we gleaned from aggravated assaults and substance abuse, we estimated 1,364 cases in our area. I have supporting statistics and reports that include the two-year period and each metropolitan city.

**Issue:** Another profound area is that, if we don't have a way to communicate with one another, to have a level playing field of a common communication to share data so that we understand each other, we can gather the numbers and have an impact. You are the perpetrators of history, and I don't want history repeated by not doing anything. There is a trust responsibility here. We are to be protected by the Federal government as well as the protection of the authority we have as sovereigns. As a sovereign-to-sovereign relationship, we should not have to come to you with such horrific lists and have nothing really done. We know it's a band-aid effect in terms of the amount of money we have right now. We know we have to get better funding.

**Issue:** Regarding the Violence Against Women Act, it's required that tribes are given access to the NCIC database. You are saying we need to go to states for that, yet we are being ping-ponged between each other. We are government-to-government. Isn't that the executive order that you, as the agency, will have to recognize and deal with tribes instead of saying it's the state's responsibility? When we, as a tribe, as a sovereign government, come to you for access to the NCIC data because we have this debate with the FBI at the local level, they are referring to you guys saying that's the policy. There has to be a way where you can say we are going to deal directly with tribes because it's mandated instead of giving it to the state. The state has no jurisdiction in tribal affairs.

**Issue:** We have to cross-deputize. The FBI and BIA are at odds with one another. California does not look at the FBI training in Artesia as valid. They are refusing to cross-deputize law enforcement because they don't think the Federal version of the training they are receiving is adequate. We put them through the California system as well. They won't give them the Federal sign if they don't come together. The FBI and BIA should collaborate more for our benefit. We need this now and we need it strongly.

**Recommendations:** (a) When you consider that about 40 percent has been cut from an already cut budget, then why keep a match requirement? Consider putting a moratorium on matching for every funding program you present to tribes. At least have a conversation with appropriate Federal individuals, as you are the leadership who represents the President. You are the best we have at the moment. (b) We have to have a full-faith and credible relationship to do many of the things that are being said and asked. We were given probably the best example before we sat down in Arizona. Among our tribes, we could offer them at least the middle of what is equitable across the board to address the Adam Walsh Act. Some tribes are going to do the minimum standards and some will be more elaborate. We thought that, if we offered the tribes a model that gives them one to five choices to best meet their jurisdictional level. I think that's more reasonable than what is considered a common code. It's something we can work with. (c) Come up with a program assessment to make accountable all deliverables to the tribes. We haven't seen that and we need accountability on this side as well. There is no justification for reduction of services and monies to tribes. We can weigh in the RFPs, which are designed with priorities set generally by this level. Once you know where the money is, we will jump in together with appropriations. I don't think tribes need formulas. It should be based on current need. We should say my crimes are bigger and greater than your crimes. Violence is at the level in Indian Country as a whole and it should not be happening. (d) Consider reducing SAMSHA grant application page requirements. In order to do a SAMSHA grant, the requirement is 88 pages. Consider reducing it to 25 pages, like a doctorate, no more than 25 pages. (e) Could the FBI and the U.S. Attorney's Office work collaboratively in filing cases in Indian Country? We need a law enforcement exchange program. We need to have the FBI come out and live with us for a couple of weeks or months. Can you imagine that, if we put them right where everything is happening and live among our people and get comfortable, then they'd get to see the messiness, the people who perpetrate, and the repeat of outsiders coming in with total disregard for the lives of our people, the sacredness of our lands, and the authority of our jurisdictions. You need to be there. (f) Consider one or two-day focus groups to talk about these things regionally. At least one representative from each area should attend, including law enforcement, judiciary, the sovereign side, and grass-roots people. Then there is a real chance of affecting change. SAMSHA and Tribal Justice have an advisory group. And I think NCAI is a major player in keeping oversight. That has to be acknowledged. I commend Jackie and the work each of the other players is doing. The oversight has to be maintained. We can't go to all of the regional meetings. But what is done in Rocky Boy and down in the south is speaking honestly about the issues that affect them. This is very rare to record, that the people are willing to come forward. We are re-victimized violently when we tell you about the violence in our nations.

**Cheryl Sanders, Tribal Council, Lummi Nation, Washington.**

**Issue:** Need a comprehensive case management computer system. Hopefully somebody from the table can help us with that. We have 8 tribes in a large area, which is referred to as G-8. Our people across the reservations, like other tribes here today, have said we need a system in place where we know where our people are, to keep track of our people, good and bad, to protect our children. This is an opportunity for somebody to help us with setting up a technical system.

**Issue:** We ship our prisoners across the mountains to the Yakama Nation. They are making money off our tribes, the eight tribes, from this side of the mountain to incarcerate our people. We have to figure out something there to make it better. I would rather work government-to-government with the Yakama Nation than country-to-country. Then they know who our people are, as our kids go everywhere in the country. But we need to make sure that the services are there for them. More money is needed in the juvenile facilities and jails, and for prevention.

**Issue:** With HUD regulations, our people that are being rehabilitated can't come back home. I am an advocate for children as I work with youth in our community, and I think outside of the box all of the time. Although HUD has been a great partner, its regulations say our people that are being rehabilitated can't come back home. We are 20 miles from the Canadian border, so we have drugs coming down. I hear and respect all of the issues that other nations have with the Mexican border. We are about 45 minutes from Vancouver, a metropolitan city with Asian gangs and cartel coming through. We also have Indigenous Games 2008 in August this year, so we are worried about our kids going across the border and making sure they come back. These are issues we would like help with.

**Issue:** The biggest thing we need help with is case management. We need to help our people stay well because, once they are in the system, they get lost, including juveniles. Juvenile records are sealed according to law. So they become adult offenders. But we won't know that. Somehow, we need to have an avenue where we share all of this information with each other for safety in the communities.

**Recommendation:** Regarding Dr. Broderick's comments about trauma and informed diagnosis, we can help people with mental illness get appropriate treatment. As tribes, we should work together and take ownership of that. Dr. Broderick has told us that we have been thinking out of the box and that we have been innovative with HUD. I am glad to see them here at the table with treatment, the Boys & Girls Clubs. I am a nurse and really try to be proactive. As tribal government, we have to remember that we are the first responders and we have to take ownership in finding solutions. We are the mandatory reporters. We don't all have the answers, but we need to have the resources to get the answers and that's you guys right there hopefully. I believe as a new tribal leader, I am probably going to get in trouble for making the comment. But you truly believe we have to have part of the solution. We are held responsible to take care of the people as best we know how. We can't do it alone. We need your help.

**Gary Hayes, Vice-Chairman, Ute Indian Tribe.** After introducing himself and stating that he recently retired from the Navy after 25 years of service, Vice-Chairman Hayes stated that, since learning that his tribe was in the murder capitol of the state about 23 years ago, there has been finger pointing and a need for working together to solve these issues. He also noted that he brought the county and state police and the U.S. Attorney in when they started hearing about cross-deputization in the State of Colorado and that he was the first tribal leader to go into the city's border to talk to the Chief of Police of 28 years. Vice-Chairman Hayes emphasized the need to be proactive, to develop trust and a line of communication, and to share data in positive partnership to be able to move forward as a working group. He then went on to discuss the following issues:

**Issue:** Lack of detention facilities. Who is funding them? Where is the operation and maintenance coming from? I ask this because our BIA officers came to us and said they have a problem with our man. When we arrest one of the tribal members, they are required to get medical screening before they can be admitted into the detention facility. So we have to take them to Cortez, 15 miles away, to get the medical screening. Who is paying for that? Eventually, the hospital told the BIA that tribal members cannot be admitted because \$200,000 is owed. Now they have to go to the second nearest hospital 30 miles away. Can you imagine having only 4 officers on nighttime and weekend duty serving an entire reservation? And, we have another community an hour and a half away. So, one officer is there and one officer is in the main community. If there is an incident that happens involving someone who needs medical screening, the officer has to travel 32 miles then wait 2 to 4 hours, so there's no coverage in the community because he is away waiting in line. What is wrong with this picture? The detention facility still said we can't admit him, and we don't have money to pay for an RN to get the screening. I am asking IHS to look at that. If we can just solve this somehow, BIA officers won't have to spend their time getting medical screening for those they apprehend. We need to look at that. Regarding the payments, now the BIA tells us the tribe or the individual has to pay for it. That's wrong, because that individual is hurting our credit history. We need to work on trying to solve that issue.

**Issue:** About cross-deputization with BIA officers, we have incidents on the reservation where non-Indians are committing crimes on the reservation where the BIA can't do anything about it and the people are going free.

Right now we don't have a public defender. Tribal members know that they don't have a speedy trial. What they are doing is committing crimes and asking for a trial. Now they are getting away with it. Cases are backlogged 3 to 4 months, and these guys walk free. There is no justice. The courts need to take care of that. To me, what is frustrating is when I went to a meeting to get a 638 and found it would cost \$2.1 million to run. How much is the BIA paying for law enforcement? With only 50 percent funding, we wonder how you can expect the tribe to take over the operation when you are under budget already. Then they want the courts, which cost \$2.2 million, to take over. How much are they being funded, half of that also? It's going to cost our tribe \$4.2 to \$4.3 million to take over both functions, and yet they are being funded at 50 percent. You can't expect us to take that. We go back to the Federal trust responsibility. We are going to work together with you to help you in sharing the data. That's key for us when we go to advocate to a congressional delegation, that we need the data. We need the information so we can support you because we are in this together. We are, if you are sincere about your position. Because you are affecting lives that you don't see here today: children, teenagers, young ones.

**Issue:** We need to create programs to help our youth move forward. It's part of your responsibility as leaders and as parents on our reservations. I am hoping that, with the programs, you will help us and that we will be able to overcome this. I believe we are in here together because you care. I commend you for being here, to listen to what we have to say. I hope the words you hear today will not just go under the table and that you will take them back and work within your regions and the people that work for you, that they will say let's work with the tribes. I believe that's the only way we can overcome this relationship. Working together and building that mutual respect and trust is how we solve this issue at the tribal level.

**Issue:** A treatment facility is needed. Our detention facility was built 8 years ago, and on its south side there are 8 beds that have never been used. It was designed for treatment, and everybody is pointing fingers at each other in terms of who is financially responsible. When you build detention or treatment facilities, you need to think about what or who is going to pay operation and maintenance cost of the facility and not let it sit idle. 50 percent of it is utilized. Who is going to pay for professionals to come in there? I think it's the Federal government's trust and responsibility to fulfill their commitment to us.

**Recommendation:** We could have monthly meetings with each representative. In fact, we invited Senator Salazar, and they have been attending our meeting with the IHS. The senator sent a letter to IHS and said you will pay for the bills. Sharing information, developing a line of communication at the local and regional levels moves us forward. To me, for the agency to neglect courts and law enforcement is a slap in the face for the BIA office. They need to hire employees willing to step up and take care of their responsibilities and help the tribes move forward. My suggestion is communicating at the level where we are at, because I think it's important to be able to talk to the U.S. Attorney and the Congressional delegation and move forward in a positive way. Because out of this, we ask for \$450,000 and we got it because of this issue, because of the support that we got, the data that was there. It can be done. It's going to take time. You have to be able to be willing to make the commitment that you know you are going to improve the quality of life for our people because it's key to any economic development for any tribe to have a safe and secure environment for your people in order to promote economic development.

***Thomas Christian, Councilman, Fort Peck Tribes.***

**Issue:** I have issues regarding government-to-government consultation and what that means to me is people-to-people. It's very important for us to understand some of the atrocities afflicted on our people. Manifest destiny is something we need to concern ourselves with in regards to fiduciary responsibility of the Federal government in terms of looking after the people on reservations. I think that's the issue here. I am speaking about the atrocities that have been inflicted upon us as Indian people, as they relate to a fiduciary responsibility that precipitates from the treaties signed by our grandfathers, Indian and non-Indian. Indian people respect the legacy they left us. I am not criticizing or judging the non-Indian people. They need to understand our perspective. I am not going to hide behind treaty or law or its interpretation. My point is that you need to understand that we are all human. Yes, we do and we will make mistakes. That's my point. And until we can continue to communicate these differences we experience, we are going to continue to have meetings like this.

**Issue:** We need law and justice, police and prevention on the ground at the reservations. Data and logistics justify that. I am not blaming the BIA, but the lack of money coming to us directly is affecting the quality of our life. At the Fort Peck reservation, the Northern Tier, there are monies given to law enforcement that were supposed to trickle down to us in Northern Tier. The Bureau still has the money. The COPS grant helped, it brought us an influx of money to hire certified, qualified police officers. Because of that, our crime rate went down and Indian people started being happy. But then they pulled the COPS grants and we got nothing. In our particular department, as soon as that money was taken, our quality of life went right back. Black Feet was number one, Standing Rock number two, Fort Peck number three. Where is the crime rate? Rocky Boy is probably right up there also, because we have no police officers. I look at it this way: accept responsibility and don't blame meth. If we get police on the street where our people can feel safe and comfortable, then the people will start acting safe and comfortable and would ultimately reduce the IHS budget.

**Issue:** On the Northern Tier Reservation, there's a Level 12 that's affecting us in a very negative way. We can't get health service until one of our arms is lost, or until we have a heart attack or about ready to die. We have to travel 315 miles to get quality health care. I think they are hoping we are going to die in that trip, so then our statistics would go by the wayside, and we won't bother them at the clinic any more. Though not optimistic, it might be the case. I address this particularly to Mr. McSwain, about atrocities and health care issues that really concern me. I am a tribal executive board member, representing 12,000 members of my people, of which three quarters cannot vote. My position isn't political; it's trying to look after the people in a good way.

**Recommendations:** (a) Take responsibility. Until Indian people take it upon themselves to understand the importance of manifesting our own destiny related to the identity that we need to continue sharing with our young people. We talk about all of this criminal activity on the reservation. We talk about the monies that are needed, yet we are looking this way and we are blaming. (b) Police on the street, prevention, is the answer. Give us an opportunity to take control of our destiny and deal with it. Understand the importance and impact of the decisions that you make. We got \$12 million recently, and about three quarters of that went to meth. That is not the answer. We know how we live there. We deal with our relatives who are making and doing those drugs, and we can handle them. The money could have been applied to the police departments locally, we could have hired more police officers and gone into preventive mode and stopped it from happening. But because of the bureaucracy, the money went to a meth initiative. That doesn't help us at our level.

*Charlene Wolf, Judge, Central Council of Tlingit and Haida, Juneau, Alaska.*

**Issue:** About sex offenders, a lot of times when our kids turn 18 and they are picked up and thrown into jail, a lot of times those children get molested in jail. Is there something that we can do? Could we set up another area where there is an in between? Should we take out other sex offenders in the same jail?

**Issue:** Often when we come back home from our training, we are not allowed to carry firearms. We do everything else that the other cops do. But the line is drawn there. If we are going to push for our funding, I think we need to push to actually have our law enforcement go through the same training and state trooper training. Other guys went up there for the exact training that I did, but when I came back home, I was not allowed to use guns. It's the same way in other villages.

*Unidentified Male Speaker.*

**Recommendation:** We need to have meaningful government-to-government consultation. Historically, the Federal government has always been paternalistic to us, in that we are always being talked at. Since I first joined the Council 10 years ago, there has been a buzz phrase: government-to-government consultation. I had envisioned how we could get to the table with everybody, because we have some major players up here that have direct impact on every one of the 563 tribes across this country. When talking about the consultation portion, I am taking a look at this agenda, what's going to be happening for the next three days here, and it's a



good agenda. I suggest having group meetings in which leaders and technical staff sit in the same room, rather than the Federal folks being talked at by us, that we be equally engaged. In order for anybody to learn our issues, you need to learn from the experts and they are out here in the crowd before you. We have a lot of recommendations and ideas in Indian Country. Every time I come to DC to advocate for our tribes we are told one thing: We have money that we have allocated to your specific state and that you may go to your state to find out where those dollars are. If that's the case, and that's the reason I ran for legislature, if somebody else is going to make a decision for me and my tribe, then I am going to be at the table. I think that's the kind of attitude that we as tribal leaders need. We need take the bull by the horns and we need to drive that agenda. I commend Dr. Broderick for his efforts, and I think that the rest of the folks on the Federal level should take cue from Dr. Broderick and the folks at SAMSHA for what they are doing, for being innovative, making sure that Indian Country is being heard. A tribal TAC convened two weeks ago, and those comments brought to the table at that time have really made a lot of sense. And there were a lot of tribal leaders that were present who were able to see firsthand how to get into that system.

**Issue:** If these grants are going to be let out to Indian Country, then you need to bust those doors down and get us to the table. Last week I got a "cultural relevance" grant that came through the state, which my tribe applied for. Surprisingly, my tribe received a lower score on cultural appropriateness measures than the hill country. Specifically, the grant reviewer's remarks said it had to do with the cultural appropriate training that the country folks had, which is the SAMSHA training in DC. Yet they scored higher than my tribe on the local level as far as cultural appropriateness. What is wrong with this system? I have a Ph.D. on my staff. I have people who know how to read grants. Reach out to them, reach out to Indian Country. The grant reviewers reading the grant know jack beans about my culture.

**Issue:** Mental health centers are needed in Indian Country. When you look at children aged zero to ten, they come from domestic violence, from substance abuse. And we haven't even tapped into what the long-term effects are, such as with young mothers who give birth to babies with meth in their system. These are real issues that are affecting Indian Country. But yet we need to have this meaningful dialogue. Tribal leaders, I urge you to come to the table when you have a complaint. So when the Federal folks come to the table, they have a solution.

**Susan Carry Moccasin, Santee Sioux Tribe and Unit Director, Boys & Girls Club of Brookings, South Dakota**

**Issue:** About the NCIC issue, the Boys & Girls Clubs of America requires us to run background checks, which cost about \$20 per state. If we have a person that has lived in six or seven states, we have to pay for each state to see if they are registered or if they have committed any crimes against children. We need to figure out a way to make it universal. We are all in the U.S., so it should be universal all around. A lot of tribes won't share information with us. It should be universal because we are trying to protect our children. And in the long run, having a universal system would save us money that could be used somewhere else in the budget. I know one thing for sure is that we have to begin with our youth.

**Recommendation:** Prevention is first on the list and we have to begin with our youth. All of the things that follow on that list could be prevented if we start with the younger ones. They are the ones that have to be out there in the future. Boys & Girls Clubs of America has many programs that touch on a lot of the issues we have talked about today: SMART Moves is a prevention program that focuses on prevention of drugs, alcohol and premature sex and one is specific to Native American Clubs. FirstPic, Inc., one of the planners here, has the On the TRAIL to Diabetes Prevention program. They also have a health program that touches base as far as IHS is concerned, so that later on in the years our kids won't have the problems that my mother and grandmother's and my generation have to face. Triple Play covers mind, body and soul, teaching you to respect yourself, who you are, your mind and soul. And they also have a Native American version, which also touches on respect of the virtues. We have a parenting program that helps bring parents together. It makes parents responsible for their children and children responsible for the parents, having a mutual respect between each other. We have a lot of partnerships within our organization. Issues such as mental health, drug prevention, DARE and other organizations, with whatever organizations are on the reservation. We have been working with the wellness

center to get our kids to be motivated, to be able to not hear that I have nothing to do. But what we really need is sustainability. We need grant opportunities and to be able to have money available to sustain ourselves. At the Boys & Girls Club, we have OJP money that is enough to sustain us, but not enough to build a building. It's fine. Our kids have a place to go. One thing that I would suggest would be to promote Boys & Girls Clubs on reservations. I know there are a lot of them on the reservations right now, and I know there are a lot of programs that could be utilized. We should start with the kids, with giving them a safe and positive place to go. We will probably be talking about this same thing in 10 years if we start prevention now.

***Unidentified Female Speaker.***

**Recommendation:** I am hoping the DOJ will set up a model for us just by having these questions answered. I hope that they are going to bring it back to us with every statement made here today so that we will be able to go through the BIA and pick out a reservation. We all have problems, but maybe there is a reservation that has already done this successfully. In my heart I feel that you, the Federal government, that is going to take care of our people, you already have a system set up, you already have a successful database system with each and every person in the United States. I think the answer is there. There are 540-some tribes, as stated by Jonathan Windy Boy. With the information that you already have in your database system, you could help our tribes. You could put that database system of all of our Indians into our tribal law enforcement divisions. That way, we would have a communication clear across the U.S. in Red Man country. I believe that we have a real strong lack of communication with our law enforcement divisions, Federal, state and county. We are all dropping the ball because they don't understand our jurisdictions or our laws. So we need to update each other and have respect for each other's laws if we are going to be able to live together like what they are expecting of us.

***Bernie Teba, Tribal Liaison Office of the Secretary, New Mexico Children, Youth & Families Department.***

Mr. Teba began his discussion with an introduction, explaining that he has worked with tribal organizations for over 20 years and is now on the state side. He continued his discussion with the following comments:

**Recommendation:** Select one tribe as a model in addressing the 30 agenda items and how you, as resource people, are funding and changing policy to make collaboration happen. The next meeting would be a good opportunity for you to hear from those tribal programs as far as what they are doing because these are our issues and our communities, not what we can do here in Washington. Top-down policymaking does not work in tribal communities. Tribes have to take ownership. We have a three-year SAMSHA grant. The reason is because the tribe took ownership. We have a substance abuse problem and that's the problem you see on the surface. More than likely it's an underlying mental health issue and those people are either self-medicating or have been addicted to substance abuse because of another issue. We are not relying on SAMSHA. We are not relying on the Federal government. We decided to take ownership to address those problems in a collaborative way, and it's painful because our program people are still thinking in that Federal way: Well, this is funded by the BIA so I am only supposed to do this. This is a BIA test grant so I am only supposed to do this. We are trying to change that mentality. It's not a BIA problem, or a HUD problem, or a HHS problem but a community problem. How can we use the resources? How can we influence the policymakers to assist us in those ways? If we are talking process, about what we can do, then identify some tribal programs that are exemplary, leading to evidence-based programming and, in some cases, research-based programming, and bring those to the table to the folks who are in a position to allocate resources. In some cases, policy changes are required. What is going to make a difference is when we get communities to begin looking at the big picture and not chasing grants, not chasing programs that are the topic of the day. But looking at real problems out there and then getting the support from the policymakers to make those policy changes to allow for that funding to be coordinated and collaborated in order to address those problems.

**Recommendation:** Have tribal leaders here to present the programs they are doing, what is working, what is effective, and then make policy and resource changes. In New Mexico, we have a governor that's very supportive of many things that we are trying to institutionalize and making changes in the two years before he leaves. Every major department and state government has a tribal liaison, mostly at the secretarial level. So, I have the ear of my secretary and her position is: One size does *not* fit all. We are using tribes who are ready to

develop models and we are using the models with other tribes to replicate things. For example, we have a juvenile justice system that's state run. We have state law, so we have changed state law a couple of years back to have district courts honor tribal court order. This year, we are doing that with intergovernmental agencies. We are going to refer tribal youth to state facilities while maintaining jurisdiction as the original court of jurisdiction. We report to the tribal court. We will look to them on probation and parole because they are state citizens. Like all people are citizens of your state, you are entitled to state resources. So, we are being allowed to do that by developing these models replicating with other tribes.

**Unidentified Female Speaker.** I was one of the grant writing board members for my tribe and now an independent consultant. I wrote the grant for the tribe last year and we thought we had kicked butt with that grant. We included a meth study, quantified our data, but we didn't get funded. I asked for congressional support, too. We didn't get the grant. I became one of the Office of National Drug Control Policy (ONDCP) active partners and was consistently given information from national people and it was not very culturally relevant to our tribe. I thought, how is this going to help us? And then I see that this year it has opened up to all of the tribes in the nation. I heard a comment here today that 10 percent of all Federal grants were designated to the tribe. This is 2008, and you are just now opening up the Drug Free Communities (DFC) Grant? I also ran the Adam Walsh grant. We are waiting to see if we are funded. We are at the end of the funding cycle. Are we going to play chess nationally with our Federal agencies to implement the Adam Walsh Act? Because I don't see how it works if we don't work out the jurisdictional issues. Those are my comments I want to add.

**Arlan Melendez, Chairman, Reno-Sparks Indian Colony.**

**Issue:** Historically we have always worked under Federal policy, which is like shifting sands, making it difficult for us. There were good programs that were working under the previous administration, such as alcohol and drug prevention coalition type grants. But a new administration comes in and wipes those out completely. But the problem we have is when the Federal government makes assessments as to spending. What was instituted were the different program rating tools that the Federal government uses in measuring what is going on in Indian Country, not the other way around. We should actually be the ones measuring something to see if the Federal government is measuring up to their responsibility to us, not the Federal government doing some type of assessment to see if their money is spent wisely. It runs counter to what we are trying to do on the reservations. When I talked to the FBI chief who was here yesterday, I said that, even with things like Safe Trails, if you have a number of agencies, or local police departments, the FBI, nobody takes responsibility. There aren't really any drug busts on Indian reservations because everybody is pointing at each other.

**Issue:** Even if we come up with our plans, is the Federal government going to be able to do anything about anything? That's the challenge to all of you. The big issue is that there is not enough money and it's going to be real difficult for us to do anything. What you are going to tell us is that there is no money for you because there are more important things like the war in Iraq. And we are going to basically have to come up with innovative approaches.

**Recommendations:** (a) Sector out the issues and have focus groups matching up with the FBI. If there are tribes interested in seeing how the FBI responds, then those tribes need to get together and work with the FBI and next time we come to the table, a year later, we can have a report stating the progress we made with the FBI on whatever we are supposed to make them responsible to do. We can do that with everything else. I will meet with Mr. Ragsdale tomorrow to talk about law enforcement. But as Chairman in my 17<sup>th</sup> year, I have been there 17 times over the years and it will probably be the same story. I have a meeting with Mr. McSwain tomorrow talking about Indian health. I have been there 17 times with Don Davis and all of those different people, with Chuck Grim and all of the rest of the directors prior to him, for 17 years. (b) If we do come up with innovative approaches, the Federal government should listen to those approaches so that we can make progress. Our tribe in Reno Sparks built a health center ourselves because we didn't want to wait in line. The issue is that we built it looking to the Federal government. What can you do? We built the building for \$16 million. Can you put another doctor in the facility? The answer is no. If you ask tribes to step up to the

forefront, we expect the Federal government will try to partner with us on situations like that. I think Indian Country has done its part; the Federal government has to do something to meet us halfway. Thank you.

***Danita Washington, Community Mobilization Against Drugs Coordinator, Lummi Nation.***

**Recommendation:** We have been a DOJ grantee for the last five years. Lummi Nation agreed to be a participant in the evaluation process with the National Institute of Justice (NIJ). We have done really good work in Lummi, and I was hoping that we would be looked at as a model and that folks would begin to see there are a couple of things I want to touch on. One of the programs is called Community Mobilization Against Drugs, a two-pronged initiative through the Tribal Council and the government initiated in 2002. The first prong was with law enforcement in taking a good look at prevention—that led into other conversations amongst tribal people and those invested in our community, Indian and non-Indian, different agencies—it was huge. We would do this biweekly, and the government was behind all of that. As we looked at statistics on addicted mothers and the number of drug-related deaths, a lot of things led up to the deaths of babies. It was breaking the hearts of community people and it was all preventable. So, we wanted to clean up our own back doorstep and looked among ourselves for those answers. Out of that, we have continued to keep going.

The second prong is wellness, which involves looking to integrate services. I compliment the DOJ for its support in all of that. Out of all of those meetings, the issues that arose were important not just for us as a tribal community but also for the Federal government. I challenge the state of Washington with the same statement. When multi-billion dollar corporations such as Toyota want to make more money, they put processes in place to do that and figure out how to improve those processes. I challenge all of us to look at our processes to make the changes we need to make better, healthier people. And when we talk about money, it isn't always about money; it is about our conversation and working smartly. We brush up against those issues but we don't look at how to best direct that energy the way big business does when they want to make more money. We need to look at the processes and we need to quit passing the buck and say it isn't my job or it's part of the policy. Change your policy. Lummi did that with its own housing. Who made the policy? We did. And we can change it. That's the part of taking control of our situations. I am not asking anybody in this room to do something that Lummi itself didn't hesitate to look at. Because there were so many babies and lives at stake, it was a commitment first to ourselves.

***Jolanda Ingram-Marshall, Director, Stop the Violence Program, Hoopa, California.*** We have a cross-deputization agreement working with the Humboldt County Sheriff's Department. What I really want to say, though, is that I hope all of you have seen this letter that has come from Senator Dorgan's office on the Senate Committee for Indian Affairs. It's on the website. He has come out with a concept paper that's going towards the new legislation that he is working on with the Indian Country crime bill. So, I hope that we are not duplicating our efforts and we are all working together for the same purpose. And if you look at the concept paper and all of the recommendations going in this, that may end up being legislation before too long. So let's all try to work together so we are not duplicating.

## **RESPONSES**

***Leslie A. Hagen, Assistant U.S. Attorney, Western District of Michigan and Senior Counsel, SMART Office, DOJ.*** Ms. Hagen introduced herself as senior counsel in the SMART Office, within the Office of Justice Programs (OJP). The SMART Office is tasked with implementing the Adam Walsh Act in Indian Country. She began by discussing a critical deadline in terms of the act requiring that non-PL 280 tribes file a resolution by July 27, 2007, indicating whether or not they were going to establish a registry. The remainder of her discussion focused on implementation of the Act as follows:

**Adam Walsh Act Implementation:** Of the 212 tribes eligible under the Act to do so, 198 said they were going to establish a registry. Five indicated by resolution that they were going to delegate to the state, and 9 did not file a resolution at all. The SMART Office contacted each tribe individually by telephone, e-mail and registered letter. The focus of the office right now is getting those 198 compliant with the Act by the July 27, 2009

deadline, which is going to require some resources, particularly for certain tribes. In May 2007, the office received \$25 million, half of which went into grant solicitations that closed on September 4th. Some of those funds were included in an Indian Country set-aside. Those will be released by the end of March. With 2008 dollars, the SMART Office has another solicitation that is being worked on and should be released in the near future. All tribes who are registered on [www.grants.gov](http://www.grants.gov) should check the site for the new solicitation. Tribes can also check the SMART Office website. Money and training are resources required to do some of this. The SMART Office stands ready to provide technical assistance, which is one of our charges under the Act. Tribes may use the SMART email address and they may submit questions to me directly for any Indian Country questions at 202-616-6459 or my e-mail address included in the binder. For jurisdictions that are making sufficient progress towards full implementation, the Act provides up to two 1-year extensions. The absolute end date for compliance is July 27th, 2011. But the SMART Office will do all that it can to work with all jurisdictions to assist them before that July 2009 deadline.

**Gretchen Shappert, U.S. Attorney.** Ms. Shappert started by urging Diane Enos to contact U.S. Attorney Diane Humetewa. In discussing the issue of drive-by shootings, Ms. Enos explained that, at the meeting in Durango in fall 2007, the U.S. Attorneys on the Native American Subcommittee proposed a change in legislation to prosecute drive-bys. Ms. Shappert confirmed that the recommendation had been made, but that she didn't know whether legislation had been passed. She further agreed to reurge the recommendation to the Attorney General's Advisory Committee that meets every six months. She then addressed the issue of cross-deputization with the following comments:

**Cross-deputization:** Cross-deputization is a critical component for law enforcement so that they have jurisdiction to work with Federal agencies, and that's very important. You mentioned your interest in having jurisdiction over non-Indians and a pilot court project. Those are issues only the Congress has the authority to address with the Supreme Court vs. Oliphant. You also mentioned the number of arrests that you are making on the reservation, which speaks well of your law enforcement. But clearly there needs to be a continuing component of prosecution. I urge you to meet with the Tribal liaison for Arizona, if you haven't already, and continue to urge that process forward. U.S. Attorneys are responsible for major crimes in Indian Country. You have a U.S. Attorney who takes that responsibility very seriously. I am confident that will continue to move forward, but I will take your recommendations back to the Attorney General.

**Criminal Investigation / Grand Jury Process:** In response to Governor Coeoyate's criminal investigator question concerning the woman who had her leg broken, Ms. Shappert pointed out that the Native American issue subcommittee of the U.S. Attorney's Office has agreed that domestic violence is a serious crime and that in every case that they can prosecute, they intend to prosecute. Governor Coeoyate confirmed that the crime occurred in New Mexico, that he has personally spoken with the tribal liaison at the U.S. Attorney's Office, and that the case has been with a grand jury for a year. Ms. Shappert explained that a grand jury typically sits for 12 months. A grand jury hears evidence in secret because its purpose is to return an indictment if there is a finding of probable cause, meaning, more likely than not, the crime occurred. The grand jury can hear witness testimony, subpoena documents, consider physical evidence, and vote in secret. It sits sometimes for 15 minutes to decide the case; sometimes it hears many different pieces of evidence. Ms. Shappert closed with urging Governor Coeoyate to contact her if he does not get a satisfactory response from the U.S. Attorney's Office and further offered to follow up on it.

**Tribal Model:** In response to Mr. Teba's suggestion to select a tribal model, Ms. Shappert agreed that having a tribe promote what it is doing is an excellent suggestion. She recommended the Eastern Band Cherokee Indians as a tribal model and then went on to say that, in the western district of North Carolina, they have done what Mr. Teba talked about in terms of taking ownership.

Ms. Shappert encouraged Terry Goudy-Rambler, whose sons died on the Yakama reservation, to speak with the U.S. Attorney's Office and also urged Ms. Goudy Rambler to speak with her privately regarding the Justice for

All Act, as victims have a right to be notified of certain procedures in the course of an investigation, though not all of the facts of the investigation.

Ms. Shappert responded to general comments that tribal leaders are not satisfied with the law enforcement resources that they have. She clarified that cross-deputization is needed and recommended that other law enforcement partners be included in the next consultation, such as Immigrations and Customs enforcement to address some of the Native American communities along the border. The U.S. Drug Enforcement Agency (DEA), since there are concerns about meth and the DEA has been dealing with this on some of the reservations. Since domestic violence is gun-related, and there is not just drug trafficking but gun trafficking, the Bureau of Alcohol, Tobacco and Firearms (ATF) could be included. She ended these comments by pointing out that in the days post-9/11, the FBI's number-one mission is counter-terrorism so fewer FBI agents are available. For this reason, they need to be sure that other Federal partners are meeting their responsibilities.

**Thomas A. Nunemaker, Section Chief, FBI.** Mr. Nunemaker introduced himself as having been with the FBI for 24 years. He recently moved back to DC as the new Section Chief for the Law and Crimes section, which includes the Indian Country Unit. After confirming that funding for services has been cut across the board, he went on to address Diane Enos' issues as follows:

**Funding Cuts:** Funding cuts have impacted the unit's laboratory but have resulted in a unit strictly dedicated to processing evidence from Indian Country investigations. In 2007, there were issues on timely turnaround, which have been reduced. Depending on the complexity of the issue, the evidence is addressed within 24 hours of submittal and the work is turned around within 60 days. The unit is trying to improve on that. Approximately \$750,000 is dedicated to and spent on forensic laboratory services, both in Quantico and in the field offices, with the hope of dedicating more in the future. This unit is one of the few places within the FBI, more specifically within the violent crime program, that received an increase in resources. Since 9/11, there has been a reduction in violent crime resources while there has been more emphasis on matters related to terrorism. The unit recently increased the number of Safe Trails Task Forces from 16 to 18, and is considering adding two more this fiscal year, totaling 4 new Safe Trails Task Forces this year. Very few areas within Violent Crime getting are getting increases like that.

**Role of FBI / Grand Jury Process:** In the following comments, Mr. Nunemaker further addressed Governor Cooney's issues: The FBI conducts the investigation, collects the evidence, and then presents that to the appropriate U.S. Attorney's Office. Generally, at that point, there is a decision made to go before the grand jury. If it is in the grand jury process, the majority of the work is the investigation, the collection of evidence, and stuff is done. That can continue if new evidence comes to light. But generally the forward progress at that point is that we work in concert with the U.S. Attorney's Office. If it's in the grand jury, we have to wait until they come back with an indictment or information at that point. One of our victim specialists in our internal Office for Victim Assistance would be assigned to that case in support of the victim and the family and can offer many things, and work in relationship with the U.S. Attorney's Office as well. Most of them work out of the FBI offices with the agents who are investigating. It's a team approach. And a lot will be done that will carry on even during the grand jury proceedings and after.

**Law Enforcement Training:** Last year we provided and conducted over 20 different regional training opportunities related to Indian Country matters. We have about 25 to 30 scheduled to go that focus on crime scene processing, child abuse investigations interview techniques, homicide investigations, and matters related to gaming. You made reference to one of your investigators going to Quantico. We have courses there that can last three days and those that can last two weeks. If they go to the National Academy, which is schooling provided to local and tribal law enforcement, that can last several months. Typically, the FBI training is a two-year process, to be selected to go to the Academy, and that's about a 21-week course before they are sworn in as FBI agents. Depending on the nature of the course that your person went to, it may have been very specific, like advanced homicide investigation, or it may have been something related to forensic examination related to cyber crime. If you can tell me the course that the person went to, I could probably further elaborate on the

specific training he received. But it's hard to compare what someone goes through versus the totality of the training that a typical FBI agent receives. Probably within the last 10 years, I think we have provided training to over 5,500 tribal police officials through the FBI. And it is one of our priorities. We have a three-prong approach, to sort of steal a phrase Mr. Garcia spoke about: 1. We investigate; 2. We provide training; and 3. We provide victim assistance. Those are the things we do. I can further elaborate with specificity in any one of the areas later if someone would like to talk about any one of those areas.

**Funding:** Mr. Nunemaker added the following comments with regard to funding: We recognize that we have problems with funding and putting more agents out there, which is why we have stepped up the Safe Trails Task Forces around the country. We now have 20 Safe Trails Task Forces. This is leading into trying to get some cross-deputization with tribal officers, state and local officers, all working together, leveraging the resources to combat the drug cases with some of the violent crime issues. Recognizing that this is not in every case, if there is a Safe Trails Task Force, the response time is going to be almost instantaneous. There are some locations and some cases where it's going to take agents hours to respond. I hate to hear they wouldn't be out there until the next day. They should be providing a timely response. If not, you should be talking to the FBI officer, the special agent in charge, expressing your concern so you can ensure that you are getting a timely response. That's part of the reason we provide the training that we do. And some of our most popular classes, and ones that we offer the most often for first responders is crime scene preservation, so the evidence isn't compromised, obtained so we can get successful prosecution. Interviewing and homicide investigations are critical because they have to be provided to the people that are going to be out there responding first and preserving the crime scene until FBI agents can arrive to assist.

**Yakama Nation Issues:** Mr. Nunemaker addressed issues concerning the Yakama reservation with the following comments: Over the past year, we have contracted with the noted Native gang expert Chris Grant. So far, we have done 16 assessments in various areas. Assessments are being made so we can hopefully put resources that we have on those egregious problems, put them in the right places and prioritize the work we need to do. We have five of these assessments scheduled in the upcoming year; one is Yakama. After that, the people from the Indian Crimes Unit in the FBI, as well as with Mr. Grant, will typically have a town hall meeting. We also sit down and share the results with local law enforcement and anyone that might have the response or jurisdictional responsibility for that particular area. We hope the assessment scheduled for Yakama will help identify and draw attention to some of the crime problems that you are noting there. And that should help being able to respond to that as well.

**COPS Grant / NCIC:** Mr. Nunemaker offered the following point of clarification for Councilman Christian: The FBI administers the program at your facility; we do not control the access of who gets to NCIC. That is done by state agencies on a state-by-state basis. We have 56 major field offices all around the country that can help get you in contact with the state agency. But access to NCIC is controlled by those state agencies. The FBI only administers the actual program itself.

He further addressed this issue in response to Chief Gary Harrison's comments relating to Councilman Christian's, regarding the rise of crime when the COPS grant was stopped and not being able to access NCIC due to problems such as with the State of Alaska. He explained to Chief Harrison that: We are not the people that make the final determination. We could assist you, get you in the right direction to the right people. There are probably other avenues that you could utilize. If it's a state issue, then you would go to state legislatures or the governor of the state and petition them. Honestly, I don't think I could tell you the best way to do that. Because, again, it is a state-run function. As to your comment about when you had the COPS grant, I agree. When you have police officers on the street anywhere, generally you see a reduction in crime. That's a cause and effect relationship. I am a big supporter of getting as many law enforcement officers on the street as we can.

**Crimes in PL 280 States:** You asked about the FBI cases and PL 280 states. I know California is one of those, as I used to work in Los Angeles. There is an agreement that most of the cases will be addressed by the state.

We do have the option of addressing Federal crimes in a PL 280 state, as we would anywhere in the FBI, but it would have to be a true Federal crime such as homicide. Unless there are specific, extenuating circumstances, most cases are not a Federal crime. In a PL 280 state, we might not be able to investigate that. We investigate homicides of members of Congress, a government military reservation, and a Federal office building, things like that. We would not be able to just go out and investigate an act of homicide. That's why sometimes in a PL 280 state, even if we would like to, we don't get to investigate because of these different jurisdictional issues that exist. But, even in a PL 280 state, we would investigate anything that would meet the definition of a Federal crime that the FBI would be allowed to investigate.

**NCIC:** In response to Ms. Majel/Dixon's concerns regarding NCIC, Mr. Nunemaker offered the following comment: I understand what you are saying. The states are the gatekeepers of NCIC, not FBI. We administer the program out. We run the databases, but we don't control access. We don't give the RI numbers out in Missouri. You have to go to the state and submit an application to get access for entry into NCIC, not the FBI.

**Mario Redlegs, Supervisory Special Agent, Office of Justice Services, BIA, DOI.** After welcoming Governor Benevidez's comments and acknowledging that the Governor is absolutely right in some of the comments that he stated regarding tribal patrol officers on the street, particularly regarding investigations, Agent Redlegs stated that he was formerly a drug agent. He further explained that, in his current role working with the drug program, they are trying to do a lot, especially in preparing traffic officers for crimes committed on reservations. Agent Redlegs then addressed Governor Benevidez's comments as follows: We are seeing a considerable amount of methamphetamines across the board in the U.S. When you talk numbers, that's something we are looking at with your programs with BIA. Yes, they are your numbers and they are valuable numbers, not just at your reservation, but all of the reservations across the U.S. What the drug program is looking at doing is hiring an analyst. We will also be instituting an equipment loan program. We have gone through a lot of consistent training across the U.S. with all of the tribes, not only with drugs, but also with other crimes along with the FBI. But we see the problem when starting to do something like that is the additional resources for the tribes. We can get training all day long, but if we don't give you the resources to do something with the training, we are failing.

**Equipment Loan Program:** We are instituting an equipment loan program to assist in that endeavor, for tribes to submit the application and get the equipment. The only thing that we ask in return is for you to just provide numbers. And, yes, the numbers are important to us, but they are also important to everybody else. And what the numbers will actually generate are numbers to support the grants that your agencies can apply for, whether through DOJ or whatever grants you are seeking, these numbers will actually help you in the end. Along with drug investigations, we are increasing the number of agents out there to help support the tribes. I think drugs in Indian Country is pretty much the heart of all evil. It causes increases in crime such as domestic violence. We have to think of our children. We are looking into trying to provide a new position within the drug unit for the BIA that will be a victim witness coordinator.

**Victim Support:** Where we see gaps in the system is basically when a tribe comes across a child abuse case related to drugs. If perhaps there is a Federal charge, it's hard for the victim witness person, the FBI, and the DOJ to actually assist the tribes with the victim. Regardless if they take the case or not, you still have a victim out there. What we do with the drug organization is have a victim witness person help with the tribes. If it doesn't go to the Federal level, we find support for the victims, whether children or a family, or a confidential source that might be relocated, or to help with a cleanup or something. It's brand new. And that's another way we are trying to help people, especially the reservations out there that have no resources such as that. Included in that is training. We are looking at a lot of training, which is only good if you can provide the resources to help follow-up on that. Some of the training we are considering offering is for the patrol staff.

**Funding:** In response to Governor Benevidez's final comments regarding the need for more funding at the agency level to put more men in the field, Agent Redlegs explained that the BIA got an increase in budget for



meth initiatives and other initiatives to support the tribes and get additional staff on the street. He also stated that they use a high crime-low officer ratio to categorize them to see if additional funding could be provided.

**Yakama Nation Issues:** Agent Redlegs provided the following response to Ms. Andy's issues: With regards to the drug issue, we do realize Yakama is a sore area, a place for methamphetamines and marijuana, similar to other areas throughout the country. I know marijuana well because I walked through the mountains a couple of weeks myself back in 2004, and we saw the issues and also the sites around there. Previously there was a lack of funding for drug agents throughout the Bureau to help the tribes. This year, what we will be doing is putting a drug agent out in that area to help with the problem up in that area. There is representation up in Yakama for your reservation. Along with us and the task force that you see, and also working with the DEA, we are trying to blanket the whole reservation throughout the U.S. just to help combat the war on drugs. We had come together with Yakama and the city and everybody; we sat down in a meeting, told them we will work together on drug enforcement on the reservation and in Yakama country alone. It's been pretty successful thus far. You said the funding is very scarce.

***Unidentified Federal Speaker.*** I would like to follow-up on Lieutenant Governor Jefferson's comments and the response on advocacy. We mean it in the terms that we are not permitted to lobby. And on the Federal response, we take your comments here very, very seriously. We understand the trust responsibility and our need to communicate that to our colleagues, to our Federal representatives across the agencies as well. So, I don't want our comments to be misunderstood here that we cannot advocate, hear your voice on the trust responsibility matters of our department. I would defer to my colleagues of other departments to comment similarly, if they would. If I can clarify that with my statement now: I appreciate your listening to what we would like to share on that as well. Know your comments are taken very seriously here.

***Dr. Eric Broderick, Deputy Administrator, Substance Abuse and Mental Health Services Administration, HHS.*** After a brief introduction, Dr. Broderick presented the following points: It's been very enlightening for me to have the opportunity to work with colleagues across multiple Federal agencies over the past two years, and I must say it's been eye-opening also, to come to understand better the perspective of the criminal justice system and its multiple parts. And understand and come to learn about the great need for public safety in Indian Country, and the challenges and demands that puts on a community. As someone grounded in public health, one common theme I heard virtually everyone say—and I would like to raise it and call upon a couple of friends who had a conversation with me yesterday about their community—is the victims. The victims are the common denominator, whether there is enough police, whether anybody is arrested, whether anybody goes to jail, the victims are there. And from the substance abuse and mental health fields, we know that people who are victimized have much higher rates of substance abuse or higher rates of mental illness, and they are at risk for a lifetime of difficulties if their needs are not addressed.

**Trauma-Informed Care:** We at SAMSHA focus on the need for trauma-informed care. The need to change the paradigm from a treatment model that says what is wrong with you to a treatment model that asks what happened to you. We know that a very large number of people who are in the cycle are in fact perpetrating crime. They were victims. Discussing ways to break that cycle would be very worthwhile. I had a rewarding conversation with two ladies here who are excited about work they are doing at Pine Ridge. The conclusion they independently drew: Kids they see who are in the cycle are very largely victimized at a very young age. To the extent that they can be treated in a trauma-informed way provides some hope to break that cycle. If they are not, they drew the same conclusion that we have drawn at SAMSHA and from the research community: Kids are at an extremely high risk to become perpetrators, to use substances, be in the throes of addiction, and suffer from mental illness and the various symptoms at greatly higher rates. If those ladies would like to add to that, I think that some comments about the needs of victims would be helpful. Not to lose sight of the need for public safety, but to focus on what might be done in prevention treatment, early intervention, and victim services to break the cycle.

With regard to ideas about the next steps, I have observed that we at SAMSHA don't have the solutions. I think the solutions are in your communities, and I have seen very innovative things in many tribal communities. Perhaps the next step would be to begin to gather those where it crosses not just the public health side but the public safety side. There is a blended solution, if you will, and not that there is one right way. But I think an opportunity to learn and to convey that information would be helpful in some systematic way about what is occurring in many communities that face many of the same issues. The innovation that is there is worthy of capturing and conveying.

**Rodger Boyd, Deputy Assistant Secretary, Office of Native American Programs, HUD.** After a brief introduction, Mr. Boyd addressed the comments from the representatives of the Yakama Nation, specifically on the construction of detention centers, as follows: We do have the community development block grant within HUD. This is a block grant where tribes can competitively make their presentations. They can submit applications annually for funds for the construction, rehabilitation, acquisition of correction facilities, detention facilities, battered spouse shelters and halfway houses. Again, we don't have money to cover everything; this is primarily for the construction of these facilities. We don't have funds for the maintenance of those facilities. But I understand that, if we can help you construct the facilities, one of my other agency partners might be able to provide funds for the maintenance. So there is a good collaboration there among agencies. As an example, in 2006, the White Mountain Apache tribe received \$825,000 for their juvenile detention and rehabilitation center.

**Christopher B. Chaney, Deputy Director, Office of Indian Services, BIA.** As a follow up to Dr. Broderick's comments about criminality as a social problem, Mr. Chaney offered the following comments: Through working on Indian criminal justice issues over the last 15 years, substance abuse is the main issue in most cases. As a tribal court prosecutor and as a Federal prosecutor, out of the hundreds of cases that I have prosecuted in Indian Country, about 95 percent are substance-abuse related. Either the perpetrator or the victim is on drugs or alcohol at the time, or the crime has to do with getting money for drugs or alcohol. Often the perpetrators had horrible childhoods and have been a product of dysfunctional families and other situations. When I was in Federal court, we did pre-sentence reports for people accused of horrible crimes such as child molestations, rapes, stabbings, and shootings. Every pre-sentence report I ever saw on a Federal violent crime in Indian Country is a typical scenario: little johnny was molested when he was five years old by his uncle, and two years later by his grandfather he was introduced to alcohol, marijuana at age 11, and he was on meth by age 14. It goes on and on in case after case. You start to wonder what is going on here? We need to think about prevention efforts. If substance abuse didn't exist in Indian Country, 90 percent of what we are talking about wouldn't exist. I applaud NCAI to be forward-thinking about the radio spots and working with BIA the HHS to help develop the anti-meth campaign. We are honored to be a part of that.

**Social Services Program:** Services could include shelters away from domestic violence-infested homes or finding ways that crime victims can get restitution to be made whole financially. At the BIA, one program we are most proud of is the social services program, which provides opportunities for families in distress, dysfunctional families, to be able to get access to services such as counseling, parenting skills. One of our main BIA missions is providing for child protection. Sometimes that means getting children into safe environments and out of dysfunctional or violent homes and getting them to safe homes where they can learn about tribal culture in a safe environment. But oftentimes, it involves working hand in hand with law enforcement as there are mandatory reporting requirements when social workers or teachers find that child is sexually or physically abused. There is a lot of room for coordination, not only among the law enforcement community, but also among our prevention providers.

**Cynthia Dyer, Director, Office on Violence Against Women, DOJ.** Ms. Dyer began her discussion with a brief introduction and stated that she has worked in domestic violence and in Dallas County, Texas, for 14 years. She went on to explain that a special tribal unit exists within the Office of Violence Against Women that is headed by Lorraine Edmo. Within that unit, many grants are available, with a 10 percent set-aside for much of the money that is given to the Office on Violence Against Women that is required to go to tribal communities. There are no match requirements on that money. For the latest solicitation, fewer people applied. Ms. Dyer then

encouraged tribal participants to apply for it for use in the different communities. Following are Ms. Dyer's additional comments:

**Domestic Violence / Sexual Assault Victims Grant:** With regard to tribal governments, there is a very large, broad grant to request money for all sorts of different programs and you can do it all in one grant. Having written grants for Dallas and domestic violence and sexual assault, I know that grantees come up with an idea that they want to prevent violence from occurring again. A lot of the money we get is stipulated by Congress that it has to be used for victims. When I was in Dallas, I always tried to make the argument that sending the domestic violent offender to a treatment center is helping the victim. In many situations, you cannot use the money to help defendants, even though the point is to eventually help future victims. And I know that can be frustrating. We do have money available for offender programs.

**Nurse Examiners Training – Sexual Assault:** With regard to the sexual assault issue, the Office on Violence Against Women, in conjunction with the National Institute of Justice with Mr. Hagy, completed a sexual assault practicum, which is designed as an online training tool for sexual assault nurse examiners. Under Lorraine's Edmo's lead, we are getting a group together to implement the practicum in Indian Country and make it specific to your needs. Hopefully we will have some more sources for good sexual assault examinations available to you and make it specific to the communities that you serve.

***Robert G. McSwain, Acting Director, IHS.*** After a brief introduction, Mr. McSwain made the following points in addressing the Chairman of Standing Rock's comments:

**IHS Policy on Sexual Assaults:** The Chairman of Standing Rock mentioned that we don't have rape kits in many of our facilities. We do have a full running program on the Navajo Nation; however, there has been a maze of injustice reported by Amnesty International. IHS is rather prominent in that particular report. In response to that, I have staff working on a policy, as encouraged by the Amnesty International Report, which discusses sexual assaults that come to our facilities and how we handle those. We will be publishing a policy within 30 to 60 days, which will begin to advise all of the facilities how to address the whole matter of support for the chain of investigation that occurs with sexual assaults, particularly for those individuals that come into our facilities.

**Behavioral Health Tribal Committee:** Dr. Grim started a behavioral health group in 2006 that looked at a lot of things. It was basically a provider group with some mental health workers and other practitioners. The other two initiatives that the director has are the health promotion/disease prevention and the chronic care initiatives. The one that was lagging a little bit behind, which is a topic today, is behavioral health. We are planning the establishment of a behavioral health tribal committee, much like many of the other committees where we draw a tribal representative from each of the 12 areas and they will in fact advise us in the best use of the \$14 million. It's not a lot, but we would like to be able to target those particular parts of the country that have been most affected by suicides, certainly from Standing Rock, Rosebud and a few other places around the country where we have clusters. We will be consulting with tribes as to how best to use those dollars, and we are going to proceed with requesting from the 2010 budget additional resources in this area.

**Budget Request Advocacy:** The biggest issue obviously is staffing. The nurse shortage is hitting us hard across the country. We are going to be taking some of those nurses and training them and having them available for purposes of addressing the initial collection of specimens and such for purposes of the same process. Congress was kind enough to give us a little under \$14 million, after the recession this year. \$5 million is earmarked for mental health, suicide prevention, and methamphetamine use. Regarding the statement made earlier about advocacy: I have been an advocate my entire career and I will continue to do so. I will advocate on the budget request to my superiors, and certainly at that point will abide by their decision in what is requested from Congress, and certainly, ultimately, the President. I think we can do more with the system and work smarter. We are doing it on the chronic care side, which is an area that we are going to have to partner with

other folks like Justice, Education, Housing and the other partners that are at the table today others who are probably not here that need to be added to make it a full team response.

**Unidentified Female Speaker.** I wanted to add to what you said, making it a full team response. One of the things we have known about in areas that do not have enough kits, nurses or protocols, is that tribes in their sovereign authority, in working with either their traditionalists or those in practice in the field—if they developed a methodology or protocol that can be done—because they are so far outreaching from IHS, that the victim could be taken care of by those areas that might have attached to a clinic where a doctor comes to a clinic for the tribal center. We have a place up the mountain that has a clinic that's mobile. Those places have ways of storing these kits. And they can be certified. And the tribe recognizes that authority, along with us, as part of that team. Could we make the team larger to include that tribal side of it? Because you don't have enough people out there and enough victims that can get to IHS, or what the protocol is now, to even get that service. I am asking that we really think outside the box and realize there are ways that the grass-roots people, the coalitions of women of these places, have come together to learn how to mediate this. I hope we can have honest dialogue to include their expertise to further this on the behalf of the victims, so that we get to where we can begin to do things like the Adam Walsh Act and the national registry.

## **CLOSING**

Gretchen Shappert initiated the close of the session by acknowledging that tribal leaders have raised issues in ways that the Federal Representatives had not thought about. She recommended that regional focus groups be held at the next meeting, including state partners to address state issues, among other representatives. Ms. Shappert acknowledged that record keeping remains a systemic problem, but that the FBI doesn't control NCIC. She suggested that tribal leaders and Federal representatives consider having regional meetings, including conference calls, to identify issues and the partners needed, such as regional U.S. Attorneys, local DAs and state police in an effort to slice the universal problems into smaller ones to more effectively resolve them.

In Eugenia Tyner-Dawson's closing remarks, she thanked Federal colleagues for their responses and acknowledged that much follow up needs to be done. She also thanked tribal leaders and their policy staff and noted that the sessions can only improve with ongoing dialogue. She closed by saying that she looks forward to working with the NCAI and tribal leaders to help to continue this conversation and look for solutions.

Jackie Johnson closed by announcing that the new Attorney General wants to hear recommendations as to what he can do until the end of his term (11 months) regarding helping address these issues. She emphasized that communities are the ones who make change and that they need to be part of this conversation. She then challenged the various advisory groups to develop ways to address the issues and create a community conversation between the tribes and the various Federal agencies around the issues and encouraged Federal agencies to collaborate with one another in addressing the concerns brought forward.

Councilman Windy Boy closed the session by thanking all participants and acknowledging that everyone needs to be more proactive and to look for preventive solutions in trying to address life-or-limb situations on a shoestring budget. In emphasizing the magnitude of the devastation to Indian Country since 1492, he pointed out that billions of dollars not only go to Iraq but also to Africa to address HIV and AIDS, when health care and other dire issues in Indian Country need to be addressed as well. Before offering a song of thanks, Councilman Windy Boy encouraged all to work hand in hand with the Federal government in making positive changes for Indian Country.