

**BIA/Tribal Budget Advisory Council  
May 24, 2006  
Crowne Plaza  
Silver Spring, MD**

**Opening Prayer, Andrew Old Elk**

Next TBAC Announcement:

August, 22, 23, KwaTaqNuk Resort, Polson, MT

Confederated Salish and Kootenai Tribes, Representative: Ms. Ruth Swainey

Ms. Twila Stange: NW region Coordinator

**Opening Remarks, Tex Hall**

Mr. Hall discussed the recent economic development hearing held by the Committee on Indian Affairs. He talked about questions posed by Sen. McCain dealing with why tribes aren't compacting any more. His answer was the inadequacy of budget resources and incentives to contract.

**Law Enforcement Presentation, Chris Chaney**

PowerPoint presented.

Mr. Chaney went over the 2004 DOJ Indians and crime report.

Methamphetamine: number one public safety problem on reservations. This is fueling homicides, rapes, child abuse, aggravated assaults, and other crimes.

San Carlos Apache

- 1.8 M acre reservation in AZ
- 10,200 service population
- meth epidemic
- 25% babies born addicted to meth
- violent crime rate 10 times the national average

Navajo

- 16.2 M acres in AZ, NM and Utah,
- reservation is 178,000
- 1.7 police officers per 1000, 1/3 national average
- meth epidemic (more people arrested for meth than alcohol Fort Defiance
- meth related triple homicide, Hogback, NM

Spirit Lake Sioux

- 245,000 acres in ND
- service pop 5400
- meth epidemic
- 1.84 officers per 1000 pop, 1/2 the national average
- crime rate 20 times national average

### Wind River

- Eastern Shoshone and northern arapaho
- Broke up multi-reservation “business plan”
- 29 defendants including tribal court judge
- life sentence for king pin
- BIA OLES, DEA, Wyoming Div. of CL, Fremont county sheriff
- Drug Dealers are back.

### Choctaw

- 131,000 acres in OK
- 11 county checkerboard
- broke up regional meth ring
- 108 defendants, 49 weapons, \$161,000 cash, 15 pounds of meth

### Police staffing shortages

“There is a public safety crisis in Indian country... Basic law enforcement protection and services are severely inadequate for most of Indian country... American citizens living on Indian reservations do not receive even the minimum level of law enforcement services...” Deputy Assistant Attorney General (1997).

### Neither safe nor secure – DOI Inspector General Report – 2004

- Assessment of Indian country detention facilities.
- BIA facilities operating below minimum staffing levels.
- Substandard facility conditions and maintenance backlog.

### BIA police and corrections staffing shortages – independent contractor looked at BIA

- Police & Criminal Investigators: 1,153 officers needed but have only 358. Gap is 795 officers (69% unmet need).
- Corrections: 441 officers needed but only have 174 positions. Gap is 267 officers (61% unmet need).

### BIA Police Academy & PSD Staffing Shortages

- Police Academy – has staff of 16 but will need 39. Gap is 23 (59% unmet need).
- Professional Standards – has 8 officers but will need 20. Gap is 12 (60% unmet need).

3 jails have been closed, Crow Creek sioux,  
Colville has opened a jail, Jicarea Apache, Zuni Apache

Congress appropriated \$6.4 mil to address high priority needs in Indian Country. \$5.5 million went to reservations afflicted by meth.

BIA Police academy has staff of 16 but will need 39.

Summary of BIA staffing shortages:

- Police/CI = 795
- Corrections = 267
- Police Academy = 23
- Professional Standards = 12
- TOTAL = 1,097 employees needed

Cecelia Firethunder made a recommendation that we have a consultation with the FBI – we have never had a consultation with them and we need more of their presence. We need their assistance to elevate the professionalism of our law enforcement systems. We need more dollars to deal with the treatment problem, we need the human services resources to address the meth issue along with law enforcement.

Tribal Law Enforcement

- Tribal Law Enforcement (Police/Investigators/etc.) – additional gap of 1,059 officers
- Tribal Corrections – additional gap of 167 officers

Enacted FY 2006 Resources

(dollars in thousands)

- Police Academy = 2,343
- Police/Investigations = 37,979
- Corrections = 55,567
- Inspections/Internal Affairs = 1,180
- 638/Self-Governance/HQ = 96,308
- TOTAL = 193,377

President's Budget Request for FY 2007

(dollars in thousands)

- Police Academy = 2,378 (+ 35)
- Police/Investigations = 39,765 (+1,786)
- Corrections = 58,663 (+3,096)
- Inspections/Internal Affairs = 1,180 (same)
- 638/Self-Governance/HQ = 98,154 (+1,846)
- TOTAL = 200,140 (+6,763)

OLES Staffing Initiative

Three Year Plan

- FY 2008 – hire 366
- FY 2009 – hire 362
- FY 2010 – hire 369
- Total hires – 1,097

OLES Meth Initiative

- Officer Training = 1,000
- Public Awareness Campaign = 525
- High Priority Law Enforcement Needs = 4,429
- Total = 5,954

8 drug agents for the entire US.

FY08 OLES budget needs (\$ in thousands)

- Police Academy = 6,350 (+ 3,972)
- Police/Investigations = 87,563 (+47,798)
- Corrections = 71,913 (+13,250)
- Inspections/Internal Affairs = 4,174 (+2,994)
- HQ/HS/LMR/638/SG/Drug Prog. = 102,429 (+4,275)
- TOTAL = 272,429 (+72,289)
- 36.1% increase

**Tom Weimer**  
**Assistant Secretary for Policy, Management, & Budget**

Mr. Tex Hall went over the history of the TBAC. It was formed around 1999 and grew out of the need for tribes to be active in the budget process. In the era of self-determination, tribes are able to take over various functions of the BIA. The TBAC is in line with the need for government-to-government consultation. We've had great progress.

Chairman Joe Garcia presented the tribal priorities for FY 2008.

Tom Weimer said we're very early in FY08 development. The timing now is perfect. We have time over the summer. We won't submit a budget until early December. After then we engage in dialogue. We have quite a bit of time to engage and he encouraged us to do that. It's great that the TBAC as an institution wants to engage. Any time between now and early December would be good to ask for a meeting with OMB. The sooner we get tribes' thoughts in front of them the better. You can do that in parallel or independently. Later it's harder to get the attention of OMB.

Ron Allen said we'd like to work more collaboratively with Tom along with OMB. Tom said he is new to the process and at this point rely on Jim Cason and Mike and those that work with the ASIA and BIA. Their job is to work with tribes and relay

Ron said we have some huge gaps in Indian Country. Tom said having a clear common shared view is the best way to approach OMB. Tom said it's always useful for people to carry their own message to OMB, because it's much more compelling to have direct dialogue. He said he'd like to have a shared recognition and acknowledgement of what is important.

Joe Garcia asked what more the TBAC and tribes need to do to work with OMB. We should have another session and explain what the subcommittee has been able to do.

Tom Weimer said if there's a shared acknowledgement of what tribal priorities are. OMB is under immense constraints. But if you present needs across the board without prioritization, it doesn't help them do their job. He said OMB is interested in hearing from non-federal entities, as long as the message is shaped in a way that they understand what the priorities are. Once Kempthorne is confirmed, he will reach out to all Interior constituencies, including tribes. We go to the Secretary in June.

Tex Hall said there's not much room for cuts. He said at a confirmation hearing, Kempthorne mentioned he valued settling *Cobell* and education. Tex asked if he will be involved in the budget process.

Kempthorne shared his philosophy as Governor of Idaho. He's expressed interest in law enforcement and education. He wants to understand... He hasn't expressed his budget priorities yet, but he will soon.

Ron Allen asked, as a result of this meeting, if we could sit down with him as a smaller group to discuss how to increase our base.

He asked also if he could help us get a meeting with the OMB Director, Mr. Johnson, who has taken over for Mr. Bolten. Ron said we need to talk to have a fair day in court with those key players. Weimer said he'll help encourage a meeting with tribes. Weimer deals mostly with program associate director level. David Anderson is new there, and he is probably the critical person, and some of the senior deputies under him. Janet Irwin is under him.

Ed Thomas asked if Weimer is familiar with the Civil Rights studies on the Quiet Crisis in Indian Country. Tom Weimer said he would take a look at the report.

Joe Garcia asked what more tribes and the TBAC can do. Weimer said the departments rely heavily on the bureaus in developing their budgets. So the

Ken Davis asked for Tom Weimer to use do no harm policy with regard to the first people. We asked for his support for Indian Country.

Joe Garcia asked for a meeting shortly as a follow-up with Weimer. Weimer said he was willing to do that.

**Law Enforcement Discussion continued:**

Chris Chaney said we don't have a lot of crime data from tribes. 20% of tribal police is missing from tribes. But  $\frac{3}{4}$  of BIA are tribally run. This analysis is for budget purposes and it will be supplemented with tribal data.

Richard Gay said Umatilla had to submit data multiple times. His police chief can't find out how to submit crime data. Pat Ragsdale said we need to develop a modern data collection system.

Arturo Senclair said we should emphasize the training program. Community involvement and all the other programs available, such as courts, are critical. Emphasis should be on training and community education. Red Lake noted that many officers are being lost. 659 COPS grants are expiring. Most of the 201 programs in Indian Country are in similar situations.

Roland Johnson said the Pueblo of Laguna submits tribal data on law enforcement statistics. He asked what became of the CRIS system. Pat Ragsdale said most reporting is manual. Chris Chaney said BIA police forces will have electronic reporting. Once *Cobell* is settled, we can incorporate tribal departments.

**New Business:**

Consideration of resolution on law enforcement.

Cecilia Firethunder moved to adopt resolution. Second. An amendment to change "federally recognized reservations" to "Indian Country." Motion carries.

Scheduling of next TBAC meetings:

- December 5-6, DC.
- March 6, 7 2007, DC.

Wallace Coffey expressed support for the United Tribes Technical College and Crownpoint Institute of Technology.

Ed Thomas expressed opposition to the disproportionate reduction to TPA in the FY08 budget. He suggested we should rethink our strategy. He disagreed with the approach and strategy.

A question was raised about the reorganization of tribal courts into law enforcement. Jim Cason said the goal was to recognize the pieces of law enforcement. Cops, courts, and jails have to work together. The action to reassign the management responsibility of tribal courts is to help management see all the pieces. The goal is to see what resources we need and build a case to compete for funds in law enforcement.

Art Senclair said the budget subcommittee also looks at all three facets of public safety.

Ron Allen said tribes are not endorsing the -2.9% proposed from the Administration. We are working for a firm restoration of the base budget to support self-determination. We've debated across the board increases in this part of the process. We have to strategically collaborate with BIA right now. In this forum, we're rejecting the cut. Federal officials can't do this on their own. Behind the scenes, we're working with them.

For this stage of the game, we're providing input into the questions of what's the best risk, the best strategy. Administrations have done this before. We're objecting to the cuts, we're demanding increases, and we're positioning ourselves to make a case with Congress. We come here we're frustrated because we feel like the Administration doesn't support us. We've never really been asked what to cut. We are more engaged than before. The arguments we make for enforcement, courts, jails, education – we know them well. We have to be sophisticated in how we play this game.

Jim Cason said he doesn't expect the TBAC to overtly endorse these cuts. We are meeting the instructions from OMB, PMB, etc. We have to absorb fixed costs, find offsets, and plan for a 2.9% reduction. We have possibilities for other strategies. We could say there is no BIA, and ship all the funding to tribes. We cut out services to direct services or self-governance.

Fixed costs discussion – pay increases primarily make up fixed costs. The point was made that the fixed costs should be proportionally increased the same way as for the federal component.

A point was raised that we should have a long term vision in affecting the target setting. The projections go out for a number of years. Tribes should be at the table during these discussions.

**Adjourned.**

**Tribal Caucus.**