

# Western Region

## “SWOT” Analysis of Tribal Public Safety and Justice Programs March 2007

### Introduction

Today, Indian Tribes continue to participate in the consultation process by addressing how budget cuts impact our programs and services for our tribal members. Although the federal government has a fiduciary trust responsibility to address the needs of all Tribes, the funding that Tribes receive to support these programs is far from adequate. Through this presentation, the representatives for the Western Region will provide a tribal perspective on the BIA and tribal public safety and justice programs. It our ultimate goal to call upon the BIA, Congress, and other agencies to respect and uphold their trust responsibility to Tribes by providing the adequate funding needed to protect tribal communities from harm. We would also like to add that the request to draft such a presentation was burdensome to prepare in the manner of time given. Tribes in the Western Region request a more appropriate and timely budget consultation process.

## STRENGTHS

- Increase cross-deputization coordination of law enforcement b/w Tribes and States
- Multiple Agency Partnerships through MOUs, and Task Force (DEA, US Attorney's Office, States, and Counties)
- Community Policing and implementation of CompStat Model leading to a decrease in "Part Two Crimes"

The issue of public safety and justice for Tribes in the Western Region are extremely troublesome. In the Western Region, during Fiscal Year (FY) 2001 and 2003, "Part One Crimes" increased from 4,682 to 5,132. Loss of funding of the Department of Justice COPS grants has resulted in a loss of 109 officers or \$9.2 million in funding. No one agency can do the work to address the crime on tribal lands, regardless of law enforcement size. Cross-deputization is a necessary tool to address criminal elements that are both pervasive and mobile. Tribes in the Western Region report an increase in cross-deputization as a positive outcome for fostering good relationships between the State and Tribes. Additionally, key partnerships have been developed with federal, state, and local law enforcement departments to address high crime rates. Tribal and BIA police departments have also developed partnerships with education, social services, and community programs to implement tribal youth programs. Overall, combined resources have led to a decrease in "Part Two Crimes" from 79,946 to 56,116. However, the number of "Part Two Crimes" remains relatively high.

## WEAKNESSES

- Lack of recruitment and retention of qualified staff
- Lack of reliable crime statistics to portray the magnitude of law enforcement related problems
- Extreme under funding for BIA Law Enforcement Programs
- Lack of facilities, facility upkeep and maintenance, and operation and management of detention centers
- Disconnect b/w Tribes and all levels of BIA executive management

There are chronic shortages in staff in all areas within the Western Region. Tribes in the Western Region report that unnecessary policies and procedures hinder the hiring of qualified staff and sometimes can take months for approval. BIA staff are unable to provide complete data on the number and types of juveniles and adults admitted to, and released from correctional facilities. Likewise, BIA law enforcement has been unable to provide complete arrest data for Tribes. The statistics that are provided often understate the magnitude of the crime problem. There is extreme under funding for all basic law enforcement and corrections programs directly administered by the BIA. Chronic shortage of personnel in all areas creates a threat to the welfare of the community, staff, and inmates. Staff receive little or no training for responsibilities and liabilities they endure. Detention staff and police officers cannot afford to lose staff, even temporarily. Many tribal courts are unable to pay competitive wages, provide cost of living increases, and in some cases have outstanding debts for utilities, autopsies, and other contract support costs. As a result, performance measures under GPRA/PART are not accurately reflected. In addition, there is a lack of facilities, facility maintenance, and staff shortages for the operation and management of detention centers. Detention facilities in the Western Region have reached, on the average, 125% to capacity. Problems in Arizona continued when the Peach Spring Jail closed with only a two-day notice. Tribes in northern Arizona now have to transport detainees to New Mexico or Colorado, taking police officers away from their everyday duties. Consequently, many tribal members who commit crimes are not arrested which has resulted in an increase in felony

## OPPORTUNITIES

- Tribal Governments becoming more self-reliant resulting in more Law Enforcement Contracts, Compacts, and Self-Determined programs
- Possible \$16 million budget re-allocation for law enforcement, and detention facilities for the “Safe Indian Communities Initiative”
- Continued coordination between Tribes, State, Federal, and local agencies (i.e. Homeland Security, Department of Housing)

With no funding, Tribes have been forced to become more self-reliant in order to address public safety concerns in our communities. This has led to more law enforcement contracts, compacts, and self-determined programs. This trend will likely continue leading to improved and innovative public safety programs and services, however, increased funding could further enhance these services.

Tribes in the Western Region support the Administration for creating a new initiative to address the scourge of meth on tribal lands. However, this new initiative should not be implemented at the expense of other programs that are just as important.

Federal and State agencies have a growing interest of public safety on tribal lands as it affects surrounding non-Indian communities and recent legislation requires greater coordination between Federal, State, and tribal agencies. While some progress has been made, the BIA has not fully been invested in these partnerships.

## THREATS

- Indian Country has become a target for the use, manufacture, and distribution of methamphetamine
- There is no support to address increasing issues with illegal immigration on tribal lands programs
- Continual Tribal, State, and Federal jurisdictional issues

Tribal Leaders in Western Region have identified meth as the number one public safety problem affecting their communities. The manufacture, use, and distribution of methamphetamine (meth) has penetrated tribal communities in the Western Region causing adverse affects to the quality of life of American Indians. Meth use has amplified violent crime, including homicides, sex offenses, aggravated assaults, child abuse/neglect, and domestic violence.

In Arizona, Nevada, and Utah tribal and BIA law enforcement must respond to increasing number of undocumented aliens and border issues and are often the first responders. Undocumented aliens have targeted routes specifically through tribal lands in Arizona. Tribal and BIA receive limited if any funding or resources to address these issues.

As stated earlier, we have been working with State law enforcement agencies for years and many tribal police officers are state-certified. However, new problems, such as homeland security, has created new jurisdictional questions. Tribes report that the BIA should be at the forefront in addressing these concerns but little has occurred.

## LIST OF INITIATIVES WITH ESTIMATED COSTS

- Continue support for Safe Indian Communities Initiative
  - 10% Annual Increase for Law Enforcement and Detention Centers - \$20,789,900
- Tribal Courts
  - 15% Annual Increase - \$1,809,750
- Fund annual adjustments for fixed costs
  - Estimated amount for FY 2008 - \$48,100,000
- Establish Multi-Disciplinary Team approach to address the root causes and symptoms of crime -
  - Estimated amount - \$10,000,000

Tribes in the Western Region recommend a 10% annual increase or \$20.7 million for law enforcement and detention centers to address the scourge of meth that has detrimentally affected our communities. Funding is also desperately needed for detention facilities construction, maintenance, and operation. We also recommend a 15% annual increase or \$1.8 million for tribal courts. Tribal courts have been consistently neglected for years and the amount of backlog, and low numbers of prosecutions reflects this neglect. We further recommend a \$48.1 million increase to fund annual adjustments for fixed costs. This recommended increase is based on the FY 2008 fixed costs to cover inflation and pay costs in order to maintain the current level of services the BIA provides for Tribes. Tribes in the Western Region recommend an additional \$10 million to support and promote a Multi-Disciplinary Team (MDT) approach to address the root causes and symptoms of crime. Some Tribes in the Western Region have already begun this process in coordinating these teams with tribal health, education, and human services, in addition coordination with non-Indian communities and State agencies. This funding could be used to develop infrastructure and capacity-building for a sustainable team that could address issues such as gang violence and combating methamphetamine.

In closing, there is continual need for additional funding. Every year, the amount of funding is reduced considerably from the previous year. Rescissions to the BIA taken each year undercut the base budget and add to the problem. Without proper funding, Tribes are forced to reduce