

**Master Plan for Justice Services in Indian Country  
Year 2007 to Year 2017**

**Draft Final Report**

**Bureau of Indian Affairs  
United States Department of the Interior**

under contract with  
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**Prepared by**



**Shubnum  
Henderson, Nevada**

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**Executive Summary**  
**Master Plan for Justice Services in Indian Country**

**Operational Concept**

The analysis of Justice Program facility needs across Indian Country as described in this Master Plan is predicated on the demographic and geographic nature of Indian Tribes and residents on Indian Lands across Indian Country. As the Master Plan demonstrates, the capital and operations costs are enormous. The concept of every community having a holding/booking/transfer facility as a first tier facility, with a regional, larger more complete second tier facility for longer term offenders and ultimately a regional third tier facility for even longer term incarceration is a useful operating concept. This operating concept is most effective when employed across reservation and community boundaries.

Today, every large Tribal Community attempts to provide differing levels and lengths of incarceration within their own resources. The development of regional facilities with increasing length and level of incarceration is a way of providing appropriate levels of incarceration at the most efficient cost.

The Master Plan includes recommended locations for the three types of facilities as well as both an estimated initial capital cost and an estimated annual operations and maintenance cost to provide justice program facilities appropriate to the needs.

As in other facilities programs, the actual accomplishment of construction must be predicated on further refined studies including demographic analysis, complete alternative considerations, life cycle cost analysis and cost benefit analysis. There also must be conducted an alternative analysis that considers the impact of alternatives to incarceration and implementation of crime prevention measures to deter criminal activity rather simply an incarceration solution.

One of the most pervasive issues that have arisen in the completion of detention facilities funded by the Department of Justice grants program is the inability to hire staff. In some cases it has taken months to complete the process. There must be earlier consideration of and identification of operational funding as well as exploration of alternative sources of capital investment and methods to cover the cost of operations from an economic development perspective.

Perhaps one of the most useful benefits of this Master Plan effort is the identification of where the greatest needs of justice facilities across Indian Country exist. Given the depth of the study, formulation of priority list for correction of the deficiencies is much easier than would have been possible otherwise.

**Purpose**

The rate of reported serious and non serious crime across Indian Country has escalated over the past several years. The nature of crimes has also changed. News accounts and internal reports show that the nature of crimes have transitioned from misdemeanors to felonies. Internal intelligence documents show that drug cartels and individual drug producers have targeted Indian Country as preferred areas of operation because of the sovereignty of reservations, the reduced law enforcement presence, high unemployment and large regions of unoccupied land.

Law enforcement across Indian Lands is a priority program due to the increasingly serious nature of the crimes, the growing rate of crime and its effects on individuals and communities within and outside reservation borders.

Concurrently in 2004, the Inspector General, Department of Interior issued a report "Neither Safe nor Secure" which identified serious deficiencies in the Justice Program across Indian Country. The report highlighted deficiencies in operations and in particular the condition of detention facilities across Indian Country, both those owned and operated by Indian Tribes and those owned by the Bureau of Indian Affairs. Following that report an investigative report presented on national television highlighted the poor condition of detention facilities across Indian Country.

Immediate action was taken to address both the escalating crime rate and the condition of detention facilities. Budget requests included funds for increased law enforcement, repairs and improvements to detention centers and funds for Indian Tribes to build new detention facilities.

In 2005, the Department of Interior's Bureau of Indian Affairs initiated a review of detention facilities across Indian Country. Included in the review are facilities that are tribally owned and operated, those owned and operated by the federal government and those owned by Tribes but operated by the Federal government. The review revealed a lack of consistency of real property records, a general lack of understanding of the functional operations of detention facilities and the lack of a clear understanding of the need for justice program facilities across Indian Country.

As is the practice, Tribes can and frequently do request that facilities built with funds provided to them through the DOJ grant program be added to the Indian Affairs inventory and that BIA assume operational responsibility for the facility. Similarly Tribes that are self governing request funding support as well. Before agreement by Indian Affairs to do so, a due diligence review of the facility is conducted. In the conduct of these reviews, it was discovered that several of the facilities were constructed to be used for purposes less than incarceration, and some as designed are inefficient from a staffing viewpoint. Since the DOJ grant funds could only be used for the construction of detention centers and therefore could not be used for construction of law enforcement offices or courts, when replacing old detention centers which included law enforcement and courts, it was necessary to keep the older facilities in operation, thereby increasing operations and maintenance costs.

In consideration of the preceding, there is a need to formally address the cost of ownership including capital investment and operating cost that is needed to address justice program facilities issues.

Consequently, in 2005, Indian Affairs initiated an effort to quantify the facilities deficiency and to prepare a Master Plan as a potential solution to an integrated Indian Country wide resolution of the facility deficiencies in the three areas of law enforcement, courts and detention facilities across Indian Country.

#### **Approach**

The conduct of the preparation of this Master Plan was managed by the Indian Affairs Office of Facilities, Environmental and Cultural Resources and its subordinate organization the Office of Facilities Management and Construction in Albuquerque. Participating in the study was representatives of the Office of Justice Services, and during formulation was briefed to representatives of the Department of Justice.

The Master Plan work was accomplished by Shubnum, a small business in Nevada with twenty-eight years of experience in the program management, project management, master planning, programming, design, construction management and delivery of over 600 facilities, of which twenty-two years of experience have been in adult and juvenile, detention, corrections and rehabilitation, law enforcement and courts facilities for County, State and Federal agencies. Shubnum provided these services to the Interior under a contract administered by the General Services Administration. Shubnum was selected to conduct the research and prepare the Master Plan in competition with other firms with similar qualifications all of whom had extensive business in justice programs.

The research, findings and draft interim reports were periodically presented to representatives of interested parties including those from Department of Justice. Comments were invited and draft interim reports were changed accordingly.

During the Assessment Phase, site interviews were conducted with the local administrative staff and tribal members who were familiar with the site, needs for justice services and the community. While almost all tribes cooperated in these interviews there are those who deserve special recognition. These individuals went above and beyond their call of duty to assist in the understanding of what prevails in the community. These individuals belonged to the Crow, Flathead, Fort Hall, Navajo, Nisqually, Oglala Sioux, San Carlos Apache tribes and the Taos Pueblo.

#### **Methodology**

The first step in undertaking this Master Plan effort was to quantify the breadth and depth of the justice program facility deficiency. A review of existing records confirmed the lack of any previous undertaking of a similar nature. Anecdotal evidence indicated that the operation of detention programs across Indian Country was neither understood nor quantified since tribal justice programs are the within the sovereignty of Tribes.

A plan was formed to first quantify the facility deficiencies and then offer a solution to the facilities' deficiencies that created an operational concept of an integrated justice facilities program.

### Condition and Operations Assessment

The acknowledged number of detention facilities across Indian Country is 84. There are 29 identified tribally owned detention centers and 55 BIA owned detention centers. There may be other buildings used by local communities as temporary detention centers but not identified as such.

BIA does not keep records of Tribally Owned Facilities and therefore relies on reports from tribes.

Indian Affairs conducts an annual inspection of each BIA owned or operated detention facility. Accordingly, the condition of those facilities is documented in the real property records. Because there were neither time, funds nor the necessity to visit all 84 justice facilities, a representative number of 38 facilities was selected to be reviewed and assessed. Those included both Tribal- and Federal-owned facilities. The 38 were selected from an assessment of all 84 detention centers. They were selected either because the real property records showed significant building deficiencies, a lack of complete real property information, size, known capacity issues and general knowledge of Office of Justice Service's personnel as typical of detention facilities. Excluded from the consideration were detention facilities completed or under design/construction funded through the DOJ grant program.

Site visits were made to each of the 38 facilities. Visits typically took longer than one day. Observations were made of the operations, inspections and photographs of facility conditions were taken, interviews of officers were conducted, records of calls, responses, booking and disposition were reviewed. All of the results were recorded, compiled and analyzed.

The initial evaluations were conducted with a focus on detention centers but shortly into the process, the need to include courts and law enforcement offices became apparent. The Master Plan process was expanded to address those areas as well.

**Findings**

1. Life and safety of officers and inmates are at risk for lack of adequate Justice Facilities and programs in Indian Country.
2. Only half of the offenders are being incarcerated who should be incarcerated; the remaining are released through a variety of informal practices due to severe overcrowding in existing detention facilities.
3. A discrepancy was noted between the number of service calls, arrests and bookings leading to the conclusion that many incidents are not reported.
4. The character of offenses has changed considerably with more severe crimes than in the past. Increasingly, felons are being incarcerated in Indian Country instead of misdemeanors.
5. Most facilities are dysfunctional, resulting from changes in prevalent law that was in effect when the facilities were built as far back as 70 years ago.
6. There is a lack of space for healthcare, rehabilitation, program space, secure flammable storage, secure evidence storage and secure weapons storage.
7. The Justice Facilities' infrastructure continues to deteriorate and most facilities are in disrepair.
8. Shortage of funds for 'program operations' and 'operations and maintenance' for Justice Facilities throughout the Justice system, extends even to the new facilities.
9. The preponderance of Justice Facilities in Indian Country are reaching the end of their useful life.
10. Contract beds are not readily available due to remote location of communities and demand for space from local and other federal agencies.
11. Additional detailed findings related to the program assessment and facility assessment based on the assessment of 38 Tribal and BIA facilities are noted in Appendix D. These findings are grouped in 34 key categories.

### Conclusions

By virtue of the preliminary site visits, this plan includes a complete record of current operating conditions and description of facility deficiencies that go beyond real property records. On-site visits, records and interviews revealed that although recent improvements in the reporting of criminal activity and incarceration data has occurred, the lack of detention capability is under reported. Types and seriousness of criminal activity have transformed from misdemeanors to felonies. Needs for an improved justice facility program has never before been qualified or quantified.

This Master Plan does not address the impact of preventative measures that would reduce the requirements for incarceration. Those factors include but are not limited to:

- Increased law enforcement that would initially increase the need for incarceration facilities but has the potential to eventually reduce the frequency and type of criminal activity
- Restorative rehabilitation programs for adult offenders
- Restorative rehabilitation programs for juvenile offenders
- Use of alternatives to incarceration such as tracking devices, trustee status and work programs

This Master Plan is prepared to address facility deficiencies only and includes one of several inter-related solutions to the current and projected future needs to the present corrections facilities program. The solution offered herein is only one of a number of alternative ways of solving the facilities issue. Alternatives must either reduce the demand for incarceration facilities or increase the supply, or some combination of both.

Except for the newest Justice Facilities, Justice Facilities in Indian Country do not meet the present standards of the American Correctional Association (ACA) and have thus greatly escalated the life, safety and security risks of the officers and inmates at the facilities.

Ninety percent or more of the existing justice facilities that are older than 5 years need to be replaced with appropriate new justice facilities or require extensive improvements and repairs. Since the needs are so large and located so diversely, existing facilities need to be repaired pending construction of new facilities.

Both older and new facilities are under-funded to meet both – functional and facility operational cost.

### Master Plan Details

The work completed in Phase I and in Phase II is presented in a logical progression in detailed appendices. A brief narrative for these appendices is noted below:

#### Chronological Progress - Appendix A

The chronological progress of the sequence of events of the Master Plan over the past 25 months is provided in Appendix A. The appendix also provides a forward projection of the sequence of events that are anticipated and are currently in progress. This chronology is a snapshot as of the publication date of this report, May 29, 2008.

#### List of Facilities Assessed - Appendix B

During the year 2006, 38 facilities were assessed for the Justice Programs and Facility Assessments. This list included a sampling of Tribal, PL 638, Self Governance and BIA-administered facilities that are located throughout the United States. Additional details regarding these assessments are noted in Appendices C, D, E and F.

#### Individual Assessment Reports - Appendix C

The individual assessments provide detailed reports of the Program assessment and Facility assessment of each of the 38 sites that were visited.

Each individual report begins with Section 1 which provides the background information that includes: location, land mass, population, labor force, physical description, climate, government structure, business structure, physical infrastructure, and community services that include healthcare and education.

Section 2 provides an assessment of the Program. Section 3 provides an assessment of the Facility.

#### Findings at Existing Facilities in 34 Key Categories - Appendix D<sup>1</sup>

Besides the individual reports regarding assessments of each individual site provided in Appendix C, an overview of our findings is also provided based on the collective assessment of the sites that were visited. These are grouped in 34 key categories.

Titles in bold indicate single items that are critical for an appropriate functioning of a law enforcement program and/or a detention facility, violation of which is in and of itself sufficient reason to investigate and provide solutions to the program and the facility. However, often facilities exhibit more than one of such critical deficiencies.

While all of the key categories are important, those identified with their headings in bold font are critical and require immediate solutions for the continued operation of the facility.

#### Critical Concerns – Pictorials, - Appendix E<sup>1</sup>

The Critical Concerns in providing justice services for the safety and security in Indian Country are noted as a pictorial in 21 areas of concern. This pictorial is noted as Appendix E. This Appendix E is a continuation of Appendix D which narrated the findings in 34 key categories. The Critical Concerns

<sup>1</sup> These findings and concerns are more detailed and specific than the Prison Commission Report conducted in 2005-2006, "Confronting Confinement – A Report of The Commission on Safety and Abuse in America's Prisons" June 2006. This report did not include Indian Country.



regarding existing Facilities and Operations; that are tangible and could be photographed, are categorized as the following thumbnail collections:

- 1 Bookings – Intake Challenges
- 2 Cages and Housing
- 3 Central Control Station Challenges
- 4 Electrical Challenges
- 5 Emergency Egress
- 6 Environmental Challenges
- 7 Flammable Storage
- 8 Front Entrance – Reception
- 9 Worn Out Blankets
- 10 Lack of Food
- 11 Perimeter Challenges
- 12 Personal Harm Challenges
- 13 Plumbing Challenges
- 14 Recreation Yard Challenges
- 15 Sewage in Housing
- 16 Facility Structure Challenges
- 17 Water Quality Challenges
- 18 Weapons in Kitchens and Interiors
- 19 Weapons in Storage
- 20 Weapons in Transportation Vehicles
- 21 Weapons on Site

#### **Replace / Repair / Improve Existing Facilities – Numerical Assessments, Appendix F**

Contents of Appendices B, C, D and E were evaluated numerically for each site and prioritized with a progressive Dispose / Improve / Repair (DIR) of facilities.

The progressive decommissioning matrix is noted in Appendix F1. Each of the facility is color-coded for the three categories as follows. The red-colored facilities need to be addressed first. The yellow-colored facilities need to be addressed thereafter. The green-colored facilities may be held back for a final evaluation until the red- and yellow-colored facilities have been addressed. All three categories need to stay functional with appropriate repairs and maintenance. The need for repairs and maintenance are detailed in Appendix M.

The backup numerical assessment is noted in Appendix F2. Appendix F2 summarizes the weighted score in each of the 29 categories that were evaluated. The weighted scores are indicated for each facility as well as the total raw score for each facility, analyzed by each District. The weighted score cutoff points to separate in three categories were 3550 and 2250. A total weighted score above 3550 received a green category, while those below a 2250 received a red category. The facilities scoring from 2251 to 3549 received a yellow category.

#### **Structured Replacement of Existing Facilities for Justice Services - Appendix G**

Providing justice services to the Indian Country within the context of culture, traditions, distances, locations, sovereignty of jurisdiction, legal structure of Indian laws and regulations, U.S. laws and regulations and criminal activity, is a complicated subject.

Additionally, in contrast to the conventional justice system, which addresses the severity of criminal behavior with the severity of security level of facilities; all of the criminal behavior addressed within the tribal systems, self governance systems, PL- 638 program systems and the BIA addresses misdemeanors and/or individuals who are expected to be incarcerated for up to 365 days. More severe criminal activities are referred to the U. S. federal justice system. However, there are exceptions, which are becoming increasingly prevalent, which extend the incarceration or the punishment based on the severity of the crime and are addressed within the Indian community.

As a part of the Master Plan, a structured tier system of facilities has been developed to uniquely address the need for facilities to provide justice services to the Indian Country. Justice services to be provided at these facilities, fall into three tiers – that are not necessarily tiered by the severity of the crime or the need of security; rather, by the expected function that they serve within the structure of the sovereign Indian community agreements, obligations and understandings of the past, and their relationship to the U. S. federal justice system.

Tier I facilities will serve as a 'Local Booking and Holding for Transport, 48-hour Detention and Substation Facility'. These facilities will serve remote populations and/or low criminal traffic locations. The facilities will house adult males and females, and juvenile males and females. There is a need for 167 such facilities across Indian Country.

Tier II facilities will serve as 'Combination Detention/Corrections, Law Enforcement and Court Facility'. These facilities will serve single or multiple tribes with medium populations and/or high criminal traffic locations. The facilities will house adult males and females, and juvenile males and females. Such facilities also provide for the rehabilitation for the incarcerated adults and juveniles. There is a need for 80 such facilities across Indian Country.

Tier III facilities will serve as, 'Regional Corrections and Video Court Facility'. These facilities will serve large populations and single or multiple tribes. These facilities will also serve as a 'Resources and Distribution' center for the region. The facilities will house adult males and females, and juvenile males and females. Such facilities also provide for the rehabilitation for the incarcerated adults and juveniles. There is a need for 16 such facilities across Indian Country.

Several subsets within each tier are created to address unique needs within the general framework and functionality of the tier. Such subsets are noted as Tier I c, Tier II h, or Tier III c etc... The subsets are referred as 'Facility Type'. There are 28 subset facility types within the three tiers. The tiered system and the facility types are noted in more detail in the associated diagrams in Appendix G.

Not including the PL- 280 programs, 361 locations provide Justice Services in Indian Country. Each of these was analyzed for the location and functional need for a facility at that location.

This Master Plan addresses 263 planned replacements of existing facilities located at strategic locations to serve specific functions and address the need for justice services. Of the 263 facilities, there is a requirement of 167 Tier I facilities, 80 Tier II facilities and 16 Tier III facilities.

Within the Tiers I, II and III, fourteen 'Facility Types' are used in various combinations to provide justice services throughout the United States.

The Master Plan also addresses the need for deferred repairs and maintenance of existing facilities and a Capacity Upgrade – CU at existing facilities.

The detailed analysis for the need, tribes served, locations and other details are noted in Appendix H and associated Appendices H1, H2, H3, H4, H5 and H6.

#### **Schematics for Replacement of Existing Facilities - Appendix G 1<sup>2</sup>**

The structured development of tiered facilities is an integrated system of facilities to serve multiple functions at multiple locations throughout the country.

The schematics provide the reader with a view of the floor plan and elevations of each of the different tiers. These schematics for Tiers I, II and III are located as Appendix G 1 following the description of the structured facilities in Appendix G.

The floor plans indicate the relationships of functionality and traffic pattern within the facility. The elevations depict the exterior of the facility and the relationships of the features at the site.

#### **General Considerations for Construction of Replacement of Existing Facilities**

1. Each tier of facility will accommodate male and female adults and male and female juveniles.
2. The central control station or the command and control center serving the inmates shall be separate from the Dispatch serving law enforcement.
3. Facility Core and Expansion considerations.  
The facilities are planned for a core area with all critical infrastructures for the present and foreseeable future needs of the facilities for the next forty years. The expansion pods will allow for the expansion, contraction and appropriate direct supervision of the beds and pods. The facilities could also expand in a T configuration without sacrificing the core. The facilities are designed for 'Direct Supervision' for efficient operations by staff minimizing Program Operation costs.
4. Facility Leadership in Energy and Environmental Design (LEED®) considerations.  
All facilities will provide features that should enable them to target a "Gold" LEEDs certification from the United States Green Building Council (USGBC). LEED® considerations are included in the Appendix G2 – Facilities Construction Criteria that follows the Appendix G1.  
Among other features, there will be a system of photovoltaic panels on the roof of the main buildings in all of the southwest and the Sunbelt regions. The roof, though flat will have a slight pitch for drainage. The roof will have a structure to mount the photovoltaic panels. The parapet will be just high enough to hide the panels from outside view.  
Facilities in the Great Plains will, in addition have Wind Generators.  
The single story buildings provide for daylighting that offsets the artificial lighting demand costs of lighting inmate spaces during the day.
5. Facility 'Site Utility' building consideration.  
Each Tier I and Tier II facilities will require a 'Utility Building' on the site, at or adjacent to the main facility. This building is intended to include the Emergency Backup Generator, Inter-utility tie-in and metering equipment for locally generated power, water softening system, recycling center for plastics, paper, etc., controls for mechanical, electrical, waste and plumbing systems, storage batteries room and an office for the plant manager.

<sup>2</sup> These plans take into consideration recommendations for the facility and programs in the Prison Commission Report conducted in 2005–2006, "Confronting Confinement – A Report of The Commission on Safety and Abuse in America's Prisons" June 2006. This report did not include Indian Country.

#### 6. Site considerations

Site development will require approximately 1 to 2 acres for a Tier I facility and 5 to 7 acres for a Tier II and/or a Tier III facility.

Due considerations must be given to the site selection in coordination with the site considerations that are recommended by the United States Green Building Council (USGBC). Sites need to be selected to provide minimum impact to the existing eco systems, historical, cultural and religious heritage.

Electric power, communications, water and waste water connections are required at the site. An above ground water storage tank is required as needed.

Automobile fueling is not desirable at these facilities, so there will be no need for fuel tanks or fuel pumps at the site.

A sewage lift pump station will be required.

A perimeter security fence will be required.

#### 7. Religious considerations

A 'Sweat Lodge' should be provided, located at least 50 feet from the building exterior of Tier II and Tier III facilities. Other healthcare consultations and spiritual meetings will be provided inside the Tier II and Tier III facilities.

#### Tier I Schematic<sup>3</sup>

Tier I is a substation and a booking and holding 48-hour facility.

Entrance to the facility for visitors is through the main lobby. Entrance for the inmates is through the Sally port on the side. A separate side entrance specific for the law enforcement is also provided. This side entrance also facilitates transporting the food to the combination warm-up kitchen and staff lunch room.

The police section provides for offices and work stations for the police. A separate squad room is available for police activities. The police section is independent but connected to the holding facility.

The Sally port for the inmates leads to the booking and intake area. The entry vestibule will provide for weapon storage prior to entering the facility processing area. Shower and dressing room for the inmates is available adjacent to the processing area. Four holding cells are located adjacent to the processing area.

The Central Control Station is located in the approximate center of the facility.

A Video Court is located at the approximate center of the facility so that it is accessible from the holding cells in the processing area or from the inmate dormitories.

Separate male adult and juvenile dormitories are provided. Separate female adult and juvenile dormitories are also provided. Each dormitory has a direct-supervision control officer's station. A wash-room and a day-room are provided within each dormitory.

Each dormitory opens into the outdoor recreation yard.

<sup>3</sup> Based on (1) American Correctional Association (ACA), Planning and Design Guide -- For Secure Adult and Juvenile Facilities, 1999 and (2) Programming interviews at field facilities and OJS-BIA.

**Tier II Schematic<sup>4</sup>**

Tier II is a larger facility and serves as a 'Combination Detention/Corrections, Law Enforcement and Court Facility'.

Entrance for the visitors to the Courts and inmate visitation is through the main lobby. Entrance for the inmates to the corrections area is through the Sally port on the side. Entrance to the police and dispatch is through a separate lobby. There is loading dock with side entrance for deliveries that lead into the kitchen freezer, coolers and dry goods storage area.

Corrections and Rehabilitation is provided in dormitory-type direct-supervision pods separate for male adults, male juveniles, female adults and female juveniles. Each inmate pod provides for washroom facilities and day room facilities. The central control room overlooks the Sally port. Immediately adjacent are the adult and juvenile inmate intake and booking areas. These areas also provide for washrooms, holding cells and property storage for the processing of inbound inmates.

A Rehabilitation pod provides for classrooms, craft-rooms, indoor recreation and offices for instructors. A gymnasium space with attached multipurpose room is also provided. Outdoor recreation is provided adjacent to each independent pod. The healthcare clinic section is located directly across and provides for counseling room, exam room, emergency care, nurse's stations, medications storage and medical records room. Two types of visitation are provided for the inmates. These include video-visitation and face-to-face visitation.

Court facilities are provided with a formal courtroom with typical spaces for the judge, jury, witnesses and the audience. A jury room, Judge's chambers and clerical staff for the judge is provided. Assistance is provided to the visitors through the court reception room. General visitors and audience may enter directly to the courtroom through the front lobby.

Law enforcement facilities include separate entrance into law enforcement offices. In addition to private offices and open offices, this area also includes conference room, muster room, a work-out room, dispatch and an armory. Wash rooms and lockers are provided for female and male officers.

The facility also provides for a kitchen that can serve sufficient meals for the inmate population. The kitchen space is accessible directly from the food manager's office and the nutrition manager's office. A loading dock facilitates deliveries to the freezer, coolers and dry-goods storage adjacent to the kitchen.

A commercial laundry is provided with sufficient washers and dryers to launder inmate clothing and linen.

Storage spaces are provided for law enforcement, corrections and courts. In addition, 'evidence storage' space is provided within the law enforcement area. Space for an armory is separate and secure from all other spaces.

<sup>4</sup> Based on (1) American Correctional Association (ACA), Planning and Design Guide – For Secure Adult and Juvenile Facilities, 1999 and (2) Programming interviews at field facilities and OJS-BIA.

**Tier III Schematic<sup>5</sup>**

Tier III facilities are large and serve as, 'Regional Corrections and Video Court Facility'. These facilities will also serve as a resources and distribution center for the region.

Employee and visitor entrance is through the main lobby. Entrance to the facility for inmate visitation is through a separate lobby. Inmate entrance is provided through the Sally port to the side of the facility.

The central control room overlooks the Sally port. Immediately adjacent to the control room is the adult and juvenile inmate processing, intake and booking areas. These areas also provide for washrooms, holding cells and property storage for the processing of inbound inmates.

A video court is located in a central location that is accessible to adults and juveniles.

The central administrative offices consist of private offices and open offices. A training room is provided that serves the local region with their training needs. A separate muster room serves as the hub of activities specific to the facility and the region.

Corrections and Rehabilitation is provided in dormitory type direct-supervision pods separate for male adults, male juveniles, female adults and female juveniles. Each inmate pod provides for washroom facilities and day room facilities.

A Rehabilitation pod provides for classrooms, craft-rooms, computer literacy room, indoor recreation and offices for instructors. A gymnasium space with attached multipurpose room is also provided. Outdoor recreation is provided adjacent to each independent pod. The healthcare clinic section is located across from the inmate dormitories and provides for counseling room, exam room, emergency care, nurse's stations, medications storage and medical records room. Two types of visitation are provided for the inmates. These include video-visitation and face-to-face visitation.

The facility provides for a kitchen that can serve sufficient meals for the inmate population and provide pre-cooked food for Tier I facilities. The kitchen space is accessible directly from the food manager's office and the nutrition manager's office. A warehouse is located adjacent to the kitchen. The warehouse serves as the distribution hub for dry goods, supplies, linen and food that will be purchased in bulk quantities and warehoused at this facility. An office for the warehouse manager and logistics officer is provided in the warehouse. A common loading dock serves the warehouse and the kitchen for inbound deliveries of bulk purchases of dry goods and food to the freezer, coolers and dry-goods storage adjacent to the kitchen. The loading dock also provides for the pickup of food, dry goods, linen and supplies outbound to other facilities.

A commercial laundry is provided with sufficient washers and dryers to launder inmate clothing and linen.

<sup>5</sup> Based on (1) American Correctional Association (ACA), Planning and Design Guide – For Secure Adult and Juvenile Facilities, 1999 and (2) Programming interviews at field facilities and OJS-BIA.

**Facilities Construction Criteria - Appendix G 2<sup>6</sup>**

Appendix G 2 is a follow-up of Appendix G 1 which provides a schematic of the Tier I, Tier II and Tier III facilities.

Construction criteria are developed to provide a framework for a working document that will establish uniformity and standards throughout the facilities program. Variations may be incorporated based on local weather and site conditions.

The criteria are based on the GSA standards and recommendations from the Leadership in Energy and Environmental Design (LEED®), developed by the United States Green Building Council(USGBC).

All BIA projects are to use and achieve a certified rating from the U.S. Green Building Council's Leadership in Environmental and Energy Design (LEED®) green building rating system.

**Replacement of Existing Facility – Requirements - Appendix H**

Appendix H is a follow-up of Appendix G which presented the Integrated and Structured Replacement of existing facilities as a "Tiered" approach to meet the needs of justice services. The appendices H1, H2, H3 and H4 provide a cumulative assessment of existing conditions in the justice system. Prior appendices B, C, D, E and F provided an assessment of the programs and facilities of a sampling of Tribal, PL 638, Self Governance and BIA facilities. These appendices lead into Appendix H5 which presents the requirements for replacement facilities and Capacity Upgrade of existing facilities.

**Service Calls and Arrests in 24-Hour Period - Appendix H1<sup>7</sup>**

This appendix tabulates the number of service calls received in a 24 hour period. Note the striking disproportionate number of arrests that are made for the number of calls that are received in the 24 hour period.

**New Bookings and Already Housed Inmates - Appendix H2<sup>8</sup>**

Once arrested, inmates are booked and/or released based on available food and bed space. Typically, already housed inmates are released to make room for new arrivals. Often the numbers of new arrivals overwhelm the available capacity making for a high turnover rate. An unwritten understanding of either not arresting, not booking, housing for a few hours, or not housing at all, is prevalent — to circumvent appropriate available housing for inmates.

**Under-Reported Inmate Over-Crowding, One-Day Sampling - Appendix H3<sup>9</sup>**

The number of inmates housed often exceeds the bed capacity, at times up to five times the capacity. Consent court decrees are often violated. Inmates are often released at dawn, before the formal inmate count is taken. The number of inmates housed is often under-reported to management for fear of a potential closing down of a facility.

<sup>6</sup> For the first time a framework of a working document for a Construction Criteria is developed that integrates the LEEDs recommendations into a conventional design and implementation process.

<sup>7</sup> Information obtained from OJS-BIA field offices, November 2007.

<sup>8</sup> Information obtained from OJS-BIA, June 2007.

<sup>9</sup> Information obtained from OJS-BIA June 2007.

#### Jails in Indian Country Operating above 150% of Capacity on the Peak Day during June 2004 Appendix H4<sup>10</sup>

This appendix is a reference from the U. S. Department of Justice, Bureau of Justice Statistics, Bulletin, "Jails in Indian Country, 2004" November 2006, NCJ 214257. As of September 12, 2007, Mr. Todd D. Minton of the DOJ indicated that they do not have more recent information than that provided in this reference.

#### Replacement of Existing Facility – Requirements 2007 – 2017 - Appendix H5<sup>11</sup>

Based on functional need, location, and criminal traffic Facility Types are assigned for the construction of replacement facilities at the locations that are tabulated geographically. The capacity of the facility takes into consideration the projected needs for justice services and inmate capacity 10 years from now. The inmate capacities were developed based on the present inmate population, inmate population without negotiated releases, population trends, and correspondence of incarceration with the population trends.

The Appendix also refers to the 'Categories' for each location of a facility, as it relates to the administrative jurisdiction and the complex nature of contractual agreements that govern the sovereign tribes and their relationships with the government of the United States. These categories are indicated as:

- 1) A = PL-638 Contract relationship.
- 2) B = BIA.
- 3) C = Tribal.
- 4) D = Self Governance.

Often more than one category applies to a given 'site' for administrative purposes.

The relationships and internal governance of the sovereign tribes is flexible and changes over time. Thus the categories could only be ascertained as a 'snapshot' of understandings and agreements at the time of this report.

This appendix also refers to 'Inventory' which indicates that a particular site is in the 'BIA inventory' of facilities for which the BIA is responsible for repairs and maintenance. Only 63 sites are in the BIA inventory.

This appendix also refers to 'District' which indicates the administrative District for Justice Services within the United States. There are six BIA administrative districts serving the United States.

The appendix also refers to the tribes that are served by a given facility. Tribes are not necessarily clustered or collocated at a cohesive location. Often tribal populations are scattered over several hundreds of miles or are grouped within another tribal jurisdiction. These populations may be served by more than one district under multiple agreements within the categories noted earlier. They may have collocated facilities some of which may be in the BIA inventory while other facilities may not be in the BIA inventory.

Populations that require service at the reservations are different than any other urban or rural group in that the local law enforcement and detention services are needed for the seasonal tourist trades during

<sup>10</sup> "Jails in Indian Country, 2004", U. S. Department of Justice, Bureau of Justice Statistics Bulletin, November 2006 NCJ 214257.

<sup>11</sup> Information obtained from: (1) U. S. Census Bureau 2000 census, (2) OJS-BIA Corrections and Law Enforcement, (3) Field Interviews with local officials and (4) Telephone Interviews with local officials.



the fall and winter festivals and the summer months. Local population during these times increases three to five folds than what is indicated by the conventional census and demographics.

At the Navajo Nation the 2000 census reports a population of 180,462<sup>12</sup>. However, it is estimated by the Department of Tourism that the population approximates 1,000,000 during the summer tourist season at the Navajo Nation. The local services providing resources which do not increase with the season are heavily taxed.

Furthermore there is reason to believe that the 2000 census underestimates the population at the Navajo Nation. Example: 2000 census underreported the population<sup>13</sup> at the Navajo Nation. Chapter Images 2004 states in part, "...the Census Bureau did not take into consideration the legal definition of "Indian Country" and its potential implications and impact on Navajo Nation Government's role as service provider, policy maker, and land user within said Eastern Navajo Agency Chapters. The Navajo Nation did not contest the results of the census 2000 because this census was the best population count ever taken on the Navajo Nation."

A distinction was made between the 2000 census population, 2000 enrolment population, and 2007 service population. Beginning with the most conservative population of 2000 census, an understanding of the dynamics of demographics, interviews with law enforcement officials and the community at large, a conservative forward projection was made to arrive at the service population for 2017.

Courts have been helpful and cooperative in either not sentencing, or keeping the duration of such detention to a minimum to offset the lack of bed space. An informal survey of judges indicated that had there been more bed space, they would sentence an additional 25% of the number being sentenced to imprisonment.

The tabulation in Appendix H5 includes the existing bed capacity, known overcrowding, known 25% extra bed needs held back by judges, 2000 census, service population for 2007 and projected service population for 2017, projected inmate population for 2017.

Data on the crime rate and the incarceration factor for 2007 is included from Appendix H6 for a comparison to the projected incarceration factor for 2017. The incarceration factor for 2017 – averaging 38% of incarceration factor of 2007, together with the projected service population for 2017 provided a projected inmate population for 2017.

The size, capacity and locations for Tier I, Tier II and Tier III and the need for Capacity Upgrades were based on the collective preponderance of information derived from the projected inmate population for 2017, needs for law enforcement, needs for courts in addition to video courts (interconnected to tribal courts) in Tiers I and III, remoteness of location combined with the availability of housing to attract long-term employees.

Master Planned replacement facilities for 2017 incorporate an incarceration factor that is 38% of the present incarceration factor for 2007. It is assumed that alternatives to incarceration will reduce the need for facilities between one-half to one-third of the present demand. This appendix tabulates the needs for replacement of existing facilities to be built from the year 2007 through the year 2017 for needs that are expected to last over the next forty years.

<sup>12</sup> Chapter Images 2004 – Profiles of 110 Navajo Nation Chapters: Table 5: Profile of General Demographic Characteristics, P. 17

<sup>13</sup> Chapter Images 2004 – Profiles of 110 Navajo Nation Chapters: Use of Census 2000 Disclaimer, P. 11

The physical locations of these facilities are mapped out in Appendix O and their capital costs are noted in Appendix N.

#### **Crime Statistics 2007 – Appendix H6<sup>14</sup>**

This appendix provides crime rate for 1) Violent Crime, 2) Property Crime and 3) All Other Crime. The Crime Rate per 100,000 inhabitants is very high. This data does not include about 50% unrecorded/released offenders and yet another 25% offenders held back by the judges.

An incarceration factor was developed in Appendix H6 based on the reported crime data. This factor though high would be higher if the unreported and 'un-housed inmates' were considered in this calculation.

Data from 1) Violent Crime, 2) Property Crime and 3) All Other Crime and the Incarceration Factor for 2007 is reported back into Appendix H5 to provide a comparison with the Incarceration Factor used for 2017.

The data includes 68% or 164 agencies that reported.

#### **Detailed Construction Costs Analysis for Fourteen Types of Facilities - Appendix I<sup>15</sup>**

Detailed Construction Costs have been calculated for the fourteen individual Facility Types. The construction cost is based on the best forecasted value of 'Year 2011 dollar'. The cost does not take into consideration the cost of land. Approximately 5 to 7 acres will be needed for a single/two story facility relatively away from the business and residential center.

The cost does include environmental remediation or removal of the existing building.

The cost takes into consideration the cost for developing the local site – which is expected to be away from the present site, and a utilities infrastructure from the physical facility to its boundaries. There may be additional costs to develop a sewage treatment lagoon/plant and/or extensive extension of the sanitary sewer lines and potable water lines, electrical and communication utilities and maintenance roadway.

The costs are identified as hard costs and soft costs. The hard costs refer to the actual tangible products that are required for the material goods and construction. The soft costs refer to the services that are required to support hard costs.

Costs are based on R.S. Means, Saylor and National Construction Data. These costs have been adjusted to incorporate additional costs that are needed to serve remote locations and the scarcity of goods and services in such locations.

All costs are developed based on the 2007 costs escalated to June 30, 2011. Additional escalations need to be added up to the midpoint of construction cycle cost, once the construction cycle and duration has been determined.

Average life expectancy of the facility with appropriate repairs and maintenance is forty years. However, with care, the facilities could last over 100 years.

<sup>14</sup> Information obtained from OJS-BIA, March 2008

<sup>15</sup> Information obtained from: (1) R. S. Means, Building Construction Cost Data 2007, 2006, (2) National Construction Estimator, 53<sup>rd</sup> edition 2005, (3) National Building Cost Manual, 30<sup>th</sup> edition 2006, and (4) Saylor Current Construction Costs, 42<sup>nd</sup> edition 2005.

**Annual Facilities Operations and Maintenance Costs Analysis - Appendix J<sup>16</sup>**

The recurring annual capital costs for the operations and maintenance of facilities are calculated from historic costs and then projected forward for the new facilities based on the size of the facility and projected escalation from inflation in future years. The costs are summarized with appropriate backup in Appendices J1 and J2.

Appendix J 1 -- Annual Facilities Operations and Maintenance Costs includes calculations for the projected costs escalated to year 2011. An adjustment was made to account for very small facilities that have high fixed costs for operations relative to their size.

Appendix J 2 -- Analysis for annual capital costs for the Facilities' Operations and Maintenance for facilities in the BIA inventory. Averages for site operations and maintenance were determined and then escalated to the year 2011 in Appendix J 1.

These costs are later used in Appendix L -- Unit Costs, to calculate the Facility Operations and Maintenance requirements for the fourteen types of facilities for Tier I, Tier II and Tier III.

**Annual Program Operations Costs Analysis - Appendix K<sup>17</sup>**

The recurring annual capital costs for the Program Operations are analyzed for staffing, food, healthcare and educational programs, consumable supplies, durable supplies and transportation. These operations costs are calculated as a percentage of the initial capital cost of the facility, which in itself is based on the functions that it will serve.

The supporting funding to operate a facility, once it is opened is noted in Appendices J and K. As a percentage of the initial capital cost, the recurring annual costs for Tiers I, II and III are as follows:

Recurring Annual Cost for Tier I facilities: 17.67% of initial capital cost  
 Recurring Annual Cost for Tier II facilities: 8.68% of initial capital cost  
 Recurring Annual Cost for Tier III facilities: 11.75% of initial capital cost

The individual Program Operations Costs for Tier I, Tier II and Tier III are extended for each of the fourteen Facility Types, in Appendix L as Unit Costs. The Unit Costs in Appendix L are later used in Appendix N to extend the Facility Operations and Maintenance and Program Operations over the 40 year life of the facility.

**Unit Capital Costs - Appendix L**

Unit Capital Costs are developed for the Initial Capital Costs for each Tier and Type of Replacement Facility. These include:

**Unit Capital Costs Summary - Appendix L 1<sup>18</sup>**

- 1) Initial Capital Costs for Construction of the fourteen Facility Types
- 2) Annual Facility Operations Costs
- 3) Annual Programs Operations Cost

<sup>16</sup> Information obtained from Operations and Maintenance history at OFMC-BIA. Escalations are based on Inflation data from Federal Reserve.

<sup>17</sup> Information based on (1) Program Operations market cost from field interviews at BIA and Tribal facilities, (2) National Institute of Corrections (NICIC) Budget Guide for Jail Administrators and (3) Gap Analysis (Staffing Shortfall) OJS-BIA January 2006: Average Officer's annual salary 2011- \$54,000/FTE.

<sup>18</sup> Information based on Appendices G, I, J, K and L2

**Details for Unit Capital Costs - Appendix L 2<sup>19</sup>**

These details include items not customarily included in facility construction costs such as:

- 1) Initial Capital Costs for housing for 20% of the employees.
- 2) Extraordinary soft costs including liability insurance, local taxes, documentation for accountability and in-house project management by the government.

Figures from the last column L are transferred to Appendix L 1 to develop the summaries for unit capital cost for initial capital cost for each tier and each type of facility within a tier as well as Capacity Upgrades, Annual Facility Operations costs and Annual Programs Operations cost.

Summary Unit Capital Costs from Appendix L 1 are later used in Appendix N to develop the ten year 2007 – 2017 capital spending plan and the 40 year capital support required for the replacement justice facilities.

**Deferred Repairs and Maintenance Costs Analysis - Appendix M<sup>20</sup>**

Existing facilities need to stay functional, while the new Capital Cost Replacement Facilities program is underway between the year 2007 and year 2017. Deferred Repairs and Maintenance need to be undertaken during this transition period.

Detailed Repairs and Maintenance Costs have been calculated by (1) Observing deficiencies during actual site visits and calculating costs, (2) Updating FMIS records by site personnel through training by BIA, and (3) Extrapolating costs using the database created and validating telephone calls for non visited sites.

The costs take into consideration the age, physical space and remoteness of the facility to the availability of skilled services.

**Deferred Repairs and Maintenance Costs – Inventoried Facilities, - Appendix M1<sup>21</sup>**

This appendix provides the Deferred Repairs and Maintenance Costs for Inventoried Facilities.

Through a formal acceptance process, these facilities have been included as BIA inventory facilities. These facilities include Tribal, Self Governance, PL 638 and BIA facilities.

**Deferred Repairs and Maintenance Costs – Non-Inventoried Facilities, - Appendix M2<sup>22</sup>**

This appendix provides the Deferred Repairs and Maintenance for Non - Inventoried Facilities. These facilities have not been included as BIA inventory facilities. These facilities include Tribal, Self Governance, and PL 638 facilities.

**Deferred Repairs and Maintenance Costs Details for Existing Facilities - Appendix M3<sup>23</sup>**

This appendix provides detailed cost calculations for the deferred repairs and maintenance of existing facilities that were visited.

<sup>19</sup> Information based on (1) Appendix I and (2) Extraordinary costs for facilities constructed in Indian Country: Historical Data from OFMC-BIA.

<sup>20</sup> Information obtained from (1) R. S. Means, Building Construction Cost Data 2007, 2006 and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

<sup>21</sup> Information obtained from OFMC-BIA September 2007 and costs based on (1) R. S. Means, Building Construction Cost Data 2007, 2006 and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

<sup>22</sup> Information obtained from OIS-BIA November 2007 and costs based on (1) R. S. Means, Building Construction Cost Data 2007, 2006 and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

<sup>23</sup> Information obtained from (1) R. S. Means, Building Construction Cost Data 2007, 2006, and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

The Deferred Repairs and Maintenance Cost noted above is used in Appendix N that calculates the composite costs for the master planned program.

#### **Composite Capital Cost Requirements Analysis - Appendix N<sup>24</sup>**

The composite capital costs requirements are tabulated for Repairs and Maintenance of Existing Facilities, Initial Capital Cost for Replacement of Existing Facilities, Facility Operations and Maintenance Costs for forty years and Program Operations Cost for forty years.

These costs are analyzed and organized by the requirements for replacement of existing facilities by functionality needs for Tiers I, II and III. They are organized by geographic locations, tribes that will be served, present categories of administration, BIA inventoried and non-inventoried facilities and administrative districts of Justice Services.

Noted on the first two pages is the summary breakdown of the TOC - Total Ownership Cost outlay which is the composite sum of the initial capital cost (in Year 2011 dollars) for the facility and the recurring capital cost (in Year 2011 dollars) for the facilities' Program Operations over 40 years and the Facilities Operations and Maintenance over the 40 year life of the building.

As distinct from other government-operated justice facilities such as State and County facilities, the total ownership capital cost TOC is unique for the justice facilities in Indian Country, for once they are constructed, they do not have a method of generating revenue from an independent tax base, to support their Program Operations or Facilities Operations & Maintenance related to the facility operation of utilities, repairs and maintenance.

Once constructed, these facilities extend a continuous fiscal obligation of the ownership over the life of the facility. Thus it is essential to consider and appropriate this cost at the beginning of the program and disburse it annually over the life of the facility.

This appendix provides a composite capital cost requirement for the Master Planned Justice Services for the safety and security in Indian Country.

#### **Location Maps of Facilities Addressed in Master Plan - Appendix O**

This appendix provides maps of the United States that depict the locations for planned replacement of existing facilities, as well as existing facilities that are addressed in the Master Plan.

These maps depict: (1) Facilities Requiring Deferred Repairs and Maintenance, (2) Replacement Tier I facilities, (3) Replacement Tier II facilities, (4) Replacement Tier III facilities (5) Facilities requiring Capacity Upgrade and (6) Composite map of all facilities addressed in the Master Plan.

Each of the maps also provides a detailed reference legend to identify (1) Tribal Facilities, (2) PL-638 Facilities, (3) Self-Governance Facilities and (4) BIA facilities.

<sup>24</sup> Information extended from Appendices G, H, I, J, K, L and M.

**List of Appendices**

- Appendix A - Chronological Progress
- Appendix B - List of Facilities Assessed
- Appendix C - Individual Assessment Reports
- Appendix D - Findings at Existing Facilities in 34 Key Categories
- Appendix E - Critical Concerns - Pictorials
- Appendix F - Dispose / Improve / Repair (DIR) - Numerical Assessments
- Appendix G - Structured Replacement of Existing Facilities for Justice Services
- Appendix H - Replacement of Existing Facility Requirements
- Appendix I - Detailed Construction Costs Analysis for Fourteen Types of Facilities
- Appendix J - Annual Facilities Operations and Maintenance Costs Analysis
- Appendix K - Annual Program Operations Costs Analysis
- Appendix L - Unit Capital Costs
- Appendix M - Deferred Repairs and Maintenance Costs Analysis
- Appendix N - Composite Capital Cost Requirements Analysis
- Appendix O - Location Maps of facilities Addressed in Master Plan

**Appendix A**  
**Chronological Progress**

This appendix provides a chronological summary of the sequence of events of the Master Plan over the past 27 months. The summary also provides a forward projection of the sequence of events that are anticipated and are currently in progress. This chronology is a snapshot as of the publication date of the final report, May 29, 2008.

**Chronological progress update**

Because of the urgency of the need for safety and security in Indian Country, the entire effort during Phase I and Phase II has been expedited and has been 'fast-tracked' by all departments within the BIA and Shubnum.

A chronological progress update for the effort is as follows:

**February 2006 to September 2006**

- Completed assessments including data-gathering with site investigations, meetings and site interviews for each of the 38 sites.
- Completed the digital Photographic Record documentation of the interiors and exterior of existing facilities for each of the 38 sites approximating 6200 photographs.
- Completed Program and Facility evaluation report for each of the 38 sites.
- Completed the Facility Condition Index FCI for each of the 38 sites.
- Compiled the consolidated costs for each facility including deferred repairs and maintenance cost, same size replacement facility cost, and new facility cost for the 38 sites.

**September 2006 to October 2006**

- Presentation of findings at the conference with Department of Justice in Albuquerque. Discussion on the fallacy of funding new facility construction without follow-up funding for the associated program operations and operations for repairs and maintenance over the life of facilities – that do not have an operating revenue source for their continued operations. Fallacy of facilities' dependence on grants, corporate charitable contributions, NGO Charities, community donations and family contributions to support justice services in the Native American country.
- Presentation of the impact of the safety and security of officers and inmates resulting from inadequate facilities and funding for the Program Operations and Facilities' Operations and Maintenance
- Presented summary of findings and recommendations to Mr. Chris Chaney.

**November 2006**

- Submitted the consolidated 'Interim Report – 111606' for all of the data gathered, findings, conclusions, costs and recommendations.

**December 2006**

- Presented the consolidated interim report to senior management in Albuquerque.
- Discussions on finding comprehensive long-term solutions based on the assessments thus far.
- Discussion on preliminary evaluations and prioritizing future work resulting from the assessments.

**January 2007**

- Presentation of the consolidated interim report to senior management and Director Mr. Pat Ragsdale in Washington, DC.
- Discussion on primary evaluation and prioritization of future work during the presentation.



- Evaluations and prioritizing future work based on the interim report.
- Continued evaluations of the existing 38 facilities based on data gathered during Phase I.
- Need for additional reviews and studies of justice facilities other than the 38 facilities studied thus far. Development of operations repairs and maintenance costs and program operation costs.
- Considerations for shortfalls in funding of the program and facility-needs thus far.
- Closing down facilities or contracting out beds is not a long-term solution because of the interdependence of corrections and detention with law enforcement and courts.
- Need for consolidation of all needs for capital costs for all justice services for tribal, self-governance, PL- 638 and BIA programs over the next forty years, throughout the United States.
- Develop comprehensive, integrated and global solutions for the long-term safety and security of all programs, individuals and facilities within justice services.

#### **February 2007 continued past assessments**

- Completed evaluations of the existing 38 facilities based on data gathered during Phase I. Development of the Decommissioning matrix for the facilities that established priority for future recourse.
- Refined Master Facility Inmate and staff data for 38 facilities
- Refined TOC- total ownership costs for 38 facilities.
- Continued reviews of repairs and maintenance costs and funding in the context of mounting deferred maintenance.

#### **February 2007 continued future long-term developments**

- Meetings and coordination with Facilities and OJS - Corrections, Law Enforcement, and Courts to include all capital cost requirements for Justice Services for all BIA, self-governance, tribal and PL- 638 programs
- Established parameters for surveys and data gathering of facilities for justice services requirements and those not included in the original 38 facilities.

#### **March 2007**

- Continued review of repairs and maintenance needs at the BIA facilities.
- Planning for an OMB presentation based on the Presentation to the Director in January 2007.
- Developed costs for the replacement of Law enforcement, detention/corrections and court facilities that will be affected by the decommissioning of existing facilities based within the 38 facility study.

#### **April 2007**

- Draft development of structured facility requirements for facilities within the BIA, PL- 638, self-governance and tribal programs.
- Development of needs for facilities for the future based on decommissioning and the foreseeable 10 year projected needs of the tribes, locations and traffic.

- Development of 'Facilities Programming Criteria' for 1) Law Enforcement Facilities 2) Full Court, Arraignment Court and Video Court facilities and 3) Booking and Holding Detention and Corrections Facilities

#### May 2007

- Development of Facilities Programming for 1) Law Enforcement Facilities 2) Full Court, Arraignment Court and Video Court facilities and 3) Booking and Holding Detention and Corrections Facilities
- Development of Progress presentation for June 8 presentation for senior management in Washington D.C.
- Developed a structured three-tiered system for a range of 28 types of facilities to meet the potential 10-year projected needs for detention, corrections, law enforcement and courts.

#### June through and August 2007

- Completion of Projected needs and surveys for 1) Law Enforcement Facilities 2) Full Court, Arraignment Court and Video Court facilities and 3) Booking and Holding Detention and Corrections/Rehabilitation Facilities.
- Completion of Facility assignments for individual Tier and Type for specific locations for facilities within the BIA, PL-638, self-governance and tribal programs. Used 14 types of facilities within the three-tiered system.
- Completion of detailed capital construction costs for all replacement facilities.
- Completion of initial capital costs requirements for projected needs for repairs and maintenance of existing facilities and replacement facilities, phased over 10 years.
- Completion of requirements for Facility Repairs, Maintenance and operations costs for the 40 year operating life of the facilities.
- Completion of the requirements for Program Operations costs for the 40 year operating life of the facilities
- Completion of the TOC – Total Ownership Costs of the facilities
- Presentation of the Interim Report – 081007
- Follow-up comments from the government on the Interim Report - 081007

#### September, October, November and December 2007

- Completion of revisions on the Interim Report resulting from the comments.
- Completion of detailed maps for facilities
- Presentation of Interim Report 091007.
- Completion of the December Interim Report for the Master Planning.
- Briefings to senior management on December 6, 2007 in Washington D.C.
- Completion of the Phasing Plan for 1) Decommissioning, 2) Continued operation of existing facilities and 3) Construction activity – over a ten-year period with a concurrent: Phase I, 2 years of activities, Phase II, 4 years of activities and Phase III, 4 years of activities
- Briefings to senior management week of December 10, 2007
- Assistance with a 5 year Interim Budget for Initial Capital Outlay for construction of 22 facilities

**January 2008**

- Completion of a Facility Schematic floor plans and elevations for typical Tier I, Tier II and Tier III facility.
- Completion of Facilities Construction Criteria
- Completion of the prioritization for the replacement facilities over the 2-year, 4-year and 4-year phases.
- Revisions and adjustments to the December Interim Report based on comments and consultations.
- Assist with the in-house 'Activation Plan' within the BIA to support the Master Plan.
- Assist senior management with reviews and comments on the Master Plan.

**January 2008 through May 2008**

- Final editing and Production of the Master Plan
- Presentation of the Final Report 'Master Plan for Justice Services in Indian Country to BIA
- Preliminary review with DOI, DOJ and OMB
- Preliminary review with Congressional Committees
- Incorporate comments to the Master Plan
- Final editing and Production of the Master Plan with incorporated comments
- Assist with preparation and publication in the Federal Register and preparation for tribal consultations over the next 120 days

**Planned June 2008 through September 2008**

- Assist BIA, DOJ and HUD with the task force, preparations and assistance to the tribes with training of local tribal skills needed to implement the Master Plan at a local level.
- Presentations and consultations with tribal members at local sites

List of 38 Facilities that were assessed
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**Appendix B****List of Facilities Assessed**

During 2006, 38 facilities were assessed for the Justice Programs and Facility Assessments. This list included a sampling of Tribal, PL-638, Self Governance and BIA administered facilities located throughout the United States. Additional details for this listing are noted in Appendices C, D, E and F that follow.

List of 38 Facilities that were assessed
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## List of 38 Facilities that were Assessed

Sites Assessed	Facility Ownership
<b>Great Plains District</b>	
A. White Shield Law Enforcement Center-Fort Berthold, N.D. 58540	Tribal/638
B. Kyle Law Enforcement Center (Adult)-Pine Ridge, S.D. 57752	BIA
C. Loneman(Oglala) Law Enforcement Center-Pine Ridge, S.D. 57770	BIA
D. Porcupine Law Enforcement Center-Pine Ridge, S.D. 57772	BIA
E. Wamblee Law Enforcement Center-Pine Ridge, S.D. 57577	BIA
F. Rosebud Detention Center-Rosebud, S.D. 57570	BIA
G. Fort Totten Detention Center-Spirit Lake, N.D. 58335	Tribal/638
<b>Rocky Mountain District</b>	
A. Crow Law Enforcement Center-Crow Agency, Montana 59022	BIA
B. Fort Peck Law Enforcement Center-Poplar, Montana 59255	Tribal/638
C. Northern Cheyenne Law Enforcement Center-Lamedeer, Mt. 59043	BIA
D. Wind River Detention Center-Fort Washakie, Wyoming 82514	BIA
E. Blackfeet Police Department-Browning, Montana 59417	BIA
F. Flathead Detention Center-Pablo, Montana 59855	Tribal
<b>Midwest District</b>	
A. Nett Lake Law Enforcement Center-Nett Lake, Minnesota 55772	Self Govern
B. Keshena Law Enforcement Center-Keshena, Wisconsin 54135	Self Govern
<b>Western District</b>	
A. Fort Apache Detention Center-Whiteriver, Arizona 85941	BIA
B. Tohono O'odham Nation Detention Center-Sells, Arizona 85634	BIA
C. San Carlos Detention Center-San Carlos, Arizona 85550	BIA
D. Hopi Correction Center-Keams Canyon, Arizona 86034	BIA
E. Colorado River Tribal Detention Center-Parker, Arizona 85344	Tribal
<b>Navajo District</b>	
A. Western Detention Center-Tuba City, Arizona 86045	Tribal/638
B. Chinle Youth Corrections Center-Chinle, Arizona 86503	Tribal/638
C. Kayenta Detention Center-Kayenta, Arizona 86033	Tribal
D. Shiprock Adult Detention Center-Shiprock, N.M. 87420	Tribal
E. Tohatchi Youth Detention Center-Tohatchi, N.M. 87325	Tribal
F. Tuba City Detention Center-Tuba City, Arizona 86045	Tribal
G. Window Rock Adult Corrections Center-Window Rock, Arizona 86515	Tribal
H. Dilkon Detention Center-Dilkon, Arizona 86515	Tribal
I. Chinle Adult Detention Center-Chinle, Arizona 86503	Tribal

List of 38 Facilities that were assessed
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**Northwest District**

- |   |                            |
|---|----------------------------|
| A. Warm Springs Detention Center-Warm Springs, Oregon 97761   | BIA                        |
| B. Spokane Law Enforcement Center-Wellpinit, Washington 99040 | BIA                        |
| C. Quinault Detention Center-Taholah, Washington 98587        | Tribal/BIA/<br>Self Govern |
| D. Fort Hall Detention Center-Fort Hall, Idaho 83023          | Tribal                     |
| E. Puyallup Detention Center- Tacoma, Washington 98404        | Tribal                     |
| F. Yakama Police Department-Toppenish, Washington 98948       | Tribal                     |
| G. Nisqually Police Department-Olympia, Washington 98513      | Self Govern                |

**Southwest District**

- |  |        |
|--|--------|
| A. Laguna Tribal Detention Facility-Laguna, New Mexico 87026 | Tribal |
| B. Taos Tribal Detention Center-Taos, New Mexico 87571       | Tribal |

DRAFT

## Appendix C

### Individual Assessment Reports

This Appendix provides detailed reports of the Program and Facility assessment of each of the 38 sites that were visited.

It is important to understand the background for each of these site locations, since justice services are interdependent with the community at large, for which such services are provided. Thus each individual report begins with Section 1 which provides the background information that includes: Location, land mass, population, labor force, physical description, climate, government structure, business structure, physical infrastructure, and community services that include healthcare and education.

Section 1 is followed with Section 2 that provides an assessment of the Program. This is followed with Section 3 that provides an assessment of the facility.

## Section 1

**Background Information  
of the  
Spirit Lake Reservation  
Served by the Fort Totten Detention Center**

**Spirit Lake Reservation<sup>1</sup>**

(Formerly Fort Totten Reservation and Devil's Lake Reservation)

Federal reservation

Mni Wakan Oyate Sioux

Benson, Nelson, Ramsey, and Eddy counties, North Dakota

Spirit Lake Sioux Nation

816 Third Avenue North

Fort Totten, ND 58335

701-766-4221

701-766-4126 Fax

Website: spiritlakenation.com

Total area (BIA realty, 2004) 67,821.87 acres

Total area (Tribal source, 2004) 245,141 acres

Tribally owned (BIA realty, 2004) 34,382.19 acres

Tribally owned (Tribal source, 2004) 31,573.59 acres

Federal trust (BIA realty, 2004) 343 acres

Individually owned (BIA realty, 2004) 33,096.68 acres

Allotted (Tribal source, 2004) 33,410.51 acres

Other (Tribal source, 2004) 8,750 acres

Population (2000 census) 4,435

Tribal enrollment (BIA labor report, 2001) 4,948

Total labor force (2000 census) 1,642

Total labor force (BIA labor report, 2001) 2,413

High school graduate or higher (2000 census) 70.5%

Bachelor's degree or higher (2000 census) 9.9%

Unemployment rate (2000 census) 17.5%

Unemployment rate (BIA labor market report, 2001) 65%

Per capita income (2000 census) \$8,392

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.



#### LOCATION AND LAND STATUS

Spirit Lake Sioux Reservation, formerly known as Devil's Lake and/or the Fort Totten Reservation, is located in east-central North Dakota, largely in Benson County, with smaller holdings in Ramsey, Eddy, and Nelson counties. The reservation is divided into four political districts: Fort Totten, Mission, Woodlake, and Crowhill.

The original reservation was established by treaty in 1867, encompassing nearly 221,000 acres. About 136,000 acres were allotted for 1,205 tribal members, 88,000 acres were relegated to "surplus" status for sale to white settlers, and 2,350 acres were set-aside for missions and schools. By 1937, Indian allottees had sold over 80,000 acres of their initial allotments. Subsequent federal purchases during the 1950s and tribal purchases have increased Indian-owned land to its present acreage; the tribe has purchased a total of 4,781 acres that were previously fee simple, or privately owned, land.

#### PHYSICAL DESCRIPTION

The largest natural body of water in North Dakota, "Minnewaukan," a Sioux word meaning "Spirit Water," is now called Spirit Lake. It forms the reservation's northern boundary, with rolling grass-covered hills beyond thickly forested shorelines. The southern boundary is formed by 50 miles of the Cheyenne River, where the land is generally flat with relatively sparse vegetation. There are numerous small lakes on the reservation, as well as associated wetlands and prairie potholes.

#### CLIMATE

The elevation at Fort Totten, North Dakota, is 1,462 feet above sea level. It is a cold, continental climate, dominated by the Arctic jet stream, with a year-round average daily high temperature of only 50°F. The year-round average daily low temperature is 28°F. The semiarid area receives approximately 18 inches of precipitation annually, with winter blizzards and periodic summertime thundershowers.

#### GOVERNMENT

The Spirit Lake Sioux Nation operates under a constitution and bylaws approved on February 14, 1946, revised May 6, 1960, and further amended several times. The tribal council is made up of six members, including a chairman and a secretary, elected at large by the tribal membership, and one representative from each of the reservation's four political districts. The vice-chairman is appointed from within the tribal council. Council members serve four-year terms with elections held annually in May.

The Nation, under PL-638, contracts with the BIA to administer key programs and services. A complete list of operating departments or offices includes: adult learning center, community health representative, Dakota Tribal Industries, diabetes fitness, diabetic clinic, early childhood tracking, education, emergency management, emergency medical services, employee benefits, enrollment, fire protection, fish and wildlife, health careers opportunity, Head Start 0-5, health education, health tracks, indirect cost, low-income energy assistance, motor vehicle, Native American

Maternal Child Health, range and volunteer fire, recreation, senior meals and services, Sioux Utilities Commission, student support services Title III, Tribal Business Information Center, tribal court, tribal land acquisition and realty, tribal roads, tribal planning, tribal social services, tax, USDA Food Distribution Program, USDA Northern Plains RC&D, USDA-Tribal Liaison, water resource, WIC, Wicomico Project, and Youth Healing and Wellness Center. They have their own housing authority, which received a sizeable grant in May 2004 to move 240 abandoned Air Force base housing units onto the reservation. The Spirit Lake Nation Tribal Court consists of a chief judge and a juvenile judge, a prosecutor, three clerks, a juvenile probation officer, and a juvenile intake officer.

#### BUSINESS CORPORATION

To ensure their economic development the tribe has formed two separate corporations, Spirit Lake Consulting and the Sioux Technology Group, LLC, to focus on this goal.

#### INFRASTRUCTURE

The reservation is served by North Dakota State Highways 281, 57, 20, and 15. The BIA maintains approximately 75 miles of local, primarily gravel, roads within the reservation. Some new roads have been constructed at the reservation to provide access to homes for members who were relocated after the floods at Spirit Lake. There are also bike paths in each of the four districts, and the Nation has plans to build hiking trails. The Nation provides solid waste collection services with curbside pickup and transport to the tribal landfill located about four miles from Fort Totten.

Electricity – Baker Electric Power Co-op, Cheyenne Valley Co-op, and Otter Tail Power Company provide electric power.

Fuel – Montana Dakota Utilities provides gas.

Water Supply – Spirit Lake Water Resources, via the Bureau of Reclamation, built the existing water system. Sioux Utilities maintains the three-well water system, and most tribal members have access to it. Sioux Utilities also manages the sewage system.

Transportation – Commercial air services are available at Spirit Lake Municipal Airport, 15 miles from Fort Totten. The Triangle Bus Line provides service directly to the town of Spirit Lake, as do UPS and Twin City Freight. Amtrak provides passenger rail service, while Burlington Northern and the Soo Line Railroad Company offer freight service.

Telecommunications – The North Dakota Telephone Company provides Internet access, both dial-up connections and DSL, to all tribal facilities and schools.

#### COMMUNITY FACILITIES AND SERVICES

Tribal headquarters are located in the village of Fort Totten, housing the offices of various tribal services and BIA offices. An old community center building, first constructed in 1962, is to be renovated. A new clinic building houses the Indian

Health Service Clinic. The Nation has constructed a new library; open to the general public, for housing book collections and the tribal historical and cultural archives. In 2003, the tribe acquired a COPS grant from the Department of Justice to operate crime-prevention and youth development programs. The tribe operates recreation centers in each of the four districts—Fort Totten, St. Michael, Woodlake and Crowhill—each with a gymnasium and other facilities. These recreation centers double as community centers within each district; one has baseball fields, and another has basketball courts and tennis courts.

The tribe built a senior center in Fort Totten, providing elderly nutrition services and other programs for elders. An elderly nutrition program also operates out of the St. Michael Elderly Center. The Spirit Lake Casino sponsors “Elders Day Out,” a monthly meeting with tribal officials, open to any tribal elder. A meal and an activity or program is available at the event.

Education – The nation operates the Four Winds Community School System for reservation schoolchildren. A new middle school building doubles as a center for vocational education. It also operates a Head Start program for infants and toddlers and the Cankdeska-Cikana Community College, formerly the Little Hoop Community College, for those desiring higher education. The college, located in Fort Totten, has developed a culturally relevant nutrition and cooking class, “Dakota Cooking,” which teaches tribal members to make better use of locally grown produce and grains and commodity foodstuffs. Emphasis is placed on the development of nutritionally sound dishes and meal plans.

The Nation supports the United Tribes Technical College, a nonprofit corporation chartered by the State of North Dakota and operated by the Spirit Lake Tribe and the other North Dakota tribes: the Mandans, Hidatsas, Arikaras, Sisseton Wahpeton Sioux, Standing Rock Sioux, and Turtle Mountain Band of Chippewas. The college is governed by a 10-member board of directors comprised of a chairperson and a delegate from each of the tribes.

Health Care – The Spirit Lake Nation is served by an Indian Health Service ambulatory care clinic, which includes dental services and a diabetes program with comprehensive screening, prevention education, and treatment services. The clinic, which opened in a newly constructed building, received a grant to study cardiovascular disease among Indians. There is a community health representative for the reservation, and a substance abuse program provides residential treatment services. The nearest full-service hospital is located in the Town of Devil’s Lake, approximately 13 miles distant.

**Section 2**  
**Program Review**  
**May 17, 2006**

1. **Funding of Operations**  
 BIA provides for the operations through the PL 638 program. The tribal funds paid for the juvenile detention which has ceased operation at this facility. Thus the detention program at this facility is operated entirely through the PL 638 funds.
2. **Funding of Repairs and Maintenance of Facility Structure**  
 The BIA provides common funding for the repairs and maintenance of this facility in addition to 20 other facilities in this area that are supported by the same common pool of \$121,000 for staff salaries, repairs, maintenance and periodic emergencies for all 21 buildings. The cost of utilities for this facility is approximately \$36,000 per year. There are insufficient funds to maintain appropriate staffing throughout the year. Of the four staff members, one to two individuals are laid off eight to nine months into the fiscal year.
3. **Policies and Procedures**  
 At this time there are no approved or accepted policies and procedures for this facility. The BIA Redbook does not provide sufficient guidance for a small facility such as this. The BIA white binder (1996 – 1999 versions) was used as a guide to develop the local policies and procedures for this facility. A revised version of these Policies and Procedures, specific to this facility were sent to BIA in Albuquerque by Captain Dwight Ballinger but thus far the facility has not received a response with comments or a final acceptance of the policies and procedures.
4. **Staffing**  
 The facility is understaffed with a total of three certified and two non-certified detention officers. There is insufficient staff to provide for one male and one female officer at all times. Generally only one officer is on duty at all times. This officer provides transportation, escort and meal delivery services from the casino.
5. **Programs**  
 The facility provides evaluation and counseling for mental and alcohol abuse. The facility also provides classes in 'anger management'.
6. **Staff Training**  
 No routine training is offered to complete the 40 hours of training requirement per year. The detention officers received 'Policies and

Procedures' training at the Indian Police Academy in Artesia. An 'Intoxilyzer Training' session was conducted and attended by the officers.

7. **Space for Inmates On-Site**  
There is total space of 26 beds at the facility. Of these, 22 beds are allocated for male inmates and 4 beds are allocated for the female inmates. This housing is distributed over six dormitory cells and two detoxification cells. The facility housed a maximum of 32 inmates in August 2005. An average of 26 inmates is the norm. The excess inmates are generally 'negotiated out' through the early release program or are 'bonded out' with minimum bonds. There were 11 male and 3 female inmates on the day of the visit.
8. **Space for Inmates Off-Site**  
Inmates are sent to the Devils Lake County Detention Facility 16 miles away or to the Turtle Mountain Detention Facility 80 miles away. On occasion, however, these facilities are also filled to capacity and send their inmates in reverse - to this facility, if there is an available bed vacancy.
9. **Staffing Capacity for the Inmates On-Site**  
There is insufficient staff for the number of inmates, design of the facility and the duties of the detention officer at the facility.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
The detention officer provides for all of the transportation, escort and delivery of meals for the inmates.
11. **Office Supplies for Staff**  
There are sufficient office supplies for staff.
12. **IT Equipment for Office Use**  
There is insufficient IT equipment for use in the office. There is one computer station that is used for daily logs, cell rosters and memorandums. There is no booking software. All booking is conducted on manual logs. All fingerprinting is conducted manually. The detention officer's office space serves as a booking office but not as a central control station for detention. The dispatch still monitors the cameras for the facility at a separate location.
13. **IT Equipment for Communications Use**  
There is no IT equipment for use by the detention officers to communicate. There are no radios or intercommunication systems between the cells and the detention officers or between the detention officers and law enforcement arresting officers.  
There is a need for the detention officers for radios with push-to-talk switches, battery chargers and spare batteries.
14. **Personal Supplies for Inmates**  
There are sufficient personal supplies for inmates.

15. Uniforms for Staff and Inmates  
There are sufficient uniforms for the staff and inmates.
16. Linen for Inmates  
There are sufficient blankets and mattresses for inmates.
17. Furniture and Fixtures for Staff and Inmates  
There are insufficient institutional furniture and fixtures for the inmates who generally use folding tables and lawn chairs as furniture in addition to their steel bunks.
18. Transportation Vehicles  
There is no transportation vehicle that may be used for transporting inmates to the court, health care facility or to another detention facility; or for the delivery of meals for the inmates. The detention officers borrow a police vehicle from law enforcement for such use.
19. Fuel for Vehicles  
The law enforcement officers provide funding for fueling vehicles.
20. Utilities for Facility  
There are sufficient funds to pay for the utilities at the facility. The utilities billing approximates \$36,000 per year.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is no kitchen at the facility. There is hot and cold water for the laundry, however, there is no hot water at the showers for the inmates.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the staff areas. Lighting in the housing area for the inmates is insufficient. Lighting circuits need to be repaired to provide electrical power for light fixtures in the housing area.
23. Ongoing Repairs and Maintenance  
There are no ongoing repairs and maintenance at the facility at this time.
24. Deferred Repairs and Maintenance  
The facility was built in 1965 and has had no major repairs or maintenance. There have been five cosmetic renovations over the years. The facility requires updating of the deferred repairs and maintenance and replacement of the aging physical equipment. The following are needed:
  - A surveillance camera system with 28 pan-tilt-zoom cameras, four recording cameras, a central console and monitors with high resolution monitors
  - Four shower stalls
  - Six combination sink-lavatory units
  - A standalone heating, ventilation and air-conditioning system including a boiler replacement, all distribution ductwork for

supply and return air, control dampers, supply and return registers and electronic controls

- Hot water tanks sized to meet the capacity for the facility
- Electrical service entrance panelboard, associated distribution panelboards and all internal electrical distribution network including termination devices
- Replacement of all aboveground plumbing system and a cleaning out of the underground sanitary sewer system
- An electronic security system with a manual override for the cell door locks
- A new shingle roof
- Reconfigured central control station separate from the dispatch and a reconfiguration of the booking station with updated booking software

25. Medical Response at the Facility

There is no first-aid kit at the facility. Inmates are not checked in a routine manner for tuberculosis, hepatitis or AIDS. The detention officers call the ambulance service which generally responds in about two minutes. All inmates are treated at the Indian Health Services Clinic at Spirit Lake or are transported to the hospital at Devils Lake about 16 miles away.

26. Booking Process at the Facility

Booking is conducted in the corridor through a countertop window in the detention officer's office. There is insufficient space for booking. There is no booking software. There is no restraining chair and there is no barrier between the detention officer and the inmate. The detention officer is subject to being spit-on by the inmate.

27. Food Service at the Facility

Inmates are provided three meals a day which are prepared by the local casino and are transported by the detention officer to the facility. The detention officer uses between 15 minutes to an hour, three times a day to fetch the prepared meals from the casino. The facility pays \$2.00 per breakfast, \$3.85 per lunch and \$6.85 per dinner for the meals for the inmates.

28. Kitchen and Dining Staff at the Facility

There is no kitchen or dining staff at the facility.

29. Housekeeping Staff at the Facility

The inmate-trustees clean the corridors and the public restrooms while the inmates clean their own cells. The physical spaces are poorly maintained.

30. Repairs and Maintenance Staff at the Facility

The repairs and maintenance staff provided by the BIA is shared with 20 other facilities in the area. A staff of four provides the repairs and maintenance services for 21 buildings in this area.

31. **Inmate Services Provided at the Facility**  
The facility provides classes in 'anger management' and general counseling for alcohol and drug abuse. The judge grants work release program for the inmates who may work at Devils Lake but have to provide their own transportation to their workplace. The judge also grants inmates the ability to take college courses or to complete the GED program at the college which is located about five minutes from the facility.
32. **Healthcare Assistance in the Community**  
There is a mental health care and alcohol and drug abuse program extended to an aftercare program that is available in the community for use by inmates.
33. **Other Support Agencies in the Community**  
The Four Wind School provides family night, cooking and arts-and-crafts classes on a monthly basis. The local college provides the ability to attend classes and to complete a GED program.
34. **General Reasons for Detention**  
Most detainees are incarcerated as a result of violent crimes, which have a rate of 1430 per 100,000 inhabitants. The rate for property crime and all other crimes is 1944 and 45,814 per 100,000 inhabitants respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
Inmates can hurt themselves by using articles of clothing, plastic garbage sacks used as shower curtains and the bars on the jail cell doors.
36. **Accountability and Reporting of Incidents**  
Incidents are reported to Greta Baker at the BIA.

#### **Special Notes**

The following were noted as comments resulting from one-on-one conversations with inmates at this facility:

- "The facility does not provide sufficient food. (He) has lost weight from being 158 pounds down to 134 pounds in 75 days. The breakfast generally consists of half a bowl of cereal, half a pint of milk (130 calories) and two slices of bread. The lunch consists of soup, two slices of bread, cheese, meat and a small juice."
- Two other inmates complained of insufficient food.



- Several of the cell doors are solid steel and when closed provide very little air circulation through the very small vents high up on the cell wall. With high humidity, it is extremely stuffy in the cell.
- On average the inmates do not get any outdoor time. Several inmates concurred that they get one hour of outdoor time over a two-week period. The detention officer noted that she does not have sufficient staff to monitor the inmates while they are in the recreation/exercise yard and the chain-link fence has a hole in it that has not been repaired.
- When the inmates ask for outdoor time the detention officer threatens them that he can give them one hour of outdoor time but will then have to keep them locked up in the cell for the remaining 23 hours. The cell is extremely stuffy with the door closed so the inmates are afraid to ask for such outdoor time.
- Clean blankets are provided only once a month.
- One inmate requested to be permitted to hold his 10-month-old baby with appropriate precautions of prior search by authorities, but was denied. He is serving eight months at this facility. His four-year-old has now been moved to foster care and the youngest child is being taken care of by the grandparents. He is not permitted to see his wife for she is also serving time at this facility.
- Several inmates confided that they will now be punished for having talked with an outsider.

**Section 3**  
**Facility Review**  
**May 17, 2006**

1. **Exterior Site Conditions**  
The general exterior site conditions are poor. The general public has access to the recreational areas as well as up to the windows on the exterior wall corridor of the individual cells.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area consists of an enclosure with a chain-link fence topped with razor wire. The area is not used for a lack of staff to monitor the inmates and since a hole in the fence has not been repaired.
3. **Exterior Perimeter Security**  
The exterior security of the perimeter is very poor. There are three cameras that monitor the entire perimeter, leaving several blind spots that are not monitored. The monitors for the cameras are located in the dispatch and not at the central control station for detention. The picture quality of the cameras and the resolution of the monitors are very poor.
4. **Sally Port Security**  
There is no specific Sally port at this facility. The two-car garage serves as the drop-off for the inmates. A door from the garage opens into the corridor which leads to the booking window at the detention officer's office.
5. **Building Interior Security**  
The interior security of the building is poor. Although there are a number of cameras that have been installed over the years, they are not monitored at the central control station by the detention officer. Rather the low-resolution monitors provide out-of-focus images from the cameras to the dispatcher who is busy with the dispatch functions rather than with the detention and security functions.  
The physical building layout for detention facility is very poor. Various functional areas for the male and female inmates are scattered in the facility rather than being consolidated. These functional areas are linear in access and visibility. Thus each function has to be monitored either by a personal walk-through or by an individual camera. Generally there is only one detention officer on duty at any given time. This one individual cannot monitor all inmates in all cells concurrently.

6. Building Structure  
The building structure consists of a block-wall foundation and a block-wall structure wrapped in insulation and covered with a steel siding.
7. Building Roof  
The building consists of two rectangular single-story structures each covered with a pitched shingle-covered roof. The roof is 12 years old and leaks in several places.
8. Interior Ceilings  
The interior ceilings consist of dropped lay-in ceilings in the office areas and hard ceilings in the cell areas.
9. Interior Walls  
The interior walls consist of framed walls with a sheetrock covering for the offices and block-wall construction in the cell areas.
10. Interior Flooring  
The interior flooring is in disrepair. The interior flooring consists of glued-on vinyl tile on a subfloor base in the office areas and painted concrete in the cell areas.
11. Interior Dormitory Cells  
There are six interior dormitory cells for male inmates surrounded by a corridor. The female inmates are housed in a different area of the building. The juvenile dormitory cell is now being used for storage.
12. Interior Isolation Cells  
There are no specific isolation cells at the facility.
13. Interior Detoxification Cells  
There are two detoxification cells, one each for the male and female inmates.
14. Booking and Intake Area  
Inmates are escorted from the garage through a corridor up to the booking window at the detention officer's office. There is insufficient room at the corridor. The booking area is poorly laid out and is detrimental to the security of the officer.
15. Visitation Area  
There is a small visitation area that is not monitored by cameras.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation or pantry area.
17. Dining Area  
Inmates use their cells or the small day room for dining.

18. Day Room Area  
A small day room provides a space to watch television and dine. The day room is equipped with a folding table and plastic lawn chairs.
19. Vocational Training Area  
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no first aid or medical assistance area at the facility.
21. Toilets and Showers  
The toilets and showers are in disrepair. There are no 'rag screens' at the sanitary sewer cleanouts. There is no hot water at the showers.
22. HVAC System  
The facility does not have a conventional HVAC system. Rather, heating is implemented using a gas-fired boiler associated with fan coil units through a system of distribution duct work, anchored low in the corridors. There is no dedicated cooling system for the facility. Two individual cooling units are placed on the rooftop to cool the dispatch and communications room. HVAC controls do not operate and there is insufficient air movement through the system to provide sufficient supply and return air in each of the cells. Cells on either end of the building are either too hot or too cold. The cells are very stuffy and odorous. This makeshift system is inadequate and antiquated.
23. Plumbing System  
The plumbing system is inadequate. There is no hot water at the showers. Water lines are located in the attic which is subject to extreme low temperatures causing them to freeze and rupture. The sanitary sewer system is operational although it gets plugged up when inmates attempt to flush down articles of clothing through the toilets. There are no 'rag screens' at the sewer cleanouts.
24. Lighting System  
The lighting system provides insufficient lighting for staff and inmate areas.
25. Electrical Power System  
The electrical service was installed in 1965. Electrical power is served through an overhead 400 amp, 208 Y/120 volts - 3 phase four wire service. This electrical power is backed by a 50 KW backup generator which is protected with a 150 amp circuit breaker. There is a system of battery backed emergency egress lighting in the facility. It could not be determined if the backup generator and the backup emergency lighting are tested on a routine basis.

26. IT System  
There is a minimal IT system serving the dispatch at the facility.
27. Security System  
The building security system consists of interior and exterior cameras some of which are in the process of being replaced. There is no intercommunications system between the cells and the detention officer's station.
28. Energy Usage and Conservation  
The original block-wall structure is wrapped with insulation and finished with exterior steel siding. No additional weatherization has been implemented for the last 41 years. As such the building is subject to cold drafts through the crevices around the doors and floors. This area is subject to the cold Arctic jetstream that blows through the winter months from Canada. The high daytime temperature on a sunny winter day could be -21° Fahrenheit.
29. Fire Egress – Exterior and/or Secured Areas  
There is no appropriate secured area to evacuate the inmates during an emergency. Inmates were transported to the Devils Lake County Jail during the last emergency.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There are smoke detectors, strobe-horn annunciators and a fire alarm system with a fire alarm control panel. There are fire extinguishers located at appropriate locations. However, there is no fire sprinkler system at the facility. The fire alarm system and the fire extinguishers are tested on an annual basis.
31. Building Access for Staff and Inmates  
Inmates are escorted through the garage while the staff accesses the building through the front entrance.
32. Hazardous Materials  
All hazardous material was abated 10 years ago. There is no hazardous material as reported by the facilities staff.
33. Handicap Access for Staff and Inmates  
The facility was not designed for access by disabled individuals. Over time a ramp was added without side rails and a restroom was modified to meet ADA standards. However, there are no other provisions for disabled inmates or staff at the facility.
34. Potentially Hazardous Elements  
Inmates can hurt themselves by using articles of clothing; plastic garbage sacks used as shower curtains and the bars on the jail cell doors.

## Section 1

**Background Information  
of the  
Pine Ridge Reservation  
Served by the Kyle Law Enforcement Center**

**Pine Ridge Reservation<sup>1</sup>**

Federal reservation

Oglala Sioux

Washabaugh-Jackson, Custer, Fall River, and Bennett counties, South Dakota

**Pine Ridge Reservation**

P.O. Box 2070

Pine Ridge, SD 57770

605-867-5821

605-867-1449 Fax

Total area (BIA realty, 2003) 1,775,412.72 acres

Total area (Tribal source, 2004) 2,800,000 acres

Tribally owned (BIA realty, 2003) 705,839.58 acres

Tribally owned (Tribal source, 2004) 706,340 acres

Federal trust (BIA realty, 2003) 1,067,877.15 acres

Individually owned (BIA realty, 2003) 1,695.99 acres

Allotted lands (Tribal source, 2004) 1,064,840 acres

Population (2000 census) 14,068

Tribal enrollment (Tribal source, 2004) 17,775

Total labor force (2000 census) 4,741

High school graduate or higher (2000 census) 68.8%

Bachelor's degree or higher (2000 census) 11.1%

Unemployment rate (2000 census) 33%

Per capita income (2000 census) \$6,298

**LOCATION AND LAND STATUS**

The Pine Ridge Reservation, second only in size of landmass to the Navajo Reservation, is located in southwestern South Dakota. The reservation borders Nebraska on the south, and it is approximately 50 miles east of the Wyoming border

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

on the west. Pine Ridge Reservation abuts the Rosebud Reservation on the northeast corner. Some tribal trust lands are located in northwestern Nebraska.

Interstate 90 runs east-west just north of the reservation. The community of Pine Ridge, which serves as tribal headquarters, lies approximately 97 miles south and slightly west of Rapid City. The nearest city of 250,000 or more is Denver, Colorado, 420 miles away.

#### PHYSICAL DESCRIPTION

The topography of the 11,000-square-mile reservation and trust lands is a diverse mixture of badlands and acres of rolling grassland hills, transected with river valleys and creeks and ridges dotted with spotted pine; hence the name Pine Ridge. The well-known Badlands National Park extends into the reservation, featuring a unique landscape of eroded ridges, peaks, multicolored columns, and abrupt mesas. The Buffalo National Grassland lies along the reservation's western border.

#### CLIMATE

Typical for the Great Plains, reservation temperatures fluctuate between seasonal extremes of 105° F and -30° F. The average temperature in July is 74° F; in January the average temperature is 21° F. The area normally receives 19 inches of precipitation annually.

#### GOVERNMENT

The Pine Ridge Reservation was established by an Act of Congress in 1889 as a home for the Oglala Lakota Sioux. Under an IRA constitution approved in 1936, the tribe is governed by a 16-member tribal council, presided over by the tribal council chairman, who acts as the administrative head of the tribe. The council is guided by a five-member executive committee, with elections held every two years to elect an at-large president and vice-president and representatives from nine districts: Eagle Nest, Pass Creek, Wakpamni, Lacreek, Pine Ridge, White Clay, Medicine Root, Porcupine, and Wounded Knee. A sergeant-at-arms and critic also serve with the council. All members serve four-year terms. Under PL-638, the tribe contracts with the BIA to administer key programs and services.

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The tribe provides an elderly nutrition program, and it sponsors many community activities. Youth recreational services are provided through local nonprofit organizations including a rodeo club.

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**Section 2****Program Review****May 12, 2006**

1. **Funding of Operations**  
The facility is operated under the PL 638 program. Additional details for the funding of operations could not be determined.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Details for the funding of repairs and maintenance for the facility could not be determined. The facility is owned by the BIA.
3. **Policies and Procedures**  
The facility reported that they have updated manuals for their policies and procedures. However, they are unable to comply for a lack of staff and because of deficiencies in the facility. Policies and procedures were not offered for a review during the site visit.
4. **Staffing**  
There are two certified corrections officers and four uncertified corrections officers dedicated to this facility. In addition, there are two certified corrections officers that are serving as temporary staff at this facility while they await the opening of the new Pine Ridge Facility at which time they will be transferred to the new facility.
5. **Programs**  
There are no specific programs for the benefit of the inmates at this facility.
6. **Staff Training**  
There is no additional training offered to the staff beyond the initial training at the Academy.
7. **Space for Inmates On-Site**  
This is a 24-bed facility including occupancy for four individuals in the detoxification cells. At the time of the visit there were 11 males and 6 females for a total of 17 inmates at the facility. Two weeks prior, on May 1, 2006 there were 31 inmates at the facility. The facility averages 26 to 28 inmates not including those who are released through 'negotiations' for lack of space at the facility. There were 72 inmates housed at this facility in August 2005 and the facility would house a peak of 200 inmates if the inmates are not released through negotiations with the court system.

8. Space for Inmates Off-Site  
No inmates are housed off-site.
9. Staffing Capacity for the Inmates On-Site  
The facility has a shortage of staff at all times. Only one detention officer was on duty on the day of the visit.
10. Staffing Capacity for Transportation and Escort of Inmates  
The detention officers also provide transportation and escort of inmates.
11. Office Supplies for Staff  
The office supplies for the use by the staff are adequate up until September 30, 2006.
12. IT Equipment for Office Use  
There is sufficient IT equipment for officers.
13. IT Equipment for Communications Use  
There is sufficient IT equipment for communications.
14. Personal Supplies for Inmates  
There are sufficient personal supplies for inmates.
15. Uniforms for Staff and Inmates  
There are sufficient uniforms for the staff and inmates.
16. Linen for Inmates  
There are sufficient blankets and mattresses for inmates. One inmate reported that she was provided previously used and uncleaned blankets.
17. Furniture and Fixtures for Staff and Inmates  
There are sufficient furniture and fixtures for the staff and inmates. Inmates use a combination of the newer molded plastic institutional furniture and the older steel benches.
18. Transportation Vehicles  
There is one van that was procured through the surplus system. The vehicle is unreliable and does not have an appropriate secured cage for the transportation of inmates.
19. Fuel for Vehicles  
There is sufficient funding for vehicles.
20. Utilities for Facility  
There is sufficient funding for the utilities at the facility.

21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is no kitchen at the facility. There is no hot water at the showers and several combination sink/lavatory units in the cells do not have any water at all. The laundry has hot water.
22. **Adequate Lighting for Inmate and Staff Areas**  
There is adequate lighting for the inmate and staff areas.
23. **Ongoing Repairs and Maintenance**  
There is a continuous request for repairs of the roof which leaks often. A recent repair project was completed for the leaking ceiling at the entrance.
24. **Deferred Repairs and Maintenance**  
The facility needs the following deferred repairs and maintenance:
  - Provide new roofing for the facility
  - Provide new floor tiles for the offices and corridors
  - Provide new HVAC controls and a rebalance of their distribution
  - Provide a new fire alarm control panel and a system of new detectors and strobe-horn units
  - Provide replacement of all underground sanitary sewer lines and above ground plumbing for hot and cold water
  - Replace the door operator and electrical system for the roll-up door at the Sally port
  - Provide new exterior light fixtures around the perimeter of the building
  - Provide new sufficiently sized hot water tank
  - Provide appropriate exhaust vents for the lint from the dryers
  - Provide new combination sink-lavatory units
  - Provide new fire-sprinkler system
  - Provide handicapped-accessible toilets for the visitors, handicapped-accessible showers and space for housing disabled inmates
25. **Medical Response at the Facility**  
There is a first-aid kit provided at the facility. An ambulance is generally called which responds within two minutes. Inmates are transported to the IHS facility.
26. **Booking Process at the Facility**  
The booking process at the facility is fairly poor. There are no cameras outside the Sally port. Booking is conducted in the corridor at the countertop window at the central control station. The booking officers are at risk for lack of space, recording cameras and the unavailability of a restraining chair nearby. The facility uses the Aegis corrections software which is slow and takes an excessive amount of time to book an inmate.

27. **Food Service at the Facility**  
There is no kitchen at the facility. Meals are supplied from the adjacent facility for the juveniles.
28. **Kitchen and Dining Staff at the Facility**  
There is no staff for the kitchen or dining needs at this facility.
29. **Housekeeping Staff at the Facility**  
There is no housekeeping staff at the facility. Inmates clean their own areas and the detention staff cleans their own areas as well. The inmate areas were found to be very dirty. The drains at the detoxification cells cannot be flushed and are full of putrid excrement matter.
30. **Repairs and Maintenance Staff at the Facility**  
Repairs and maintenance are provided by the BIA, however, the repair and maintenance staff is slow to respond. The detention staff purchases cleaning supplies using their own personal funds for general housekeeping and repairs, which are needed for cleaning graffiti and upkeep of the lawnmowers.
31. **Inmate Services Provided at the Facility**  
A health care nurse visits the facility on a periodic basis. It could not be determined if the inmates are screened for tuberculosis, hepatitis or HIV/AIDS.
32. **Healthcare Assistance in the Community**  
Healthcare assistance is provided in the community by the IHS clinic.
33. **Other Support Agencies in the Community**  
There is a local college in the community that provides support to the facility.
34. **General Reasons for Detention**  
Most detainees are incarcerated as a result of violent crimes, which have increased in the past few years.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
Inmates may harm themselves by using articles of clothing and the drain-holes provided on the pans of their steel bunks. Inmates may also use the clothes-drying lines used in the recreation/exercise area to commit suicide. Inmates are placed on a suicide watch if a tendency to commit suicide is observed by the detention officers.
36. **Accountability and Reporting of Incidents**  
Incidents are reported to the superior law enforcement officers in Aberdeen.

**Section 3****Facility Review****May 12, 2006**

1. **Exterior Site Conditions**  
The exterior site conditions of the facility are very poor. The site is located in a busy residential area with a preschool about 100 yards from the detention facility. The general public has access to the recreation yard which may be used to transfer drugs.
2. **Exterior Exercise/Recreation Area**  
The exercise/recreation area is used for drying clothes and large articles of linen and blankets that cannot be accommodated in the dryer. The drying lines are accessible to the inmates and these could become an element that inmates may use to commit suicide.
3. **Exterior Perimeter Security**  
There is only one exterior camera located at the exercise/recreation area, for the entire perimeter of the facility.
4. **Sally Port Security**  
The Sally port consists of an attachment to the building with a three-walled enclosure consisting of two rollup doors that may be used for the ingress and egress of a vehicle. Presently only one rollup door can be operated. Both rollup doors as well as the door between the Sally port and the facility are generally left open for ventilation.
5. **Building Interior Security**  
The interior security of the building is fairly poor. There are very few cameras that monitor the entire facility, which has a linear design and is difficult to monitor with few cameras. The one monitor at the central control station provides a very poor quality of image resolution from the cameras. There are no recording cameras at the booking area. Each of the cells is manually locked with a key. There are three electronically operated doors, one of which leads to the Sally port exterior of the facility and the other to the exercise/recreation area.
6. **Building Structure**  
The building is a block-wall structure with a brick veneer and a slab-on-grade foundation.
7. **Building Roof**  
The building has a flat tar and gravel roof that leaks often.

8. Interior Ceilings  
The facility has sheetrock ceilings in the office areas and hard ceilings in the housing areas.
9. Interior Walls  
All interior walls are of block-wall construction.
10. Interior Flooring  
Glued-on vinyl tile is used for flooring in the corridors and offices. Painted concrete is used in the housing area. The vinyl tile has worn down to the bare concrete in high-traffic areas.
11. Interior Dormitory Cells  
The interior dormitory cells are in poor condition. One section of the cells has been closed out where the toilets leak effluent into the cell area. The remaining cells have sink-lavatory combination units that do not provide sufficient hot or cold water under pressure for drinking and/or do not flush. In other areas toilets have been covered up and removed from service for lack of repair.
12. Interior Isolation Cells  
There are no specific isolation cells at the facility.
13. Interior Detoxification Cells  
All detoxification cells have a foul odor. Sewer floor drains in each of the three detoxification cells do not flush and excrement is backed up in the cells.
14. Booking and Intake Area  
The booking and intake area is inappropriate. Booking is conducted in the corridor through a countertop in a window, which opens into the central control station. There is insufficient space for booking or an appropriate transition of the inmate to the cell.
15. Visitation Area  
Contact visitation is used at the facility. There is no barrier or separation between the visitor and the inmate who sit across from each other. The detention officer cannot view the visitation area directly or through a camera. The detention officer is unable to determine if contraband is passed between the visitor and the inmate.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation area or pantry area at the facility.
17. Dining Area  
There is no specific dining area at the facility. Every two cells have a common space in front of the cells, which is used as a day room for the two cells. Inmates use this space as a day room and as a dining facility.

18. Day Room Area  
There is no specific day room for the facility; however, inmates use the common space in front of their cells as a day room. Drinking water is provided in plastic containers for the inmates in these day rooms. A small common space with low partitions and a television set are provided across the central control station, which serves as a television viewing and reading area for the inmates.
19. Vocational Training Area  
There is no vocational training area at this facility.
20. First Aid and Medical Assistance Area  
There is no specific first aid or medical assistance area at the facility. A first-aid kit is mounted in the corridor.
21. Toilets and Showers  
The toilets and showers are in very poor condition. There is no hot water at the showers. There is either no water or water with insufficient pressure at the sink-lavatory combination units so that the inmates cannot use the water from the faucets for drinking. Several of the toilets as well as the sink-lavatory combination units have plugged up supply and drain lines and several toilets do not flush. Toilets have been removed from service for lack of repairs. One toilet is leaking effluent into the cell which has caused the cell cluster to be taken out of service.
22. HVAC System  
The controls for the HVAC system are not functional. The HVAC units respond to the temperature demands in an opposite manner. It is either too hot or too cold.
23. Plumbing System  
The plumbing system is in very poor condition. Most of the plumbing lines above ground and the sanitation sewer lines below ground do not operate well. There are no 'rag screens' at the cleanouts of the sanitation sewer lines.
24. Lighting System  
The lighting system is adequate. All light fixtures are the original energy-inefficient fixtures from the 1970s. Light fixtures do not have the light bulbs and the exterior light fixture at the Sally port is broken and without a light bulb.
25. Electrical Power System  
The electrical power system consists of a 1200 amp, 208 Y/120 volts, 3-phase four wire system served from a pad-mounted transformer. The system provides sufficient capacity for the facility. A 15 KW backup

generator provides a backup source of power, should the main power fail. Battery backed emergency egress lighting units are provided at the facility. It could not be determined if either the egress lighting or the backup generator is tested on a regular basis.

26. IT System  
The IT system used by the facility is adequate.
27. Security System  
The security system for the facility is inadequate. There are insufficient cameras and inappropriate monitors for the cameras.
28. Energy Usage and Conservation  
The doors are generally kept open to the exterior as a result of inadequate ventilation. There is little consideration for energy usage or conservation at the facility.
29. Fire Egress – Exterior and/or Secured Areas  
Fire egress is poor at the facility. There are three electronically operated doors, one of which leads to the Sally port and the other to the recreational/exercise yard to the exterior of the facility. The building cannot be evacuated in three minutes. There is no secured staging area for the evacuated inmates that are at a sufficient safe distance from the facility.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There is a fire alarm system with a malfunctioning fire alarm control panel. There are a few fire extinguishers and there is no fire sprinkler system at the facility.
31. Building Access for Staff and Inmates  
The staff uses the front entrance and inmates are escorted through the Sally port.
32. Hazardous Materials  
The facility was built in 1979 and there are no reported hazardous materials such as asbestos lead paint or mold at the facility.
33. Handicap Access for Staff and Inmates  
There are no provisions for disabled inmates, visitors or staff at the facility.
34. Potentially Hazardous Elements  
Inmates may harm themselves by using articles of clothing and the drain-holes provided on the pans of their steel bunks. Inmates may also use the clothes-drying lines used in the recreation/exercise area to commit suicide. Inmates are placed on a suicide watch if a tendency to commit suicide is observed by the detention officers.



## Section I

Background Information  
of the

## Pine Ridge Reservation

## Served by the Loneman (Oglala) Law Enforcement Center

**Pine Ridge Reservation<sup>1</sup>**

Federal reservation

Oglala Sioux

Washabaugh-Jackson, Custer, Fall River, and Bennett counties, South Dakota

**Pine Ridge Reservation**

P.O. Box 2070

Pine Ridge, SD 57770

605-867-5821

605-867-1449 Fax

Total area (BIA realty, 2003) 1,775,412.72 acres

Total area (Tribal source, 2004) 2,800,000 acres

Tribally owned (BIA realty, 2003) 705,839.58 acres

Tribally owned (Tribal source, 2004) 706,340 acres

Federal trust (BIA realty, 2003) 1,067,877.15 acres

Individually owned (BIA realty, 2003) 1,695.99 acres

Allotted lands (Tribal source, 2004) 1,064,840 acres

Population (2000 census) 14,068

Tribal enrollment (Tribal source, 2004) 17,775

Total labor force (2000 census) 4,741

High school graduate or higher (2000 census) 68.8%

Bachelor's degree or higher (2000 census) 11.1%

Unemployment rate (2000 census) 33%

Per capita income (2000 census) \$6,298

**LOCATION AND LAND STATUS**

The Pine Ridge Reservation, second only in size of landmass to the Navajo Reservation, is located in southwestern South Dakota. The reservation borders Nebraska on the south, and it is approximately 50 miles east of the Wyoming border on the west. Pine Ridge Reservation abuts the Rosebud Reservation on the northeast corner. Some tribal trust lands are located in northwestern Nebraska.

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

Interstate 90 runs east-west just north of the reservation. The community of Pine Ridge, which serves as tribal headquarters, lies approximately 97 miles south and slightly west of Rapid City. The nearest city of 250,000 or more is Denver, Colorado, 420 miles away.

#### PHYSICAL DESCRIPTION

The topography of the 11,000-square-mile reservation and trust lands is a diverse mixture of badlands and acres of rolling grassland hills, transected with river valleys and creeks and ridges dotted with spotted pine; hence the name Pine Ridge. The well-known Badlands National Park extends into the reservation, featuring a unique landscape of eroded ridges, peaks, multicolored columns, and abrupt mesas. The Buffalo National Grassland lies along the reservation's western border.

#### CLIMATE

Typical for the Great Plains, reservation temperatures fluctuate between seasonal extremes of 105° F and -30° F. The average temperature in July is 74° F; in January the average temperature is 21° F. The area normally receives 19 inches of precipitation annually.

#### GOVERNMENT

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**Section 2****Program Review  
May 11, 2006**

This facility was built in 1981 with the intent of use as a holding facility and a substation for the use by law enforcement, housing the police, fire and emergency services for the community. There are two cells that have fallen into disrepair since the facility is no longer used for incarceration. The facility is still in use as a law enforcement substation that provides services to the local community.

1. **Funding of Operations**  
The facility is owned by the BIA. The tribe provides for the operations of the building. Other details are not known.
2. **Funding of Repairs and Maintenance of Facility Structure**  
The BIA provides for the repair and maintenance of the facility.
3. **Policies and Procedures**  
There are no policies or procedures for the operations at the facility. The tribal buildings policy OST - DPS from the Oglalas Sioux tribe Department of Public Safety provides guidance for policies and programs at the facilities. The public safety officer reported that there is no need for the BIA policies and procedures at the facility.
4. **Staffing**  
There are five police officers who use the facility. There are no detention officers.
5. **Programs**  
There are no programs for the benefit of inmates at this facility.
6. **Staff Training**  
The staff of five police officers who use the facility are certified from the Indian Police Academy in Artesia. Officers are unable to meet additional training of 40 hours every year. There is a very high turnover rate for the officers.
7. **Space for Inmates On-Site**  
There are two cells that lack any beds. The cells have fallen into disrepair.
8. **Space for Inmates Off-Site**  
All inmates are expected to be sent off-site to the Pine Ridge Corrections facility when it opens.

9. Staffing Capacity for the Inmates On-Site  
There are no detention officers. The facility will not be used for extended incarceration.
10. Staffing Capacity for Transportation and Escort for Inmates  
The police officers provide for the transportation and escort for the inmates to off-site locations.
11. Office Supplies for Staff  
There are sufficient office supplies for staff.
12. IT Equipment for Office Use  
There is sufficient IT equipment for office use.
13. IT Equipment for Communications Use  
There is sufficient IT equipment for communications.
14. Personal Supplies for Inmates  
Personal supplies for inmates are not needed at the facility.
15. Uniforms for Staff and Inmates  
There are adequate uniforms for the staff. Uniforms are not needed for the inmates.
16. Linen for Inmates  
Blankets and mattresses are not needed for the inmates.
17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff are adequate. There is no furniture needed for the inmates.
18. Transportation Vehicles  
The law enforcement officers use their vehicles for transportation of inmates.
19. Fuel for Vehicles  
There is sufficient fuel for vehicles.
20. Utilities for Facility  
There is sufficient funding for utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and showers  
There is no kitchen, laundry or showers at the facility.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the staff areas. Lighting in the cells is insufficient.

23. Ongoing Repairs and Maintenance  
There are no ongoing repairs or maintenance at this facility.
24. Deferred Repairs and Maintenance  
The facility is in a state of disrepair. The facility is not used in an appropriate manner. What was meant to be a clear space for the storage and parking of fire trucks and other emergency vehicles is being used as a storage and repair garage for miscellaneous personal vehicles, official vehicles, carwash and an oil changing station for the law enforcement vehicles. The facility needs light fixtures, an emergency backup power system, a fire alarm/sprinkler system, sanitation sewer lines replacement, replacement of the hot water tank and associated plumbing repairs, concrete repairs of the block-wall and areas that were damaged during past escape by inmates, replacement of all existing doors, repairs of the rollup door and repairs of all of the tile flooring in hallways and offices.
25. Medical Response at the Facility  
There is no provision for medical response at the facility. However, there is an ambulance service that is provided for the community that is available within about a two-minute drive from the facility.
26. Booking Process at the Facility  
There is no formal booking area at the facility. Booking is generally conducted in the vehicle and the inmate is generally driven to the Pine Ridge facility.
27. Food Service at the Facility  
There is no food service at the facility.
28. Kitchen and Dining Staff at the Facility  
There is no kitchen or dining staff at the facility.
29. Housekeeping Staff at the Facility  
There is no housekeeping staff at the facility. The facility is fairly dirty and unkempt. At periodic intervals, the public safety officer gathers and hauls all of the trash at the facility.
30. Repairs and Maintenance Staff at the Facility  
There are no repairs or maintenance staff at the facility. Repairs and maintenance are fairly poor. The facility requires repairs and maintenance but it appears as if the repairs and maintenance staff has not visited the site for several years.
31. Inmate Services Provided at the Facility  
No inmate services are provided at the facility.

32. **Healthcare Assistance in the Community**  
There is no healthcare assistance in the community. An ambulance service is provided that can transport the inmates to the Pine Ridge Indian Health Services Clinic 16 miles away.
33. **Other Support Agencies in the Community**  
There are no specific support agencies in the community. All support agencies are located in Pine Ridge.
34. **General Reasons for Detention**  
The general reasons for apprehension and detention are the onset of drugs- related violent crime.
35. **Potentially Harmful Conditions and behavior of Inmates**  
Inmates are generally not held at the facility even though cells are provided. However, the cells are in disrepair and it is not expected to have inmates located at the facility for any extended period.
36. **Accountability and Reporting of Incidents**  
Incidents are reported to the Oglala Sioux Tribal Administration at Pine Ridge and subsequently to the BIA offices in Albuquerque, New Mexico.

**Section 3****Facility Review  
March 11, 2006**

1. Exterior Site Conditions  
The exterior site conditions are fairly poor. The facility is located near the local school and serves primarily as a substation for the local police officers who patrol this area. The local site is neither paved nor graveled and as such is fairly dusty during the summers and fairly muddy during winters.
2. Exterior Exercise/Recreation Area  
Even though the facility has a provision of two cells for inmates and was meant to be used as a holding facility it is no longer used as such. The facility is used only as a local substation for the police officers serving the local community.
3. Exterior Perimeter Security  
The exterior perimeter security is fairly poor. There is no fencing or any cameras that monitor the perimeter of the facility. The front door does have a lock that is capable of locking; however, the side door at the garage entrance cannot be locked and is held in place with a broomstick tied to the doorknob from inside the building, held tight across the door jamb. The facility could be penetrated by lifting up the rollup doors.
4. Sally Port Security  
There is no Sally port at the facility.
5. Building Interior Security  
There is no interior security at the facility.
6. Building Structure  
The building is slab-on-grade block-wall structure.
7. Building Roof  
The building has a flat metal deck roof with a cover of tar, rock and gravel. There have been no reported incidents or signs of leakage at the roof.
8. Interior Ceilings  
Interior ceilings are in disrepair. These consist of dropped lay-in ceilings in the office areas and hard ceilings in the cell area.



9. Interior Walls  
Interior walls are of block-wall construction.
10. Interior Flooring  
Interior flooring in the offices and corridors is glued-on tile over concrete and painted concrete in the cell area. The garage area flooring consists of unsealed and unpainted concrete. All of the flooring is in disrepair.
11. Interior Dormitory Cells  
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells  
There are no interior isolation cells at the facility. However, once the cells are repaired they may be used as an isolation cell. There is no water at the cell locations at this time.
13. Interior Detoxification Cells  
There are no interior detoxification cells at the facility.
14. Booking and Intake Area  
There is no specific area designated as booking and intake area at the facility.
15. Visitation Area  
There is no area designated as the visitation area for the visitors at the facility.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area  
There is no dining area at the facility.
18. Day Room Area  
There is no day room area at the facility.
19. Vocational Training Area  
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no specific first aid or medical assistance area at the facility.  
There is no first-aid kit at the facility.
21. Toilets and Showers  
There are no showers at the facility. There are two toilets, one of which appears to have been plugged up for a very long time. Both toilets are in a state of disrepair.

22. HVAC System  
The HVAC system is located on the roof. The HVAC unit on the roof is two years old. The electrical heaters that provide heating to the facility are in disrepair and often break down. These need to be replaced.
23. Plumbing System  
The plumbing system is in disrepair and the sanitation sewer drains are plugged up and need to be replaced.
24. Lighting System  
The light fixtures are in a state of disrepair. The surface mounted light fixture in the office was accidentally shot-at by one of the officers many years ago. The light fixture has not been replaced at this time.
25. Electrical Power System  
The electrical power system appears to be adequate for the size of this facility. A pad mounted transformer serves as the power source. The service entrance panelboard consists of two disconnect switches, a central gutter serving 2-225 amp, 208 Y/120.V, and three-phase four-wire panels which serve the facility through independent circuit breakers. There is no backup generator or battery backed emergency egress lighting.
26. IT System  
The existing IT system appears to be adequate for the use of the police officers at this facility. The system consists of two computer stations, two printers and one fax machine that are connected to a communications modem.
27. Security System  
There is no security system at the facility. The side door is held shut with a broomstick handle tied of the doorknob.
28. Energy Usage and Conservation  
There is no awareness of energy conservation at the facility. The facility needs weatherization to prevent cold drafts through all exterior doors and the window.
29. Fire Egress -- Exterior and/or Secured Areas  
The facility is fairly small and the path of egress is within a reasonable distance to the exit from the facility.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There are no fire alarm, fire sprinkler or fire extinguishers at the facility.
31. Building Access for Staff and Inmates  
The staff uses the front entrance and the rollup doors to enter the facility.

32. **Hazardous Materials**  
The facility does not have asbestos or lead paint. However, the facility needs to be environmentally abated for all the spilled fuel oil that has accumulated over the years as the officers have used the site for oil-changes and repairs of automobiles.
33. **Handicap Access for Staff and Inmates**  
There are no handicap access provisions for the use of disabled staff, visitors or inmates at the facility.
34. **Potentially Hazardous Elements**  
Inmates are not held at the facility even though cells are provided. However, the cells are in disrepair and it is not expected to have inmates located at the facility in the future.

DRAFT

## Section 1

**Background Information  
of the  
Pine Ridge Reservation  
Served by the Porcupine Law Enforcement Center**

**Pine Ridge Reservation<sup>1</sup>**

Federal reservation

Oglala Sioux

Washabaugh-Jackson, Custer, Fall River, and Bennett counties, South Dakota

**Pine Ridge Reservation**

P.O. Box 2070

Pine Ridge, SD 57770

605-867-5821

605-867-1449 Fax

Total area (BIA realty, 2003) 1,775,412.72 acres

Total area (Tribal source, 2004) 2,800,000 acres

Tribally owned (BIA realty, 2003) 705,839.58 acres

Tribally owned (Tribal source, 2004) 706,340 acres

Federal trust (BIA realty, 2003) 1,067,877.15 acres

Individually owned (BIA realty, 2003) 1,695.99 acres

Allotted lands (Tribal source, 2004) 1,064,840 acres

Population (2000 census) 14,068

Tribal enrollment (Tribal source, 2004) 17,775

Total labor force (2000 census) 4,741

High school graduate or higher (2000 census) 68.8%

Bachelor's degree or higher (2000 census) 11.1%

Unemployment rate (2000 census) 33%

Per capita income (2000 census) \$6,298

**LOCATION AND LAND STATUS**

The Pine Ridge Reservation, second only in size of landmass to the Navajo Reservation, is located in southwestern South Dakota. The reservation borders Nebraska on the south, and it is approximately 50 miles east of the Wyoming border on the west. Pine Ridge Reservation abuts the Rosebud Reservation on the northeast corner. Some tribal trust lands are located in northwestern Nebraska.

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

Interstate 90 runs east-west just north of the reservation. The community of Pine Ridge, which serves as tribal headquarters, lies approximately 97 miles south and slightly west of Rapid City. The nearest city of 250,000 or more is Denver, Colorado, 420 miles away.

#### PHYSICAL DESCRIPTION

The topography of the 11,000-square-mile reservation and trust lands is a diverse mixture of badlands and acres of rolling grassland hills, transected with river valleys and creeks and ridges dotted with spotted pine; hence the name Pine Ridge. The well-known Badlands National Park extends into the reservation, featuring a unique landscape of eroded ridges, peaks, multicolored columns, and abrupt mesas. The Buffalo National Grassland lies along the reservation's western border.

#### CLIMATE

Typical for the Great Plains, reservation temperatures fluctuate between seasonal extremes of 105° F and -30° F. The average temperature in July is 74° F; in January the average temperature is 21° F. The area normally receives 19 inches of precipitation annually.

#### GOVERNMENT

The Pine Ridge Reservation was established by an Act of Congress in 1889 as a home for the Oglala Lakota Sioux. Under an IRA constitution approved in 1936, the tribe is governed by a 16-member tribal council, presided over by the tribal council chairman, who acts as the administrative head of the tribe. The council is guided by a five-member executive committee, with elections held every two years to elect an at-large president and vice-president and representatives from nine districts: Eagle Nest, Pass Creek, Wakpamni, Lacreek, Pine Ridge, White Clay, Medicine Root, Porcupine, and Wounded Knee. A sergeant-at-arms and critic also serve with the council. All members serve four-year terms. Under PL-638, the tribe contracts with the BIA to administer key programs and services.

A tribal court system, established under the constitution, consists of one chief and three associate judges who are chosen by the tribal council. They also serve four-year terms.

#### INFRASTRUCTURE

State Highway 73, a north-south route, and U.S. Highway 18, an east-west route, are the major traffic arteries. Gordon, Nebraska, 45 miles away, is the nearest railroad shipping center, while the nearest international airport is at Rapid City, South Dakota, 130 miles from the reservation.

Electricity - The Consumers Power Company and the LaCreek Power Cooperative provide electricity.

Water Supply - The Oglala Sioux Rural Water Supply System supplies water on the reservation. The Mni Wiconi Project is under construction to supply clean water

from the Missouri River to the communities that do not have potable water or have wells with poor water quality. The tribe provides solid waste collection.

Telecommunications - Golden West Telecommunications Company provides telephone service, and a tribal member provides cable TV service in the community of Pine Ridge.

#### COMMUNITY FACILITIES AND SERVICES

The tribe provides an elderly nutrition program, and it sponsors many community activities. Youth recreational services are provided through local nonprofit organizations including a rodeo club.

Education - Four high schools and 12 elementary schools serve approximately 5,577 private or public school children on the reservation aged 5–18. Healthy Start and Head Start programs work with preschool children. On March 4, 1971, the Oglala Sioux Tribal Council chartered the Lakota Higher Education Center. Pine Ridge High School was completed in 1994. Red Cloud Indian School, which operates elementary, middle, and high school campuses on the reservation, is a nonprofit corporation that operates as an accredited private school. The school emphasizes retaining traditional Lakota values, linguistic skills, and cultural heritage, while striving toward academic excellence. It had an enrollment in excess of 600 students in 2002.

Oglala Lakota College, founded in 1971, is a tribally chartered and operated university offering GED, associate and bachelor's degrees, and, more recently, master's study programs. In keeping with the college's mission—"Piya Wiconi," a Lakota expression meaning a new beginning for harmony in fulfillment of aspirations and dreams—the college is committed to continuous quality improvement in providing outstanding teaching, research, community services, and assessment. Accreditation by the Commission on Institutions of Higher Education, North Central Association of Colleges and Schools was first granted in 1983. Nursing graduates are certified by the South Dakota State Board of Nursing and are permitted to sit for the registered nurse examination. The college was responsible for beginning the first child and spouse abuse prevention programs on the reservation, for developing alcohol and drug abuse intervention programs, and for conducting economic development conferences leading to the formation of The Lakota Fund.

Health Care - In 1994, the Pine Ridge Reservation Comprehensive Health Care Facility, an Indian Health Service hospital, was dedicated and opened for patient care. An intensive care unit, modern monitoring equipment, a respiratory therapy program, and new pediatric care facilities have all been added since 1997. Decorated with tribal themes, the hospital welcomes traditional healers and medicine men along with Christian or other spiritual workers. A community health representative and an ambulance service serve for the reservation. The health department provides eye exams and eyeglasses to all residents at reduced rates. There is a dialysis center on the reservation.

## Section 2

### Program Review

May 12, 2006

This facility was built in 1981 with the intent of use as a holding facility and a substation for the use by law enforcement, housing the police, fire and emergency services for the community. This facility has been converted into the Porcupine Communications Center which is now serving the Pine Ridge Reservation as the 911 dispatch center for emergency services as well as the primary repository for all critical data at the data processing center for the reservation. The original two cells have been converted into the 911 dispatch center and the data processing server room. The original garage for the fire trucks has been converted into offices for the 911 dispatch supervisor and an office for the supervisor for the Porcupine Communications Center as well as a Training Center for officers around the Pine Ridge Reservation. This is a critical building in that it serves as the 'Command-and-Control' hub during a local or national emergency for all Life-Safety and Emergency services as well as the primary repository for all critical data at the Pine Ridge Reservation. This center is now linked to the Oglalas Sioux administration building at Pine Ridge that houses a secondary data processing center and server repository for the Pine Ridge Reservation.

1. Funding of Operations

The facility is owned by the BIA. The tribe provides for the operations of the building through the PL 638 funds. Operations are also funded by the communications surcharged levies paid by the residents at the Pine Ridge Reservation.

2. Funding of Repairs and Maintenance of Facility Structure

The BIA provides for the repair and maintenance of the facility.

3. Policies and Procedures

There are no policies or procedures for the operations at the facility.

4. Staffing

There are 12 full-time dispatch officers who use the facility. Ten more officers will be added by the end of 2006. There are no detention officers.

5. Programs

There are no programs for the benefit of inmates at this facility.

6. Staff Training

The officers who serve the facility are certified through the State of South Dakota. The facility has found that it is most cost effective for the officers to be trained at Pierre in South Dakota. The officers are trained as 911 dispatchers culminating with a formal certification by the State of South

Dakota. In addition, the officers are also trained for EMT, MCIC, advanced Public Safety Dispatch, Communications Officer, FEMA (ICS) National Incident Management System and for CPR training.

7. Space for Inmates On-Site  
There were two cells that have been converted into the Central Dispatch Center and the Data Processing Center.
8. Space for Inmates Off-Site  
All inmates are sent off-site to Pine Ridge and elsewhere.
9. Staffing Capacity for the Inmates On-Site  
There are no detention officers. The facility will not be used for incarceration.
10. Staffing Capacity for Transportation and Escort for Inmates  
The facility is still used as a substation for law enforcement. Thus police officers provide for the transportation and escort of the inmates to off-site locations.
11. Office Supplies for Staff  
There are insufficient funds through the PL 638 program to procure sufficient office supplies. Additional funds from the communications surcharge levies paid by the cell phone users at the Pine Ridge Reservation are used to provide for office supplies. There are sufficient office supplies for staff at this time.
12. IT Equipment for Office Use  
The IT equipment consists of equipment for the police substation, equipment for the central dispatch for 911 services, equipment for law enforcement services, equipment for fire services, equipment for the Indian Health Services, equipment for the EMS services and equipment for the National Park Service. There is sufficient IT equipment for office use.
13. IT Equipment for Communications Use  
There is sufficient IT equipment for communications.
14. Personal Supplies for Inmates  
Personal supplies for the inmates are not needed at the facility.
15. Uniforms for Staff and Inmates  
There is inadequate funding for uniforms for the staff. Uniforms are not needed for the inmates.
16. Linen for Inmates  
Blankets and mattresses are not needed for the inmates.



17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff are adequate though old. There is no furniture for the inmates.
18. Transportation Vehicles  
The law enforcement officers use their vehicles for transportation of the inmates.
19. Fuel for Vehicles  
There is insufficient funding in the PL 638 program for fuel for the vehicles.
20. Utilities for Facility  
There is sufficient funding for utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There are no kitchen, laundry or shower facilities at the facility. However, hot and cold water are sufficient at the sinks and the toilets.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the staff areas. However, there is insufficient lighting in the high bay areas in what used to be the garage for the fire trucks, and is now being used as the police substation, administration offices for the supervisors and a training facility for law enforcement officers.
23. Ongoing Repairs and Maintenance  
There are no ongoing repairs or maintenance at this facility.
24. Deferred Repairs and Maintenance  
The facility is in a state of disrepair. The physical building is settling at a rapid rate which is evident from the 4 inch separation of the sidewalk and stress-related cracks at 45° along the exterior block walls. Physical water is seeping up through the block-walls causing a potential for mold in the dispatch center. Because of openings that have been created in the building envelope, there is an infestation of wolf spiders, snakes and mice in addition to the plants such as creeping Jenny's that are growing through the cracks in the hollow block-walls and building separation. There is a fairly strong odor of raw sewage emanating from uncapped sewer lines and possible damage to the sanitation sewer line, at the edge of the building foundation where it has settled. A rusty coffee can serves as the cap for the sewer cleanout. The electrical service is not grounded to the new grounding that was required for the IT equipment and the service disconnect switch has been directly tapped to provide a distribution panelboard for the new equipment. Rainwater gutters have separated from the building anchors causing additional moisture to penetrate through the exterior block wall.

25. Medical Response at the Facility  
There is no provision for medical response at the facility.
26. Booking Process at the Facility  
There is no formal booking area at the facility and none is required.
27. Food Service at the Facility  
There is no food service at the facility. The staff utilizes vending machines and a corner of the high bay storage area as the lunchroom and a food prep area for the staff that is on duty around the clock throughout the year.
28. Kitchen and Dining Staff at the Facility  
There is no kitchen or dining staff at the facility.
29. Housekeeping Staff at the Facility  
There is no housekeeping staff at the facility. The public safety officer gathers and hauls all the trash at the facility at periodic intervals.
30. Repairs and Maintenance Staff at the Facility  
There are no repairs or maintenance staff at the facility. Repairs and maintenance are minimal and services are provided when called for. Major repairs and upgrade services are provided by the tribal repair team.
31. Inmate Services Provided at the Facility  
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community  
There is an IHS clinic in the community about 1 mile away from the facility. There is no ambulance service in the community.
33. Other Support Agencies in the Community  
There are no specific support agencies in the community. All support agencies are located at Pine Ridge.
34. General Reasons for Detention  
Though inmates are not detained at this facility, there are drugs-related violent crimes in the community, which eventually leads to demands for detention at other facilities.
35. Potentially Harmful Conditions and Behavior of Inmates  
Inmates are not held at this facility.
36. Accountability and Reporting of Incidents  
Incidents are reported to the Chief of Police at the Oglalas Sioux Tribal Administration building in Pine Ridge.

**Section 3****Facility Review  
March 12, 2006**

1. Exterior Site Conditions  
The exterior site conditions are poor for the functionality within the facility. This is a critical building that serves as the 'Command-and-Control' hub during a local or national emergency for all Life-Safety and Emergency services as well as the primary repository for all critical data at the Pine Ridge Reservation. The building is vulnerable to an intrusion. Additional parking is needed during training sessions and for the extended staff that will be added in the upcoming future.
2. Exterior Exercise/Recreation area  
There is no provision for an exercise/recreation area and there is no such need. The chain-link fence topped with barbed wire provides an enclosed space behind the building. The space is not used for any specific purpose but it serves as a visual barrier to keep the general public from having access to the building from the back.
3. Exterior Perimeter Security  
The exterior perimeter security is adequate. There is bullet-resistant glass at the only window and the front entrance door is locked and monitored with a camera and an intercom system. There is coverage with cameras all around the perimeter; however, the north and west views are very blurred at the camera monitors in the dispatch center.
4. Sally Port Security  
There is no Sally port at the facility.
5. Building Interior Security  
There is one camera in the interior corridor at the facility which provides basic coverage but no recording of the individuals who have entered the building.
6. Building Structure  
The building is a block-wall structure on a block-wall foundation.
7. Building Roof  
The building has a flat metal deck roof with a tar and gravel cover. There have been no reported incidents or signs of leakage at the roof.

8. Interior Ceilings  
Interior ceilings are adequate at this time in the dispatch center, data processing center and the front offices. These consist of dropped lay-in ceilings in the office areas and hard ceilings in the dispatch center and the data processing center area. There are no ceilings in the original garage area which is now used as offices, training facility and lunchroom.
9. Interior Walls  
Interior walls are of hollow block-wall construction.
10. Interior Flooring  
Interior flooring is painted concrete in the garage area and glued on vinyl tile in all other areas.
11. Interior Dormitory Cells  
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells  
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells  
There are no interior detoxification cells at the facility.
14. Booking and Intake Area  
There is no specific area designated as booking and intake area at the facility. Such function is conducted in the officer's vehicle.
15. Visitation Area  
There is no area designated as the visitation area for the visitors at the facility.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area  
There is no dining area at the facility. A corner of the high bay storage area has been designated as the lunchroom for the staff who serves the facility around-the-clock, around the year.
18. Day Room Area  
There is no day room area at the facility.
19. Vocational Training Area  
There is no vocational training area at the facility; rather the facility has developed a training center that is used for the training of law enforcement officers.

20. First Aid and Medical Assistance Area  
There is no specific first aid or medical assistance area at the facility.
21. Toilets and Showers  
There are no showers at the facility. There are two toilets that are in fair condition at this time. However, the doors to the toilet do not close since the door jambs have been skewed by the settling of the building.
22. HVAC System  
The HVAC system is located on the roof and the mezzanine of the dispatch and data processing area. Additional cooling is provided by independent refrigerated-cooling units that are located in the dispatch area and two additional condensing units that are located outside the facility. Heating is provided by electric unit heaters and suspended radiant heaters in the high bay storage space that is now being used as the offices, training area and lunchroom. This space is both difficult to heat and cool, as the use has changed over time and the HVAC system has not kept up with the changed use of space. Though some cooling has been added for the additional electronic equipment, heating in the facility is insufficient and is still provided by the original heating system that was installed in 1981.
23. Plumbing System  
The plumbing system is in disrepair and the sanitation drains are plugged up and/or damaged/disconnected and need to be replaced appropriately. The facility is served by an independent sewage treatment lagoon about 1000 yards away from the facility.
24. Lighting System  
The light fixtures are adequate in the offices, dispatch center and the data processing center. However, they are inadequate in the original high bay storage area.
25. Electrical Power System  
The electrical power system appears to be adequate in capacity for the size of this facility. A pad mounted transformer serves the facility through a system of two disconnect switches one of which has been double tapped for the new IT equipment. The building is served by two, 200 amp, 208 Y/120 V, three-phase four wire system and one additional 225 amp panelboard. This electrical system is supported by a standby pad mounted generator which is rated at 25 KW and is fed by propane. There are battery-backed emergency egresses lighting fixtures in the facility.
26. IT System  
The existing IT system appears to be adequate for the use of the police officers and the dispatch at this facility.

27. Security System  
There is minimal security system at the facility. The interiors are monitored by one camera and the exteriors are monitored by a series of cameras that do not have a very high resolution. The exterior window is fitted with bullet-resistant glass.
28. Energy Usage and Conservation  
There is no awareness for energy conservation at the facility. The facility needs weatherization to prevent cold drafts through all exterior doors and rollup doors.
29. Fire Egress – Exterior and/or Secured Areas  
The facility is fairly small and the path of egress is within a reasonable distance to the exit from the facility.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There is a fire alarm system consisting of smoke detectors but the system is not connected to a fire department since there is no fire department in the community. The response time for fire trucks is more than 35 minutes since they are located at Pine Ridge. There is a volunteer fire department in the community whose response may be as long as 30 minutes.
31. Building Access for Staff and Inmates  
The staff uses the front entrance which is both locked and monitored by a camera and an intercom system.
32. Hazardous Materials  
The facility does not have asbestos or lead paint.
33. Handicap Access for Staff and Inmates  
There are no handicap access provisions for the use of disabled staff or visitors during training sessions at the facility.
34. Potentially Hazardous Elements  
Inmates are not held at the facility.

**Section 1****Background Information  
of the  
Rosebud Reservation****Served by the Rosebud Detention Center****Rosebud Reservation<sup>1</sup>**

Federal reservation  
Sioux  
Todd County, South Dakota

**Rosebud Sioux Tribe**

P.O. Box 430  
Rosebud, SD 57570  
605-747-2381  
605-747-2905 Fax  
Website: rosebudsiouxtribe.org

Total area (BIA realty, 2003) 884,194.01 acres  
Tribally owned (BIA realty, 2003) 483,486.66 acres  
Federal trust (BIA realty, 2003) 400,044.99 acres  
Individually owned (BIA realty, 2003) 662.36 acres

Population (2000 census) 10,469  
Tribal enrollment (BIA, 2001) 24,134  
Tribal enrollment (Tribal source, 2004) 25,196

Total labor force (2000 census) 3,616  
High school graduate or higher (2000 census) 73%  
High school graduate or higher (Tribal source, 2004) 31%  
Bachelor's degree or higher (2000 census) 10.9%  
Unemployment rate (2000 census) 20.1%  
Per capita income (2000 census) \$7,279

**LOCATION AND LAND STATUS**

The Rosebud Sioux Reservation encompasses over 950,000 acres in south-central South Dakota just above the Nebraska state line, just east of and adjacent to the Pine Ridge Reservation. Established by an Act of Congress on March 2, 1889, the reservation encompasses the towns of Mission, Rosebud, Parmelee, St. Francis,

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

Okreek, and Hidden Timber. The Todd County line forms the northern and eastern borders; the Nebraska state line forms the southern boundary. The community of Rosebud, approximately 50 miles south of I-90 on Highway 83, serves as tribal headquarters. Rosebud is approximately 194 miles east of Rapid City, South Dakota.

#### CLIMATE

Data for Rosebud, South Dakota, is not available; however, climate information for Mission, South Dakota, 13 miles north of Rosebud is available and would not differ significantly. Year-round high temperatures at Mission, South Dakota, average 59°F. The average year-round low temperature is 32.4°F. The area receives approximately 19 inches of precipitation annually and suffers from extreme droughts at times. Snowfalls during winter months range between moderate and heavy, with 10-foot drifts during severe blizzard conditions reported periodically. The growing season is short, lasting only from June to August before the first frost. Daily year-round wind speeds average 14 miles per hour.

#### GOVERNMENT

The tribal government operates under a constitution consistent with the Indian Reorganization Act of 1934, which was approved by the Rosebud Sioux Tribe's tribal membership and tribal council in 1937. The tribal charter designates a tribal council, which consists of a president, vice-president (elected at-large), secretary, treasurer, sergeant-at-arms, and 20 elected members from the 13 districts, apportioned by population. The tribal council president is the tribe's administrative head and serves a two-year term. Tribal council members appoint the secretary, treasurer, and sergeant-at-arms.

The Rosebud Sioux Tribe, under PL-638, contracts with the BIA to administer key programs and services to improve life on the reservation for its membership. These include: ambulance, commodity distribution, alcohol, daycare, resource development, community health representative, child welfare, juvenile detention center and diversion, juvenile wellness court, law enforcement and criminal investigation, land office, natural resources, tourism, youth advocacy and youth affairs, prosecutor, water resources, White River Health Care, tribal education, right of way, utility company, solid waste, the Spotted Tail Crisis Center, tribal courts, Head Start, emergency preparedness, forestry, fish and game. The treaty office staff is composed of elders and youth who understand historical aspects of the 1868 Treaty (and others).

The Rosebud Sioux Tribe is the first tribe to implement a comprehensive Cultural Resource Management Code, which will manage cultural sites, plants, remains, records, and research with an eye to preserving and protecting these valuable resources. The tourism office's cultural tourism-planning model provided the impetus and mandate for the Cultural Resource Management Code. Current efforts include identifying funding to fully staff the Cultural Resource Management Department.



#### INFRASTRUCTURE

There is one airstrip, the Mission Airport, located in Antelope, South Dakota. South Dakota Highway 18 runs east-west across the reservation, while State Highway 83 bisects it north-south. The two highways intersect at the town of Mission. Highway 83 is a major transcontinental trade corridor connecting Mexico with Canada, crossing the United States in between.

Electricity - The tribal utility commission provides regulatory oversight of the utilities being provided to reservation residents. In a pilot project with the U.S. Department of Energy, the tribe constructed a wind-energy turbine near the casino and has been successful in generating sufficient power to supply the casino with wind-generated electricity.

#### COMMUNITY FACILITIES AND SERVICES

There are 20 communities on the reservation and each has its own community center and offices that house specific programs. There are apartments exclusively for tribal elders, offering nutritional programs and medication management assistance. The Rosebud Sioux Tribe has its own ambulance service and police department. The town governments of Rosebud, Mission, and White River have their respective police forces, as well.

Public Safety - Law enforcement and tribal court services are PL-638 contracted by the tribe and fall under the tribe's law and order code. The tribe's "RST 2002-04 Sicangu National Highway Safety, Traffic/Crash Information" booklet received a national achievement award from the BIA National Indian Highway Safety Program. The booklet is the first of its kind in Indian Highway Safety and will serve as a model program for other tribes. The Wanbli Wiconi Tipi JDS-Youth Wellness and Renewal, a 51,646-square-foot youth facility with 36 beds, is the tribe's newest facility, and it will provide detention services for adjudicated Rosebud youth.

Education - In the late 1870s, at the request of Sinte Gleska (Spotted Tail), an Itancan leader of the Sicangu, the "Black Robes" or Jesuits, were invited to begin a mission school on the Rosebud Reservation. Thus, the St. Francis Indian School was born in 1886, and it continues to operate today, offering education to students in grades K-12. The Todd County Middle School also operates in Rosebud.

The St. Francis Indian Mission operates many programs and services on the reservation, including an educational grant program, a youth education training program, a program to hire and retain residents of the reservation, pastoral works and programs within the Lakota faith communities, retreats and spiritual development through the Icimani Ya Waste Conference Center, and the local radio station.

Sinte Gleska University, named in honor of the famous chief who supported the education of his people, was founded in 1971. It is a fully accredited four-year institution of higher learning, the first reservation-based university in the United States. Two of the more important programs offered at Sinte Gleska are the job-related training programs that provide a skilled labor force for the tribe and the teacher training programs that work closely with the reservation community schools. This university and the tribe have a close working relationship.

**Section 2****Program Review****May 19, 2006**

1. **Funding of Operations**  
The operations part of the program is 100% funded by PL-638 from the BIA. This year, the total amounted to \$1,600,000, which included funding for both operations for the detention, as well as operations for the police and dispatch. However, for this year, only as a special consideration, the tribe contributed \$800,000 towards the operations of the detention facility. This additional funding resulted from funding left over from the juvenile facility.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Separate funding from the BIA provides for the repairs and maintenance of the facility. This averages about \$300,000 annually.
3. **Policies and Procedures**  
The facility uses the tribal policies and procedures that have been written in a BIA format, which includes the BIA table of contents. The tribal policies and procedures include a few cultural items but they are not implemented due to lack of space and personnel. On the day of the visit a search was conducted to locate these policies and procedures. However, neither the tribal nor the BIA policies and procedures could be located at the facility even though a sincere attempt was made to find them. The detention officer indicated that they generally train on a one-to-one basis from each other.
4. **Staffing**  
There are five full-time detention officers, four of whom are certified. In addition a full-time cook assists with cooking. There are three additional individuals in the Police Department who assist with the full-time administration. These include the Chief of Police, Captain and a Business Manager/Administrator.  
The detention officers work in 8-hour shifts, unless absolutely necessary, when they switch to 12-hour shifts. Generally there are two detention officers on duty on most days, unless one officer has a day off. There is only one detention officer on duty generally about 30% of the time.
5. **Programs**  
The facility participates in a community work program where the courts allow inmates with minor offenses to work-off their prison time by providing cleanup services in the community. The facility provides a trustee program.

6. **Staff Training**  
Once out of the Academy, the officers are not trained in policies and procedures due to lack of time and personnel. They would rather participate in hands-on training on a one-on-one basis. There are only two officers who have more than two years of experience as detention officers at this facility. Other training is made available to the officers, such as: training regarding sexual-harassment, training regarding OC (pepper spray), intoxilyzer training and supervisor training.
7. **Space for Inmates On-Site**  
There is a shortage of space at this 67-bed facility. The inmate population peaked at 103 on January 1, 2006, 98 on January 1, 2005, 102 on January 1, 2004 and 101 on January 1003. The number of inmates exceeds the capacity throughout summer months. Various attempts are made by the judges to alleviate the lack of capacity. Once such method is to give a 'suspended bond' in lieu of incarceration. No inmates are sent off-site. However, inmates from the State also use the facility if there is an opening. The tribe is presently considering methods to have federal inmates incarcerated locally for the sake of cultural and family ties and considerations.
8. **Space for Inmates Off-Site**  
Inmates are not sent off-site.
9. **Staffing Capacity for the Inmates On-Site**  
The facility is understaffed for the number of inmates that are incarcerated at any given time.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
Detention officers transport and escort the inmates unless there is only one detention officer on duty, at which time they seek assistance from the police officers.
11. **Office Supplies for Staff**  
The detention officers use their personal funds to purchase small items such as envelopes, pens, markers and writing paper. They are not reimbursed for such purchases. The detention officers also 'borrow' office supplies from the patrol officers. Since there is no printer for use by the detention officers, the officers are using the patrol officers' printer located in a different part of the building.
12. **IT Equipment for Office Use**  
The detention officers have one computer station at this time. There is a need for two additional computer stations.

13. IT Equipment for Communications Use  
There is no additional IT equipment such as panic transmitters for the officers, so they have borrowed two, two-way radios, to serve as emergency transmitters, from the patrol officers.
14. Personal Supplies for Inmates  
Until very recently, there were no funds to procure personal supplies for the inmates.
15. Uniforms for Staff and Inmates  
Until very recently, there were no funds to procure uniforms for the staff or inmates.
16. Linen for Inmates  
They are sufficient blankets for the inmates.
17. Furniture and Fixtures for Staff and Inmates  
The staff needs furniture and fixtures for two additional computer stations. However, since the detention officers are using a part of the booking space, there is not enough space to locate two additional stations. Additional seating is required for the 'common space' used by the inmates for dining.
18. Transportation Vehicles  
There are no transportation vehicles at this facility. Officers borrow patrol cars to transport inmates. The facility needs a transportation van to transport up to six inmates.
19. Fuel for Vehicles  
Since the facility does not have a vehicle, the fuel for detention vehicles is not applicable.
20. Utilities for Facility  
Utilities are paid for directly by the BIA.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is sufficient hot and cold water for the kitchen, laundry and showers.
22. Adequate Lighting for Inmate and Staff Areas  
Lighting for the staff areas is sufficient. The inmates complain about excessive light at night. There are no night-lights in the cells.
23. Ongoing Repairs and Maintenance  
The BIA facility staff is working on repairing leaks at sinks, and the push buttons for the sink- lavatory combination units.

24. Deferred Repairs and Maintenance
1. The security mesh needs to be anchored above the suspended ceiling in the dining room. Over a quarter of the total material is already in place.
  2. Continuous new leaks in the roof develop. Last season, 13 separate leaks were patched. The roof needs to be replaced. The present roof is the original flat roof with a shallow pitch.
  3. The facility needs a complete interior and exterior security camera surveillance system. This includes controlled-movement cameras and high-resolution recording cameras at the booking station.
  4. The facility needs compliance with ADA regulations.
  5. The facility needs a complete intercommunication system.
  6. The facility needs a complete clean-out of the exhaust system from the laundry room. This includes cleaning out the lint that has accumulated over the suspended ceiling and through the exhaust ducts.
  7. Approximately 8 glass blocks need to be replaced in the interconnecting glass block wall between the detention facility and the tribal court building.
  8. The chain-link fence and the chain-link fence gates enclosing the back of the building need to be refurbished and secured. The gates need to be cleared from the vegetation and buildup over the years, so they can be closed.
  9. The steel stairwell leading to the mezzanine that houses the building, mechanical and standby electrical system, needs to be re-anchored structurally to the building wall. Several nuts have loosened from the building bolts that anchored the stairwell.
25. Medical Response at the Facility
- The facility has the capability of providing basic first aid and CPR. An ambulance is available within about two minutes. The hospital is about half a mile away.
26. Booking Process at the Facility
- Booking is conducted across the counter top, in the same space that is also used as the office of the detention officer. There are no barriers between the inmate and the detention officer. The camera does not have recording capability and the monitor does not work. The computer at the booking station uses CISCO software for booking. However, when the detention officer is using the computer, her back is turned towards the inmate countertop leading from the Sally port. The restraining chair is stored in the cleaning-supplies room at a distant location from the booking area.
- The procedure is for the arresting officer to stay with the inmate during the booking and escort him up to the cell. During our observation of a booking process, we noted that the inmate was not searched and was escorted to the cell in street clothes. We noticed that the male inmate could not be searched by the female detention officer on duty at the time

of the booking. When questioned, we were advised that the inmate will take a shower and change his clothes the next day.

27. **Food Service at the Facility**  
There is a kitchen at the facility. The kitchen appears to be well-equipped.
28. **Kitchen and Dining staff at the Facility**  
A certified cook provides three meals a day, five days a week. On occasion, the cook works overtime hours. During the remaining two days an inmate trustee provides the cooking with the oversight of a detention officer. The lead detention officer helps out with the cooking as well.
29. **Housekeeping Staff at the Facility**  
Inmates provide cleaning for their own cells. The inmate trustees provide the cleaning for common corridors, restrooms, kitchen and laundry. Officers clean the remaining areas that are off-limits to the inmates.
30. **Repairs and Maintenance Staff at the Facility**  
Repairs and maintenance are provided by the BIA staff who share the responsibility with several other buildings. Response time is acceptable for small items. However, the response is generally poor for larger items and repair items have not been attended to for up to a year.
31. **Inmate Services Provided at the Facility**  
There is no routine healthcare checkup. There is no testing for TB, HIV or hepatitis. The Alcoholics Anonymous services and the Talking Circle services were stopped for lack of participation by the volunteers. Alcohol and drug assessment is provided to the inmates at the facility. Detention officers are waiting for training for working with methamphetamine users.  
Courts do allow the temporary release of inmates to allow for their daily commute to college, when requested.
32. **Healthcare Assistance in the Community**  
The Indian Health Service (IHS) provides healthcare assistance in the community. It is located about five minutes away.
33. **Other Support Agencies in the Community**  
There is an alcohol treatment program available in the community.
34. **General Reasons for Detention**  
Street gangs are on the rise at the reservation. This has corresponded with increased use and availability of drugs at the reservation. Generally, drug use includes methamphetamine, marijuana and cocaine. There were six to seven large 'drug busts' at the reservation over the past year. It is well known that there are several more drug labs in the community. But they have not been apprehended yet. The violent crime rate is 887 per 100,000

inhabitants. The property crime rate and all other crime rates are 2573 and 80,389 per 100,000 inhabitants respectively.

35. **Potentially Harmful Conditions and Behavior of Inmates**  
Inmates who are suspected of suicidal tendencies are provided with mental health assessment. Inmates have attempted suicide using blankets tied to the upper bunk or breaking light fixtures and using shards to cut themselves. Inmates have also attempted to use plastic cups to cut themselves.
36. **Accountability and Reporting of Incidents**  
Generally all incident reports are sent once a month to the supervisor Greta Baker. Very serious incident reports are sent immediately to Greta Baker.

DRAFT

**Section 3****Facility Review****May 19, 2006**

1. **Exterior Site Conditions**  
The exterior site conditions for this facility are extremely poor. The facility is accessible all around directly by the general public. Exterior brick wall indicates settling and exhibits cracks in several areas. The fascia at the entrance is peeling and in disrepair. There is a block-wall 'secure' vestibule which provides a passageway from the detention facility to the tribal court building. Several glass blocks have been shot at and others broken as a result of damage from impact by projectiles.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise and recreation area is small and incapable of holding all of the inmates in case of an emergency. This area is very insecure. Three strands of barbed wire are placed above the 9-foot perimeter brick fence. The area has a wrought-iron gate with horizontal crossbars that could form a stair-step for an easy walk over the barbed wire strands above the gate and through the open gates at the perimeter fence. The adjacent area is accessible to the general public who could toss over contraband items into this area. While there is a surveillance camera for the area, it cannot be monitored at the detention officer's station or at the dispatch since the monitors for the surveillance cameras do not function.
3. **Exterior Perimeter Security**  
The exterior perimeter security is very poor. Besides the exercise and recreation area that is mentioned above, a chain-link fence surrounds the back portion of the building. This fence has permanent openings. The chain-link gate is in a permanent open position anchored with vegetation that has grown over the years. While the chain-link fence has three strands of barbed wire above it, one end of the chain-link fence is not anchored to the building and offers a permanent opening even if the chain-link gate was closed and secure.  
The long connecting corridor of non-secure glazing is accessible from the parking lot and allows easy penetration and access into the building.
4. **Sally Port Security**  
The Sally port is used as a drive-in garage. It is not secured in any way. The rollup gates are permanently open with access to the perimeter chain-link fence that has no secure gate and has additional openings in it.



5. **Building Interior Security**  
There are six interior surveillance cameras in the building; however, they are meaningless, since they cannot be monitored at the nonfunctioning monitors at the detention officer's station and at the dispatch. All doors use the keyed-lock system except the entrance from the police to the detention facility, which uses an electronic keypad.
6. **Building Structure**  
The building exteriors are brick walls with slab-on-grade floor. The interior walls are painted block-walls. The structure is settling noticeably as is evidenced by cracks resulting from the weight of the structure and disproportionate settlement of the underlying soil.
7. **Building Roof**  
The building has a shallow-pitched tar roof though it is generally flat. The roof rises to a shallow pitch at the center of the building creating a parapet of 18 inches on the front and back perimeter of the building.
8. **Interior Ceilings**  
Suspended ceilings are provided in the kitchen, pantry, dining area, offices and day room. Hard concrete panels 18 inches wide are provided in the cells and corridors.
9. **Interior Walls**  
Interior consists of block walls.
10. **Interior Flooring**  
The interior flooring generally consists of vinyl tile glued over concrete in the offices, corridors, kitchen, pantry and other areas of common use. The cell areas consist of painted concrete.
11. **Interior Dormitory Cells**  
The interior of the dormitory-style cells houses up to six bunks in the cell. There is a common area that encloses up to three dormitory cells. This area is presently used as a day room or as in the case of the female cells as storage for mattresses.  
Generally, all cells were extremely dirty and in disrepair.
12. **Interior Isolation Cells**  
All of the interior isolation cells are dirty and unkempt. A camera is provided at the ceiling, which is of little use since the monitors for the camera do not function at the detention officer's station.
13. **Interior Detoxification Cells**  
The interior walls of the detoxification cells were resurfaced to remove flammable services. Those cells are not in use anymore since an appropriate resurfacing could not be implemented. They now serve as storage areas. However, the new surfaces where implemented are hard.

which are prone to injuries that may be suffered by intoxicated individuals.

14. **Booking and Intake Area**  
The booking and intake area opens from the Sally port and leads into the hallway leading to the cells. This area is presently used both as the booking space, and as the detention officer's workstation. Neither of the two functions is appropriate for the present configuration of this area. This area needs to be reconfigured for just the booking function, since it was designed to create access for the inmates through the Sally port.
15. **Visitation Area**  
The visitation area provides a barrier between the inmate and the visitor. However, there are no cameras or an intercom system that can monitor the process during the visitation.
16. **Kitchen, Food Preparation and Pantry Area**  
The kitchen is well equipped and clean. The pantry is well equipped and clean. Trustees work in the kitchen during the absence of the cook, two days a week. The kitchen and pantry have suspended ceilings, and even though the ceiling is surfaced with a washable coating, it serves as an escape route.
17. **Dining Area**  
The dining area is spacious and sufficient to feed the number of inmates in more than one dining shift. This area also serves as a day room and has a television set for the inmates. However, the space also serves as an escape route because of the suspended ceiling. The work order is in place to provide a security mesh above the ceiling.
18. **Day Room Area**  
There is no specific day room in the facility. However, the dining space and one of the dormitory common spaces are used as day rooms by the inmates. Each of these spaces has a television set that is used by the inmates. There are no cameras to monitor the activities of the inmates in these day rooms. The furniture takes a heavy beating. The furniture in each of these day rooms is not the institutional type and is in disrepair and needs to be replaced.
19. **Vocational Training Area**  
There is no specific area in the facility that could be used for vocational training.
20. **First Aid and Medical Assistance Area**  
There is no specific space to administer first aid and medical assistance. A first-aid kit is available.

21. **Toilets and Showers**  
The toilets and shower areas were renovated relatively recently and appeared to be in good shape. Both males and females are scheduled to use the same facilities at a predetermined schedule.
22. **HVAC System**  
The controls for the HVAC system do not function. The cell block area does not have sufficient ventilation and appropriate heating and cooling. Heating is provided through two boilers that utilize fuel oil. The boilers have been maintained and are in good repair. The cooling is provided through the refrigerated cooling system using two air handling units one of which serves the cell block area and the other serves the remaining administrative, dispatch and the police area. These units are also in good repair.
23. **Plumbing System**  
The plumbing system is in good repair. There are no reported backups or sewage leaks. The entire sanitation drain lines were replaced about two years ago.
24. **Lighting System**  
Lighting in general is adequate for the use of inmates and staff. Inmates complained of excessive lighting during the night. There are no night-lights.
25. **Electrical Power System**  
The electrical power system consists of an 800 amp, 208 Y/120 volt, three-phase, four-wire service. A 75 KW backup generator serves the facility. Each of the two HVAC chillers draws 127 amps, 208Y/120 volts at three-phase. The electrical system capacity is sufficient for the building.
26. **IT System**  
The IT system for the detention workstation consists of one computer, CISCO software and four borrowed intercom radios. There is a need for an additional computer station, and a reconfiguration of the detention officer's workstation.
27. **Building Security System**  
The security system consists of keyed locked doors throughout the facility. The surveillance camera system is inadequate and does not serve any function at this time. The recreation yard is insecure. The fenced area around the Sally port is insecure.
28. **Energy Usage and Conservation**  
There is little regard for monitoring energy usage and the conservation of energy. A fiberglass insulation held by chicken wire serves as ceiling insulation at the mezzanine level, mechanical room.

29. **Fire Egress – Exterior and/or Secured Areas**  
The fire escape plan noted at the facility provides direction for evacuation to the Sally port. However, the Sally port is insufficient and adjacent to the building, to effect appropriate evacuation in case of an emergency. The recreation yard is too small, insecure and adjacent to the building as well, to serve as appropriate location for evacuation. There is no secure space to evacuate the building in case of an emergency.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
There is a fire alarm system, appropriate fire extinguishers and a sprinkler system that serves the building. Sprinkler heads are located in individual cells.
31. **Building Access for Staff and Inmates**  
Staff accesses the building from the front door, while the inmates are escorted from the Sally port.
32. **Hazardous Materials**  
The building was built during 1983 and completed in March of 1984. No asbestos lead paint or other hazardous material was reported. Flammable material that lined the detoxification cells has been removed.
33. **Handicap Access for Staff and Inmates**  
There are no provisions at this facility for access by disabled staff, visitors or inmates.
34. **Potentially Hazardous Elements**  
Individual cells are furnished with the air vents. The screens on these air vents can serve as a potential location for tying articles of clothing to commit suicide.

## Section 1

**Background Information  
of the  
Pine Ridge Reservation  
Served by the Wamblee Law Enforcement Center**

**Pine Ridge Reservation<sup>1</sup>**

Federal reservation

Oglala Sioux

Washabaugh-Jackson, Custer, Fall River, and Bennett counties, South Dakota

**Pine Ridge Reservation**

P.O. Box 2070

Pine Ridge, SD 57770

605-867-5821

605-867-1449 Fax

Total area (BIA realty, 2003) 1,775,412.72 acres

Total area (Tribal source, 2004) 2,800,000 acres

Tribally owned (BIA realty, 2003) 705,839.58 acres

Tribally owned (Tribal source, 2004) 706,340 acres

Federal trust (BIA realty, 2003) 1,067,877.15 acres

Individually owned (BIA realty, 2003) 1,695.99 acres

Allotted lands (Tribal source, 2004) 1,064,840 acres

Population (2000 census) 14,068

Tribal enrollment (Tribal source, 2004) 17,775

Total labor force (2000 census) 4,741

High school graduate or higher (2000 census) 68.8%

Bachelor's degree or higher (2000 census) 11.1%

Unemployment rate (2000 census) 33%

Per capita income (2000 census) \$6,298

**LOCATION AND LAND STATUS**

The Pine Ridge Reservation, second only in size of landmass to the Navajo Reservation, is located in southwestern South Dakota. The reservation borders Nebraska on the south, and it is approximately 50 miles east of the Wyoming border

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

on the west. Pine Ridge Reservation abuts the Rosebud Reservation on the northeast corner. Some tribal trust lands are located in northwestern Nebraska.

Interstate 90 runs east-west just north of the reservation. The community of Pine Ridge, which serves as tribal headquarters, lies approximately 97 miles south and slightly west of Rapid City. The nearest city of 250,000 or more is Denver, Colorado, 420 miles away.

#### PHYSICAL DESCRIPTION

The topography of the 11,000-square-mile reservation and trust lands is a diverse mixture of badlands and acres of rolling grassland hills, transected with river valleys and creeks and ridges dotted with spotted pine; hence the name Pine Ridge. The well-known Badlands National Park extends into the reservation, featuring a unique landscape of eroded ridges, peaks, multicolored columns, and abrupt mesas. The Buffalo National Grassland lies along the reservation's western border.

#### CLIMATE

Typical for the Great Plains, reservation temperatures fluctuate between seasonal extremes of 105° F and -30° F. The average temperature in July is 74° F; in January the average temperature is 21° F. The area normally receives 19 inches of precipitation annually.

#### GOVERNMENT

The Pine Ridge Reservation was established by an Act of Congress in 1889 as a home for the Oglala Lakota Sioux. Under an IRA constitution approved in 1936, the tribe is governed by a 16-member tribal council, presided over by the tribal council chairman, who acts as the administrative head of the tribe. The council is guided by a five-member executive committee, with elections held every two years to elect an at-large president and vice-president and representatives from nine districts: Eagle Nest, Pass Creek, Wakpamni, Lacreek, Pine Ridge, White Clay, Medicine Root, Porcupine, and Wounded Knee. A sergeant-at-arms and critic also serve with the council. All members serve four-year terms. Under PL-638, the tribe contracts with the BIA to administer key programs and services.

A tribal court system, established under the constitution, consists of one chief and three associate judges who are chosen by the tribal council. They also serve four-year terms.

#### INFRASTRUCTURE

State Highway 73, a north-south route, and U.S. Highway 18, an east-west route, are the major traffic arteries. Gordon, Nebraska, 45 miles away, is the nearest railroad shipping center, while the nearest international airport is at Rapid City, South Dakota, 130 miles from the reservation.

Electricity - The Consumers Power Company and the LaCreek Power Cooperative provide electricity.

Water Supply - The Oglala Sioux Rural Water Supply System supplies water on the reservation. The Mni Wiconi Project is under construction to supply clean water from the Missouri River to the communities that do not have potable water or have wells with poor water quality. The tribe provides solid waste collection.

Telecommunications - Golden West Telecommunications Company provides telephone service, and a tribal member provides cable TV service in the community of Pine Ridge.

#### COMMUNITY FACILITIES AND SERVICES

The tribe provides an elderly nutrition program, and it sponsors many community activities. Youth recreational services are provided through local nonprofit organizations including a rodeo club.

Education - Four high schools and 12 elementary schools serve approximately 5,577 private or public school children on the reservation aged 5–18. Healthy Start and Head Start programs work with preschool children. On March 4, 1971, the Oglala Sioux Tribal Council chartered the Lakota Higher Education Center. Pine Ridge High School was completed in 1994. Red Cloud Indian School, which operates elementary, middle, and high school campuses on the reservation, is a nonprofit corporation that operates as an accredited private school. The school emphasizes retaining traditional Lakota values, linguistic skills, and cultural heritage, while striving toward academic excellence. It had an enrollment in excess of 600 students in 2002.

Oglala Lakota College, founded in 1971, is a tribally chartered and operated university offering GED, associate and bachelor's degrees, and, more recently, master's study programs. In keeping with the college's mission—"Priya Wiconi," a Lakota expression meaning a new beginning for harmony in fulfillment of aspirations and dreams—the college is committed to continuous quality improvement in providing outstanding teaching, research, community services, and assessment. Accreditation by the Commission on Institutions of Higher Education, North Central Association of Colleges and Schools was first granted in 1983. Nursing graduates are certified by the South Dakota State Board of Nursing and are permitted to sit for the registered nurse examination. The college was responsible for beginning the first child and spouse abuse prevention programs on the reservation, for developing alcohol and drug abuse intervention programs, and for conducting economic development conferences leading to the formation of The Lakota Fund.

Health Care - In 1994, the Pine Ridge Reservation Comprehensive Health Care Facility, an Indian Health Service hospital, was dedicated and opened for patient care. An intensive care unit, modern monitoring equipment, a respiratory therapy program, and new pediatric care facilities have all been added since 1997. Decorated with tribal themes, the hospital welcomes traditional healers and medicine men along with Christian or other spiritual workers. A community health representative and an ambulance service serve for the reservation. The health department provides eye exams and eyeglasses to all residents at reduced rates. There is a dialysis center on the reservation.

**Section 2****Program Review****May 12, 2006**

This facility was built in 1981 with the intent of use as a holding facility and a substation for the use by law enforcement, housing the police, fire and emergency services for the community. There are two cells that have fallen into disrepair since the facility is not used for incarceration anymore. The facility is still in use as a law enforcement substation that provides services to the local community.

1. **Funding of Operations**  
The facility is owned by the BIA. The tribe provides for the operations of the building. Other details are not known.
2. **Funding of Repairs and Maintenance of Facility Structure**  
The BIA provides for the repair and maintenance of the facility.
3. **Policies and Procedures**  
There are no policies or procedures for the operations at the facility.
4. **Staffing**  
There are two police officers who use the facility. There are no detention officers.
5. **Programs**  
Since there are no inmates, there are no programs for the benefit of inmates at this facility.
6. **Staff Training**  
The staff who uses the facility consists of two certified police officers.
7. **Space for Inmates On-Site**  
There are two cells that lack any beds. The cells have fallen into disrepair over time and are now used as storage and work areas.
8. **Space for Inmates Off-Site**  
All inmates are sent off site to the Pine Ridge facility.
9. **Staffing Capacity for the Inmates On-Site**  
There are no detention officers. The facility will not be used for incarceration.



10. Staffing Capacity for Transportation and Escort for Inmates  
The police officers provide for the transportation and escort of the inmates to off-site locations.
11. Office Supplies for Staff  
There are sufficient office supplies for staff.
12. IT Equipment for Office Use  
There is sufficient IT Equipment for office use.
13. IT Equipment for Communications Use  
There is sufficient IT equipment for communications.
14. Personal Supplies for Inmates  
Personal supplies for the inmates are not needed at the facility.
15. Uniforms for Staff and Inmates  
There are adequate uniforms for the staff. Uniforms are not needed for the inmates.
16. Linen for Inmates  
Blankets and mattresses are not needed for the inmates.
17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff are adequate though in very poor condition. There is no furniture in the cells for the inmates.
18. Transportation Vehicles  
The law enforcement officers use their vehicles for transportation of the inmates.
19. Fuel for Vehicles  
There is sufficient fuel for vehicles.
20. Utilities for Facility  
There is sufficient funding for utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is no kitchen, laundry or showers at the facility.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the staff areas. Lighting in the cells is insufficient.
23. Ongoing Repairs and Maintenance  
There are no ongoing repairs or maintenance at this facility.

24. **Deferred Repairs and Maintenance**  
The facility is in a state of disrepair. The facility is used in an inappropriate manner. The clear space for the storage and parking of fire trucks and other emergency vehicles is being used as a storage garage for miscellaneous vehicles, storage for construction material, carwash and an oil changing station for the law enforcement vehicles.
25. **Medical Response at the Facility**  
There is no provision for medical response at the facility.
26. **Booking Process at the Facility**  
There is no formal booking area at the facility.
27. **Food Service at the Facility**  
There is no food service at the facility.
28. **Kitchen and Dining Staff at the Facility**  
There is no kitchen or dining staff at the facility.
29. **Housekeeping Staff at the Facility**  
There is no housekeeping staff at the facility. The facility is fairly dirty and unkempt. The public safety officer gathers and hauls all the trash from the facility at periodic intervals. However, the public safety officer reported that he visited the site about one year ago and cleaned it up with the help of his office staff.
30. **Repairs and Maintenance Staff at the Facility**  
There are no repairs or maintenance staff at the facility. Repairs and maintenance are fairly poor. The facility requires repairs and maintenance for it appears as if the repairs and maintenance staff has not visited the site for several years.
31. **Inmate Services Provided at the Facility**  
No inmate services are provided at the facility.
32. **Healthcare Assistance in the Community**  
There is no healthcare assistance in the community.
33. **Other Support Agencies in the Community**  
There are no specific support agencies in the community. All support agencies are located in Pine Ridge.
34. **General Reasons for Detention**  
The general reasons for apprehension and detention are violent crime in the community.

35. Potentially Harmful Conditions and Behavior of Inmates  
Inmates are not held at the facility even though two cells are provided. However, the cells are in disrepair and the facility is not expected to have inmates housed at this location.
36. Accountability and Reporting of Incidents  
Incidents are reported to the Oglala Sioux Tribal Administration.

DRAFT

**Section 3****Facility Review  
March 12, 2006**

1. **Exterior Site Conditions**  
The exterior site conditions are fairly poor. The facility serves primarily as a substation for the local police officers who patrol this area. The local site is accessible to the general public from all sides.
2. **Exterior Exercise/Recreation Area**  
Even though the facility has a provision of two cells for inmates and was meant to be used as a holding facility it is no longer used as one. The facility is used only as a local substation for the police officers serving the local community.
3. **Exterior Perimeter Security**  
The exterior perimeter security is fairly poor. An insecure chain-link fence topped with barbed wire and held by the lodgepole pines remains of what used to be an exercise/recreation area for the inmates. There are no cameras that monitor the perimeter of the facility. The front door does have a lock that is capable of locking; however, the side door at the garage entrance cannot be locked and tumbler for the lock is missing. The facility could be penetrated by lifting up the rollup doors. An unfinished partitioning door has been installed to prevent any intrusion from the storage/garage area into the officer's office area.
4. **Sally Port Security**  
There is no Sally port at the facility.
5. **Building Interior Security**  
There is no interior security at the facility.
6. **Building Structure**  
The building is slab-on-grade, block-wall structure.
7. **Building Roof**  
The building has a flat metal deck roof with a tar and gravel cover. There have been no reported incidents or signs of leakage at the roof.
8. **Interior Ceilings**  
Interior ceilings are in disrepair. These consist of dropped lay-in ceilings in the office areas and hard ceilings in the cell area. Ceiling tiles are stained, torn or missing.

9. Interior Walls  
Interior walls are of block-wall construction.
10. Interior Flooring  
Interior flooring is glued-on tile in the office and corridors, painted concrete in the cell area and unfinished concrete in the storage/garage area. All of the flooring is in disrepair.
11. Interior Dormitory Cells  
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells  
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells  
There are no interior detoxification cells at the facility.
14. Booking and Intake Area  
There is no specific area designated as booking and intake area at the facility.
15. Visitation Area  
There is no area designated as the visitation area at the facility.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area  
There is no dining area at the facility.
18. Day Room Area  
There is no day room area at the facility.
19. Vocational Training Area  
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no specific first aid or medical assistance area at the facility.  
There is no first-aid kit at the facility.
21. Toilets and Showers  
There are no showers at the facility. There are two toilets, one of which appears to have been plugged up for some time. Both toilets are in a state of disrepair.

22. HVAC System  
The HVAC system is located on the roof and on the mezzanine above the cell area. There no reported deficiencies for the HVAC system.
23. Plumbing System  
The plumbing system is in disrepair and the sanitation drains are plugged up and need to be replaced.
24. Lighting System  
The light fixtures are in a state of disrepair. Lighting is fairly poor in what used to be the cell areas.
25. Electrical Power System  
The electrical power system appears to be adequate for the size of this facility.
26. IT System  
The existing IT system appears to be adequate for the use of the police officers at this facility.
27. Security System  
There is no security system at the facility. The side door is pulled shut and cannot be locked.
28. Energy Usage and Conservation  
There is no awareness of energy conservation at the facility. The facility needs weatherization to prevent cold drafts through all exterior doors and windows.
29. Fire Egress – Exterior and/or Secured Areas  
The facility is fairly small and the path of egress is within a reasonable distance to the exit from the facility.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There is no fire alarm, fire sprinklers or fire extinguishers at the facility.
31. Building Access for Staff and Inmates  
The staff uses the rollup doors to enter the facility.
32. Hazardous Materials  
The facility does not have asbestos or lead paint. However, the facility needs to be environmentally abated for all the spilled fuel oil that has accumulated and drained through the interior wash drains over the years as the officers have used the site for oil-changes and repairs of automobiles.

33. Handicap Access for Staff and Inmates  
There are no handicap access provisions for the use of disabled staff, visitors or inmates at the facility.
34. Potentially Hazardous Elements  
Inmates are not held at the facility even though two cells are provided. However, the cells are in disrepair and the facility is not expected to have inmates located at this site any time in the near future.

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## Section 1

**Background Information  
of the  
Fort Berthold Reservation  
Served by the White Shield Law Enforcement Center**

**Fort Berthold Reservation<sup>1</sup>**

Federal reservation  
Mandan, Hidatsa, and Arikara  
Dunn, McLean, McKenzie, Mountrail, Ward, and Mercer counties, North Dakota

Three Affiliated Tribes Business Council  
404 Frontage Road  
P.O. Box 220  
Tribal Administration Building  
New Town, ND 58763  
701-627-4781  
701-627-3626 Fax  
Website: mhanation.com

Total area (Tribal source, 2004) 922,750 acres  
Federal trust lands (Tribal source, 2004) 422,750 acres  
Fee lands (Tribal source, 2004) 500,000 acres  
Tribally owned lands (Tribal source, 2004) 83,800 acres

Population (2000 census) 5,915  
Tribal enrollment (BIA labor report, 2001) 10,789  
Tribal enrollment (BIA labor report, 2001) 10,400

Total labor force (BIA labor report, 2001) 4,240  
Unemployment rate (BIA labor report, 2001) 71%  
Per capita income (2000 census) \$10,291

**LOCATION AND LAND STATUS**

The Three Affiliated Tribes Fort Berthold Reservation is located in west-central North Dakota, southwest of Minot and 2.5 hours northwest of Bismarck. While there are Indian families living throughout the reservation, the majority live in the communities of Mandaree, White Shield, Twin Buttes, Four Bears, and the incorporated towns of Parshall and New Town, the latter being location of the tribal headquarters.

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.



The Fort Berthold Reservation boundaries were established by mutual consent at Fort Laramie, Wyoming, in the Fort Laramie Treaty of 1851. Congressional acts and executive orders gradually reduced the reservation to its present size from the initial 12.5 million acres. In 1972, a federal court ruling determined that land lost to homesteaders through the 1910 Homestead Act had, in fact, always been part of the reservation and that, therefore, boundaries had not been diminished or changed by that act.

Some land located north of New Town was donated to (and a portion was purchased by) the tribes. Called the Northern Lights Addition, the lands have been used for construction of the new North Segment Community Building, a new food distribution center, and Head Start administration and classrooms. The tribal Dreamcatchers Housing Program constructed housing, and some acreage will be used for construction of a detention center. Additional purchases are planned for construction of a clean fuels refinery in new Makoti, North Dakota. These lands, and those on which the Figure 4 Ranch were built, are all pending federal trust status.

#### PHYSICAL DESCRIPTION

The reservation has both flat prairie land and rolling terrain, intersected by the Missouri River. About 11 percent, or 156,000 acres, of the total surface area is covered by Lake Sakakawea, the reservoir formed behind the Garrison Dam on the Missouri River.

#### CLIMATE

The elevation at New Town, North Dakota, the location of tribal headquarters, is 1,879 feet above sea level. It is a cold, continental climate, dominated by the Arctic jet stream, with a year-round average daily high temperature of only 54°F. The year-round average daily low temperature is 30°F. The area receives approximately 16 inches of precipitation annually, with winter blizzards and summertime thundershowers, although it is a semiarid environment, overall.

#### GOVERNMENT

The Three Affiliated Tribes are organized through the Indian Reorganization Act of 1934, with a constitution and bylaws, as amended. The tribal government is legally entitled to the Three Affiliated Tribes Business Council, a body consisting of a chairman, a vice-chairman, a treasurer, a secretary, and three at-large members. Business council members are elected to four-year terms by the general membership.

The tribe, under PL-638, contracts with the BIA to administer key programs and services. They operate the Dreamcatchers Housing Program, which manages 786 low-rent HUD units and mutual self-help housing, along with a 36-unit apartment building in Four Bears Drags Wolf Village. There were housing units under construction in 2005. In addition to tribal administration, other services provided include aging, community health, commodity food distribution, criminal investigation, alcohol, cultural preservation, Boys and Girls Clubs, 477/JTPA, Johnson O'Malley, vocational rehabilitation, Healthy Start, and an education department consisting of early childhood, exceptional education, Head Start, and a higher education grant program. The following departments or programs also provide services to tribal members: human, enrollment, finance, MHA daycare, natural resources (emergency management, environmental, injury prevention, solid waste and sanitation, fire

White Shield Law Enforcement Center, Garrison, North Dakota Mandan, Hidatsa and Arikara Tribes
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management, fish and wildlife, animal control, rural water development, GIS, realty), small loans, tribal planning and development, property and procurement, roads, social (child welfare, general assistance, in-home and parent aide, fuel assistance), WIC, transportation, tax, veterans, and a plethora of tribal health services. The tribes have their own tribal law enforcement and operate tribal courts, including a juvenile court. Tribal courts consist of a judge, a judge magistrate, two to three other judges that work part-time in off-reservation locations, a court administrator, a juvenile officer, a public defender, and two or three other support staff.

#### BUSINESS CORPORATION

The Fort Berthold Reservation Planning Committee guides tribal economic development initiatives.

#### INFRASTRUCTURE

Interstate 94 runs east-west and is accessible either through Dickinson, 70 miles south, or in Bismarck-Mandan, 2.5 hours southeast. U.S. Highway 83 runs north-south approximately 60 miles east of New Town. U.S. Highway 85 runs north-south, 4 miles west of New Town. State Highways 22, 23, and 37 make up for most of the paved roads on the reservation. The Missouri River can only be crossed at Four Bear Bridge, located just west of New Town, creating a transportation barrier to many parts of the reservation. The tribes plan to construct additional roads and hiking paths and bike trails.

Electricity – Three rural electric cooperatives and two private companies provide electricity to the reservation.

Fuel – Montana-Dakota Utilities provides natural gas to the surrounding area but not yet onto the reservation. Several propane companies provide service to the region.

Water Supply – The Fort Berthold Rural Water Department is run by the tribes. This department pumps water from the lake into the six water plants they have created in each of the six segments. They also hire and train the water operators that run this system. Pipe will be laid to Fort Bear and White Shield homes in 2005. The rest of the segments will have pipe laid when more money becomes available for the project. Approximately 30 percent of tribal members rely on privately owned water wells for drinking water; 70 percent have access to a city-supplied system. Shallow groundwater is scarce and of poor quality in most parts of the reservation. Surface waters are also limited in the semiarid environment. Underlying aquifers have high saline and mineral content. Approximately 30 percent of tribal members rely on privately owned water wells for drinking water; 70 percent have access to a city-supplied system.

Transportation – Commercial air service is available at Minot (about 68 miles away) and at Bismarck (160 miles distant). Smaller, general aviation airports are located in nearby New Town (with a 3,000-foot runway) and Parshall, located 17 miles east. Amtrak and bus lines serve Minot, while commercial freight lines serve the reservation directly.

Telecommunications – Telephone service is provided by the Reservation Telephone Cooperative in Parshall, a non-Indian cooperative assisted by AT&T and Qwest, by the Consolidated Cooperative Telephone Services in Dickinson, and by West River Telephone

in Hazen. Internet services, including high-speed subscriber lines, are available throughout the reservation.

#### COMMUNITY FACILITIES AND SERVICES

Community facilities in the Four Bears area include a tribal administration building, an Indian Health Services Clinic and Dialysis Unit, KMHA radio station, MHA Times Office, MHA Day Care, 4 Bears Casino, C-Store, the bait shop, the lodge, the marina, and the Four Bears Museum. Social services are housed in a modular building retrieved from property formerly used as a radar installation. There are a total of six community centers on reservation lands, many of them with ball fields and/or a gymnasium with public access. There are also three senior centers.

Education – The reservation maintains five public school districts, and Fort Berthold Community College provides higher education opportunities for tribal members and others. The tribes operate a Head Start program. They also operate a unique drug and alcohol prevention and education program called “Unity Riders,” a tribal nonprofit organization that the tribal council created in 1996. The program utilizes riding therapy, capitalizing on the traditional Plains horse culture of the people.

Health Care – Health care is provided by the Mandaree Clinic, the Minne-Tohe Health Facility, the Parshall Clinic, the Twin Buttes Clinic and the White Shield Clinic. There are community health representatives in six locations throughout the reservation, and the tribes coordinate the provision of health services via a Comprehensive Health Planning Office. Alcohol programs, the WIC nutritional program, and dialysis care are also available to tribal members.

## Section 2

Program Review  
May 18, 2006

The White Shield Law Enforcement Center was added on in 1965 as an extension to an existing BIA facility that was built in the 1920s as a teacher's residence for the White Shield School across the street. The teacher's residence served as the BIA Land Management office until it was abandoned by the BIA in 1982. The Land Management office also used a standalone three-car garage adjacent to its offices. The garage structure is still used by law enforcement to hold evidence. The White Shield Law Enforcement Center serves as a short-term holding facility and a law enforcement substation serving the community of White Shield.

1. Funding of Operations  
The facility is owned and operated by the BIA. Other details are not known.
2. Funding of Repairs and Maintenance of Facility Structure  
The BIA provides for the repair and maintenance of the facility.
3. Policies and Procedures  
There are no policies or procedures for the operations at the facility.
4. Staffing  
There is one part-time law enforcement officer who uses the facility. There are no detention officers serving the facility. The facility is used for detention, especially during the first weekend of July during the festival time. On occasion the facility may be used to house a student from the elementary school across the street, who may have been arrested for possession of drugs. At other times the facility serves as a substation for law enforcement over an area that encompasses about 625 square miles extending about 25 miles in each direction. The site is located at about a 3-hour drive from the Canadian border.
5. Programs  
There are no programs for the benefit of inmates at this facility.
6. Staff Training  
Staff at this facility consists of one part time, certified police officer.
7. Space for Inmates On-Site  
There are three cells that lack any beds. Mattresses are laid down on the floor. The cells do not have any functioning toilets and have fallen into disrepair. Inmates are not housed overnight at this facility.

8. Space for Inmates Off-Site  
All inmates are sent off site to the new facility at New Town about 60 miles away.
9. Staffing Capacity for the Inmates On-Site  
There are no detention officers. The facility will not be used for extended incarceration.
10. Staffing Capacity for Transportation and Escort for Inmates  
The police officer provides for the transportation and escort of the inmates to off-site locations.
11. Office Supplies for Staff  
There are sufficient office supplies for staff.
12. IT Equipment for Office Use  
There is sufficient IT equipment for office use.
13. IT Equipment for Communications Use  
There is no IT equipment for communications and none is needed.
14. Personal Supplies for Inmates  
Personal supplies for the inmates are sufficient at the facility.
15. Uniforms for Staff and Inmates  
There are adequate uniforms for the staff. Uniforms are not needed for the inmates.
16. Linen for Inmates  
Mattresses are sufficient at the facility. However, there are no blankets that may be used by the inmates.
17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff is about 40 years old but adequate. There is no furniture for the inmates.
18. Transportation Vehicles  
The law enforcement officers use their vehicles for transportation of inmates.
19. Fuel for Vehicles  
There is sufficient fuel for vehicles.
20. Utilities for Facility  
There is sufficient funding for utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is no kitchen, laundry or showers at the facility.

22. Adequate Lighting for Inmate and staff Areas  
There is adequate lighting for the staff areas. Lighting in the cells is insufficient.
23. Ongoing Repairs and Maintenance  
There are no ongoing repairs or maintenance at this facility.
24. Deferred Repairs and Maintenance  
The substation facility is in a state of disrepair. However, the adjacent BIA's Land Management facility which was abandoned in 1982 and built in the 1920s is in a state of severe disrepair and is a life-safety hazard detrimental to the community. The abandoned underground fuel oil tank, asbestos and lead paint in the ceiling and asbestos in the floor tiles and public access from the constantly open front door are hazardous. The structure itself and the adjacent three-car garage may collapse in a severe wind storm.
25. Medical Response at the Facility  
There is no provision for medical response at the facility.
26. Booking Process at the Facility  
There is no formal booking area at the facility. Booking is conducted in the office area.
27. Food Service at the Facility  
There is no food service at the facility.
28. Kitchen and Dining Staff at the Facility  
There is no kitchen or a dining staff at the facility.
29. Housekeeping Staff at the Facility  
There is no housekeeping staff at the facility.
30. Repairs and Maintenance Staff at the Facility  
There are no repairs or maintenance staff at the facility. Repairs and maintenance are fairly poor. It appears as if the repairs and maintenance staff have not visited the site for several years.
31. Inmate Services Provided at the Facility  
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community  
There is no healthcare assistance in the community.
33. Other Support Agencies in the Community  
There are no specific support agencies in the community.

34. General Reasons for Detention  
The general reasons for apprehension and detention are violent crime resulting from drugs traffic from across the border. Drug trafficking has been reported at the elementary school across the street from this facility.
35. Potentially Harmful Conditions and Behavior of Inmates  
Inmates are not held at the facility overnight even though three cells are provided. Inmates can harm themselves using articles of clothing and the steel cross-members or bars that make up one of the walls of each cell.
36. Accountability and Reporting of Incidents  
Incidents are reported to the BIA.

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## Section 3

## Facility Review

May 18, 2006

The White Shield Law Enforcement Center was added on in 1965 as an extension to an existing BIA facility that was built in the 1920s as a teacher's residence for the White Shield School across the street. The teacher's residence served as the BIA Land Management office until it was abandoned by the BIA in 1982. The Land Management office also used a standalone three-car garage adjacent to its offices. The garage structure is still used by the law enforcement to hold evidence. The White Shield Law Enforcement Center serves as a short-term holding facility and a law enforcement substation serving the community of White Shield.

1. Exterior Site Conditions  
The exterior site conditions are fairly poor. The facility is located across the street from the local elementary/high school and serves primarily as a substation for the local police officers who patrol this area.
2. Exterior Exercise/Recreation Area  
Even though the facility has a provision of three cells for inmates and was meant to be used as a holding facility, it is not in active use as a detention center. The facility is used only as a detention center during the July festival or if a student is arrested at the elementary/high school. At other times it is used as a local substation for the police officers serving the local community.
3. Exterior Perimeter Security  
The exterior perimeter security is fairly poor. There is no fencing or any cameras that monitor the perimeter of the facility. The front door does have a lock that is capable of locking; however, the side door from the abandoned land management facility could be intruded through. The front door for the land management facility is left open at all times.
4. Sally Port Security  
There is no Sally port at the facility.
5. Building Interior Security  
There is no interior security at the facility.
6. Building Structure  
The building is slab-on-grade, block-wall structure.



7. Building Roof  
The building has a flat roof. There have been no reported incidents or signs of leakage at the roof.
8. Interior Ceilings  
Interior ceilings are in disrepair. These consist of dropped lay-in ceilings in the office areas and hard ceilings in the cell area.
9. Interior Walls  
Interior walls are of block-wall construction.
10. Interior Flooring  
Interior flooring in the housing area is painted concrete slab, and the flooring in the office area consists of glued-on vinyl tile over the concrete slab.
11. Interior Dormitory Cells  
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells  
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells  
There are no interior detoxification cells at the facility.
14. Booking and Intake Area  
There is no specific area designated as booking and intake area at the facility. Booking is conducted at the office.
15. Visitation Area  
There is no area designated as the visitation area at the facility.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area  
There is no dining area at the facility.
18. Day Room Area  
There is no day room area at the facility.
19. Vocational Training Area  
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no specific first aid or medical assistance area at the facility. There is no first-aid kit at the facility.

21. **Toilets and Showers**  
There are no showers at the facility. There are three nonworking toilets. The water connection has been turned off and the toilets are in a state of disrepair.
22. **HVAC System**  
There is no HVAC system at the detention center. Only heating is provided through electrical baseboard heaters and an electric space heater that is mounted on the common hallway across the three cells. It appears that this is the original unit that was installed in 1965 and has not been refurbished over the last 40 years.
23. **Plumbing System**  
The plumbing system is in disrepair and the sanitation drains are plugged up. Water has been disconnected at the main shutoff valve.
24. **Lighting System**  
The original light fixtures installed in 1965 are still in use and in a state of disrepair.
25. **Electrical Power System**  
The electrical power system appears to be adequate for the size of this facility. The electrical system consists of an overhead service drop of 60 amp 120/240 volt, single phase 3 wire system. There is no emergency backup source of power. There is no emergency battery-backed egress lighting at the facility.
26. **IT System**  
The existing IT system appears to be adequate for the use of the police officers at this facility.
27. **Security System**  
There is no security system at the facility.
28. **Energy Usage and Conservation**  
There is no awareness for energy conservation at the facility. The facility needs weatherization to prevent cold drafts through the exterior doors and windows.
29. **Fire Egress – Exterior and/or Secured Areas**  
The facility is fairly small and the path of egress is within a reasonable distance to the exit from the facility.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
There are no fire alarms, fire sprinklers or fire extinguishers at the facility.
31. **Building Access for Staff and Inmates**  
The staff uses the front entrance to enter the facility.
32. **Hazardous Materials**

The facility was built in 1965 and is attached to a structure that was built in the 1920s but was refurbished over time. All facilities have asbestos-containing material – ACM in the floor tiles and in ceiling. There may be additional fuel contamination at the underground fuel oil tank that was used in the boiler to heat the old abandoned structure built in the 1920s.

33. Handicap Access for Staff and Inmates  
There are no access provisions for the use of disabled staff, visitors or inmates at the facility.
34. Potentially Hazardous Elements  
Inmates can harm themselves using articles of clothing and the steel cross-members or bars that make up one of the walls of each cell.

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## Section 1

**Background Information  
of the  
Menominee Reservation  
Served by the Keshena Law Enforcement Center**

**Menominee Reservation<sup>1</sup>**

Federal reservation  
Menominee  
Menominee County, Wisconsin

**Menominee Indian Tribe of Wisconsin**

P.O. Box 910  
Keshena, WI 54135  
715-799-5114  
715-799-3373 Fax  
Website: [menominee.nsn.us](http://menominee.nsn.us)  
[menominee.com](http://menominee.com)

Total area (Tribal source) 235,000 acres

Population (2000 census) 3,216  
Tribal enrollment (BIA labor report, 2001) 8,074

Total labor force (2000 census) 1,168  
Total labor force (BIA labor report, 2001) 3,259  
High school graduate or higher (2000 census) 73%  
Bachelor's degree or higher (2000 census) 7.6%  
Unemployment rate (2000 census) 21.4%  
Unemployment rate (BIA labor report, 2001) 68%  
Per capita income (2000 census) \$8,555

**LOCATION AND LAND STATUS**

The Menominee Reservation is located in northeastern Wisconsin, about 45 miles northwest of Green Bay. It spans approximately 235,000 acres, of which 223,500 acres are heavily forested, representing the largest single tract of virgin timberland in Wisconsin. There are four communities on the reservation: the two main villages of Neopit and Keshena, a smaller village called Zoar, and the more scattered community of South Branch.

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

The present reservation was established in the Treaty of 1854, the last of a series of treaties that winnowed the tribe's ancestral territory from approximately 9.5 million acres down to 235,000 acres. The tribe resisted the 1887 Allotment Act and was able to maintain control of most of its tribal lands. In 1954, Congress passed the Termination Act, which resulted in the reservation's abolition on April 30, 1961. On December 22, 1973, Congress reversed itself, passing the Menominee Restoration Act, which the tribe implemented on February 9, 1979, by forming a tribal legislature.

#### PHYSICAL DESCRIPTION

The reservation ranges from 800 to 1,400 feet above sea level. Twenty-four miles of the Wolf River, a federally designated wild river, courses through the reservation. It is one of the last remaining pristine rivers in the state of Wisconsin. Over 400 miles of rivers and streams flow through tribal lands, and almost 4,000 acres of lakes are located within reservation boundaries. Almost 95 percent of tribal lands are forested. The reservation's forest was one of the first internationally certified "green cross" forests in the United States. Over 30 species of trees can be found on tribal lands, including white pines, many of which are over 200 years old. Eastern hemlock and Canadian yew are also common on tribal lands. The reservation is home to a number of wildlife species, including many endangered species, such as eagles, ospreys, red-shouldered hawks, cormorants, whitetail deer, bobcat, bear, and wolf.

#### GOVERNMENT

In 1977 the tribe adopted a new constitution and bylaws. The bylaws call for an elected nine-member tribal legislature, a tribal chairperson elected by the legislature, a tribal judiciary, and a general council. The legislature oversees approximately 40 social service and administrative programs.

Tribal government departments and offices include: language and culture, historic preservation, community development, economic development, enrollment, finance, general assistance, human resources, insurance, internal audit, job training, licensing and permits, loan fund, maintenance, MIS, social services, environmental services, utilities, program attorney, and tribal attorney.

The tribal law enforcement department provides patrol, administrative, investigative, and detention services on the reservation. The department also offers crime victims, police liaison, juvenile intervention, and K-9 divisions. The tribe's historic preservation department oversees the implementation of NAGPRA (Native American Graves Protection and Repatriation Act) in regards to Menominee remains. It has developed a historic preservation's repatriation plan and initiated the repatriation of Menominee remains from various museums and facilities. Tribal elders counsel the department, providing guidance during the processes. The tribal housing department offers elderly housing, low-income rentals, rental assistance, market-based rentals, rehabilitation, and security programs. It employs a staff of 40.

The tribe is a member of the Great Lakes Inter-Tribal Council. Comprised of tribes from across the Great Lakes region, the council supports member tribes in their

efforts to expand self-determination and to work collectively to improve the unity of tribal governments, communities, and individuals.

#### BUSINESS CORPORATION

Menominee Tribal Enterprises (MTE) is a chartered corporation that has been in operation since 1908. Elected tribal members serve on a board of directors and monitor the corporation's activities. The corporation offers lumber mix products. Menominee Computer Systems, a chartered division of MTE, provides computer services to the lumber and forests products industry and the federal government. MTE is certified by the Scientific Certification Systems Alliance and the Rainforest Alliance, and it was honored by the council on sustainable development. It is a member of the Forest Stewardship Council's Economic Council.

Wolf River Development Company is a tribally chartered business that operates in the housing development industry. The parent company, WICK Homes, has been in operation for over 30 years. It offers over 100 different models and styles of homes.

The Menominee Nation is a member of the Northwoods Nijii Enterprise Community, (NNEC), which was established in 1998. NNEC is comprised of the Lac du Flambeau Band, Menominee Tribe, Sokaogan Mole Lake Band, and eight rural communities. NNEC oversees funds that were the USDA awarded to improve each tribe's reservation and the surrounding communities. The organization's goals are business development, improved infrastructure, social development, improved education and technology, and protection of the environment and ecosystem of the Northwoods. Completed NNEC projects include granting micro-loans and loan guarantees totaling \$490,000; replacing 3.5 miles of water and sewer systems along Highway 47; constructing an elder housing complex at Manitowish Waters; improving 10 miles of tribal road at Lac du Flambeau; developing f the resource service center at Lac du Flambeau; and expanding the facilities at the College of the Menominee Nation. Future projects include developing retail space in downtown Lac du Flambeau; constructing a multipurpose trail system; and continuing a sustainable 10-acre strawberry farm at Lac du Flambeau. NNEC received a \$100,000 Minority Business Development Award in 2004.

#### INFRASTRUCTURE

State highways 47 and 55 pass directly through the reservation, providing access from Green Bay and points beyond. Commercial air service is available at the Shawano Municipal Airport, 15 miles from the reservation, as well as in Green Bay, 45 miles away. Regular commercial and charter bus lines serve the reservation, as do major commercial truck lines. As for rail service, the Soo Line provides a spur for the tribal sawmill in Neopit.

Electricity – The Menominee Tribal Utilities Department provides electrical services to reservation residencies.

Fuel – Bottled gas is the largest source of home heating on the reservation, followed by wood, fuel oil, and kerosene. All are available through local distributors.

Water Supply – Wells provide water for most homes on the reservation. The Menominee Tribal Utilities Department provides water to a large minority of reservation homes. It also provides septic services for residential septic tanks, and a public sewer system provides sewer services.

Transportation – The tribe has established the Menominee Public Transit system within the reservation and into the county of Menominee. The system provides four scheduled vans and two buses for public use. Special trips can be scheduled with the public transit coordinator.

#### COMMUNITY FACILITIES AND SERVICES

The tribe maintains a community center with a variety of facilities. A library is also available on the reservation. Community services offered by the tribe include the Child Support Agency, kinship care, social services, food distribution, and family preservation and support programs. The Community-Based Residential Facility offers programs for tribal elders. The tribe also maintains senior citizen's centers in Keshena and Neopit.

The tribe operates the respite care program for children from infancy to four years old whose families meet the criteria for family crisis or respite care needs. The Eagle's Nest Emergency Shelter provides emergency and temporary assistance to homeless individuals and families and to victims of domestic violence. It is located in a three-story home and offers 20 three-bed rooms, and a shared kitchen, dining room, and living room space. The shelter offers case management, referral, eviction prevention, move-out, first months rent and security deposit, utility assistance, budget counseling, daily living skills, classes, transportation, housing, computer learning, clothing, and mentoring services.

Education – The reservation is served by the Menominee Indian School District, which provides employment for nearly 12 percent of the tribal workforce. Programs include elementary, middle, and high school. The tribe also operates a private K–8 school, the Menominee Tribal School. The tribe operates the Delores K. Boyd Head Start program, the Neopit Head Start program, and the tribal daycare facility on the reservation as well. The tribe contracts the Johnson O'Malley Program for the Menominee, Menominee Tribal School, and Shawano/Gresham and Suring School districts.

The tribe's education department provides assistance with completing admissions and financial aid forms, assistance processing BIA grants for eligible students, career counseling, and a GED/HSED program.

The tribe also operates the College of the Menominee Nation (CMN). It was chartered in 1993 by the Menominee Tribal Legislature and is a member of the American Indian Higher Education Consortium. The college offers a technology lab, new library, and distance education center. CMN offers associate degree programs in accounting, counseling, business administration, carpentry, computer science, education, liberal studies, natural resources, nursing, social work, and tribal legal studies. The college features an English department, a culture institute, and the

sustainable development institute. The college library contains an extensive collection of print, nonprint, and electronic information on Native American studies and on subjects related to the school's academic curricula. The library contains a special Native American collection of materials that do not circulate, offers interlibrary loan services to students, and has 10 Internet access computer stations.

Health Care – In 1977, the tribe successfully acquired congressional and Hill-Burton funds and constructed the first Native American-owned and operated health facility in the United States. It serves the tribe's total health care needs. The clinic has been accredited by the Joint Commission of Accreditation of Healthcare Organizations. It employs two full-time doctors, two dentists, two ambulances, and a number of nurses and pharmacists.

The tribe also operates the Maehnowesekiyah Treatment Center. This facility offers comprehensive outpatient services. All programs are nationally accredited by community-based residential facilities and the State of Wisconsin. The center includes primary alcohol and other drug abuse (AODA) day treatment, adult AODA education, Menominee Nation early childhood, family therapy, and an aftercare program. The tribal health program also offers an adult residential treatment program.



**Section 2****Program Review  
July 24, 2006**

1. **Funding of Operations**  
Operations are funded through an equal contribution from the PL 638 program and from the tribal contributions. Funding for October through March uses the PL 638 funds and funding from April through September uses the tribal funds. Funding for operations for detention is approximately \$850,000.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Funding for the repairs and maintenance of the facility is approximately \$125,000. The PL 638 contract is negotiated every five years and has not kept pace with the actual market needs for the facility.
3. **Policies and Procedures**  
The facility has used a locally developed set of policies and procedures based on the 1969 BIA Manual which was used as a guideline. This set of policies and procedures has never been approved by the BIA. The formal approval process requires both the tribal Legislature and the BIA to approve the manual. The last approval was obtained from the Legislature 16 years ago in 1989. Since then local political waves have prevented the formal approval of the policies and procedures.
4. **Staffing**  
Staffing has been reduced to work part-time as a result of reduction in funding. There is a total staff of 15 individuals. This includes one jail administrator, two cooks and 12 full-time detention officers. Of all of these, only eight are certified. The remaining officers have been on the workforce for less than 12 months. They are awaiting appropriate certification.  
It is a challenge to recruit qualified individuals. The first job posting priority is to recruit individuals from the local tribal individuals of the Menominee tribe. Upon failure to recruit appropriate individuals from the first posting, a second job posting is made which is open to all. The starting salary for a line officer is \$9.72 per hour with a graduated increase of \$.30 to \$.50 per year up to a maximum of \$15 per hour for a supervisory position. On average an officer reaches hourly wages of \$11 per year after having an experience of six years at the facility. In all surrounding counties, similar positions are offered at least \$4 per hour more for equivalent responsibilities. Starting wage for the County is between \$14 per hour to \$17 per hour. Thus trained officers often leave

within one to two years, taking away the investment in them that was made by the facility.

5. **Programs**  
The facility provides educational services to the inmates so they could attain a GED. On average five to six inmates complete this requirement every year. The clergy provides church services. Smudging and prayer circle meetings are held once per year. Domestic violence counseling is provided once per week.
6. **Staff Training**  
None of the officers at this facility have been trained at the Academy in Artesia because of a lack of time and sufficient backup staffing to cover for those who are sent to training. All officers are certified by the state of Wisconsin which is recognized by the BIA as an appropriate certifying agency. Two new detention officers who started working last week are on probation. Two other officers are awaiting acceptance for training. The remaining eight detention officers are certified.
7. **Space for Inmates On-Site**  
There is space for 45 inmates at this facility. These consist of 34 beds for male inmates and 11 beds for female inmates. The population peaks on or about May 22nd to between 60 and 70 inmates. It reached 56 inmates this past year. Had it not been for the arrangements negotiated with the courts, the population count would be approximately 80 inmates today.
8. **Space for Inmates Off-Site**  
Arrangements have been made with Shano County to accept the overflow of inmate population from this facility. However, that facility is often filled to capacity as well. The Shano County Jail charges \$40 per day per inmate.
9. **Staffing Capacity for the Inmates On-Site**  
The facility is short on staff. The facility works on four twelve-hour shifts with alternating schedules for the officers. Generally the facility is staffed with one supervisor and two correctional officers per shift. The facility has lost eight officers in the last five years.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
Detention officers provide transportation and escort for inmates. The health care clinic and the court are within a five-minute drive from the facility.
11. **Office Supplies for Staff**  
Office supplies are sufficient for staff at this time.
12. **IT Equipment for Office Use**  
IT equipment is adequate at this time.

13. **IT Equipment for Communications Use**  
There have never been sufficient funds to purchase appropriate radios for communications. Detention uses radios that have been discarded by the Police Department. At this time these radios are serviceable. There are two additional spare radios to serve as a backup.
14. **Personal Supplies for Inmates**  
Personal supplies for the inmates are provided by the families through the commissary program. Families provide commissary funds on behalf of the inmates. These funds are used by the inmates to purchase personal supplies and articles of hygiene. The facility operates the commissary program as a 'for-profit' business. The profits are used by the facility to serve its own needs. Funds were used to purchase a dryer for the laundry. Funds are also used for the GED program.
15. **Uniforms for Staff and Inmates**  
There are insufficient funds for the purchase of uniforms for the staff. Inmates are provided new uniforms as they wear out. Such purchases are made at least once per year.
16. **Linen for Inmates**  
There are adequate blankets and mattresses for the inmates at this time. Purchases are made at least once per year.
17. **Furniture and Fixtures for Staff and Inmates**  
Furniture and fixtures for the staff are adequate at this time. Some of the institutional furniture is in disrepair. Appropriate work orders have been issued for such repairs.
18. **Transportation Vehicles**  
The detention facility does not have the use of any transportation vehicles. Inmates are transported in police squad cars. Because of the insurance requirements, detention officers other than the detention supervisor are not permitted to drive. Thus every transportation and escort requires both a transportation officer and a police officer. A small six-passenger van with a transportation cage is needed.
19. **Fuel for Vehicles**  
At this time the detention facility does not have a need for fuel for their vehicles.
20. **Utilities for Facility**  
Utilities for the facility have appropriate funding.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is adequate hot and cold water for kitchen, laundry and showers.

22. **Adequate Lighting for Inmate and Staff Areas**  
There is adequate lighting for the inmate and staff areas. Five years ago, all light fixtures were replaced with vandal-resistant light fixtures and with appropriate night-lights.
23. **Ongoing Repairs and Maintenance**  
This facility maintains good records of all service calls, work orders and fire drill reports. There is one individual who shares the repair and maintenance of this facility with other facilities. However, this individual is incapable of providing sufficient time and attention for all of the repairs and maintenance that are needed at this facility. The individual provides a reactive response rather than a proactive approach to the repairs and maintenance. The checklist log that is maintained for the repairs and maintenance is inappropriately designed to project the needs in the future and prevent costly repairs later. Lack of such a response was indicated by the inattention to appropriate drainage, resulting in ponding on the flat roof and consequent roof leaks.
24. **Deferred Repairs and Maintenance**
1. Plumbing system for potable water and sanitation needs to be replaced.
  2. Building is degrading in some areas. Divider walls have come loose and almost fell on an inmate since there is no rebar between the floor and the wall. Remove existing divider walls and build structurally sound new divider walls.
  3. All individual shower stall finishes need to be sandblasted, sealed and refinished in for all shower stall areas.
  4. The HVAC distribution system for the entire building needs to be air balanced.
  5. Clean interior of the entire distribution duct system.
  6. Adjust new DDC controls for appropriate are balance.
  7. Provide a new lightning protection system to the building including protection for generator building and the radio tower adjacent to the generator building.
  8. Additional 48-camera security system that should be compatible with the existing camera system.
25. **Medical Response at the Facility**  
The medical response includes visitation by a nurse from the local clinic on a weekly basis to assess the health care needs of the inmates. The nurse checks for tuberculosis and other communicable diseases because the inmates do not know if they carry such diseases. The facility does not isolate the inmates unless it is known that an inmate is a carrier for such a disease. For emergencies, the tribal dispatch pages and an EMS arrives at the facility in two to five minutes. If an inmate were to be transported, then a detention staff accompanies such transportation. The facility is in the process of working out a system with a local health clinic so that an M.D. is available at least once a week for specific use by the facility.

26. **Booking Process at the Facility**  
Booking is conducted on a desktop adjacent to the entry from the Sally port followed with additional booking work that is conducted in a space adjacent to the central control room. Neither of the two spaces is appropriate for the booking process. The desk mentioned earlier is in an open hallway and the smaller space is too confined to carry a proper booking with the booking officer on one side of a small countertop and the inmate and another officer on the opposite side behind the closed door within this entryway alcove the central control room. Appropriate jail management software is not used. The software that is in use is borrowed from law enforcement.
27. **Food Service at the Facility**  
Food service is generally adequate at the facility. All appliances have been replaced in the past two years. However, the kitchen lacks adequate storage and adequate secure cabinets and storage of kitchen knives and utensils.
28. **Kitchen and Dining Staff at the Facility**  
There are two cooks who provide all meals. A trustee helps out with additional duties that are required in the kitchen.
29. **Housekeeping Staff at the Facility**  
The kitchen, laundry and associated corridors are cleaned by the trustees. Control room and associate offices are cleaned by the detention staff. The housing units are cleaned by the inmates. These housing units were found to be fairly dirty.
30. **Repairs and Maintenance Staff at the Facility**  
There is one individual who is designated for all repairs and maintenance at this facility. This individual also provides janitorial functions and other maintenance chores for the changing seasons. The individual does not have sufficient time to properly repair and maintain the building.
31. **Inmate Services Provided at the Facility**  
The facility provides educational services to the inmates so they can attain a GED. On average, five to six inmates complete this requirement every year. The clergy provides church services. Smudging and prayer circle meetings are held once per year. Domestic violence counseling is provided once per week. No other inmate services are provided at this facility. No inmates have been given any outdoor time during the past two and one-half years. Such services would require staffing time for four to five hours each day and there is insufficient staff to carry out this function.

32. **Healthcare Assistance in the Community**  
The Indian Health Services provides healthcare services to the community. Dental and mental health services are provided by the county, which also provides child healthcare services.
33. **Other Support Agencies in the Community**  
Family counseling services and drug/alcohol counseling are provided by the community.
34. **General Reasons for Detention**  
Most detainees are incarcerated as a result of violent crimes, which have a rate of 959 per 100,000 inhabitants. The rate for property crime and all other crimes is 2817 and 8022 per 100,000 inhabitants respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
Potentially inmates may use articles of clothing or may find a way to slash their wrists. There are one to two suicide attempts every year and one successful suicide was carried out 20 years ago. The state of Wisconsin is invited to provide assessments since the BIA does not provide them. The BIA inspection team has not inspected the facility in a long time. The BIA inspector visits once a year, walks around for ten minutes and considers that an inspection of this facility, which is generally part of an overall inspection tour of several other buildings within the community.
36. **Accountability and Reporting of Incidents**  
All incidents are reported to the tribal office. There has been almost no contact with the BIA.

**Section 3****Facility Review  
July 24, 2006**

1. **Exterior Site Conditions**  
Exterior site conditions are poor. The facility was built in 1983 on a site that is fairly congested. The site is located between a river and other publicly accessible roads and facilities. Exterior walls windows of the cells are accessible to the general public, as is all of the exterior fencing of the recreational areas.
2. **Exterior Exercise/Recreation Areas**  
The exterior exercise/recreation areas are enclosed with a chain-link fence and razor wire above. There are two exercise/recreation areas, one for males and one for females, each of which is interconnected by a chain-link fenced and covered walkway leading to a secure staging area for use in emergencies.  
The chain-link recreation area was approached and breached by the general public leading to an escape from this area. These areas have not been used in the past 2 1/2 years because of a lack of staff to supervise the inmates while they are in this area.
3. **Exterior Perimeter Security**  
Exterior perimeter security is poor. While there are cameras that have been installed around the perimeter, there are a large number of blind spots that are not monitored by these stationary, single, cone-of-vision cameras. In addition, the cameras derive their power source from plugs that are plugged into receptacles on the exterior of the buildings and which may be freely unplugged by the general public.
4. **Sally Port Security**  
The Sally port is secure and one of the windows from the central control room has a direct view of the Sally port.
5. **Building Interior Security**  
The existing camera system consisting of 40 cameras leaves several blind spots that do not cover all areas that need to be monitored. The system was installed by the detention staff in the year 2000. The system provides poor resolution at the monitors in the control room. The monitors in the control room are located such that they are not within the peripheral vision of the detention officer who is on duty at the control room. The monitor is monitored only on occasions when the detention officer does not have her attention diverted to three other direct line-of-sight windows and her computer monitor, which is in active use. The system is

inadequate and needs to be supplemented with an additional 48-camera system that should be compatible with the existing camera system.

The building design is extremely dense with linear functionality. As such it requires a large number of officers to supervise all of the inmates. One individual officer is required to supervise each cell and each dorm unit.

6. **Building Structure**  
The facility is a slab-on-grade structure with steel studs plywood and brick veneer for siding. The housing area consists of block-wall construction.
7. **Building Roof**  
Inter building has the mezzanine interstitial space that is covered with the steel pitched roof. The central section is a flat roof with a plywood deck and a rubberized membrane.  
The central section is prone to leaking when the drains are clogged. Generally, the roof is in good repair.
8. **Interior Ceilings**  
The ceiling in all the housing space consists of steel plate deck. Ceilings in general office areas consist of glued tile on sheetrock and lay in drop ceilings with steel deck above.
9. **Interior Walls**  
Interior walls for the offices consist of drywall and steel studs. Interior walls in the housing area consist of block-wall construction.
10. **Interior Flooring**  
Interior housing floor consists of painted concrete slab. Flooring and the offices and in general use areas include carpeting VCT tile and linoleum.
11. **Interior Dormitory Cells**  
Interior dormitory cells are adequate. VCT tile is used for flooring in the interior dormitories.
12. **Interior Isolation Cells**  
Interior isolation cells are adequate.
13. **Interior Detoxification Cells**  
Interior detoxification cells are adequate.
14. **Booking and Intake Area**  
The booking and intake area is very small. Inmates are not medically screened at the time of booking. There is no barrier between the detention officer and the inmate at the time of booking.



15. Visitation Area  
The visitation area consists of a small space with a sound barrier between the inmate and the visitor. The intercom between the inmate and the visitor does not work. The entry and waiting area for the visitors is awkward as it leads the visitors from one of the back doors. There are no restrooms for the visitors and there are no cameras to cover the visitation area.
16. Kitchen, Food Preparation and Pantry Area  
All of the kitchen appliances in the kitchen have been replaced in the last two years. Though small, the kitchen is maintained and operated in an efficient manner. However, there is insufficient storage space. Kitchen knives and utensils are unsecured. There is no secure cabinet for all of the utensils and knives that are in use in the kitchen. Inmate trustees are employed in the kitchen as kitchen help.
17. Dining Area  
There is no specific dining area at the facility. Inmates eat in their cells.
18. Day Room Area  
The multipurpose room is used as a day room. This space is also used to conduct GED classes and other meetings for the benefit of the inmates.
19. Vocational Training Area  
There are two computer stations located in the multipurpose room. These computers provide the only vocational training at this facility. Arts and crafts classes have been suspended for lack of staff.
20. First Aid and Medical Assistance Area  
There is a specific space to render first aid and medical assistance at the facility. Medical supplies are adequate.
21. Toilets and Showers  
Toilets and showers are in disrepair. There are sufficient hot and cold water for inmates.
22. HVAC System  
The air-balance of the HVAC system needs to be adjusted since some areas are either too hot or too cold. At this time the temperature setting during the summer is kept cooler at 68°F instead of 72°F to compensate for the inefficient airflow. Similarly the temperature setting during the winter is kept warmer at 75°F instead of 72°F.
23. Plumbing System  
The plumbing system is adequate. No problems have been reported with the sewer system. Only one clogged drain has been reported in the last four years. One of the toilets-sink combination units were replaced 11

years ago in 1995. Hot water pipes are not insulated and additional shutoff valves are required to isolate each cell.

24. Lighting System

The lighting system is adequate. Night-lights are provided in the light fixtures; however, inmates cover up the lenses to reduce the level of lighting.

25. Electrical Power System

The electrical system consists of 1200 amps, 208Y/120 volt, three-phase four wire system. An LP gas-fired 75 KW generator with 287 hours on the hour meter is located in a separate building away from the main facility. This generator is exercised once per week. However, no logs were available to determine if the generator is load tested at least once per month. A 400 amp – 3pole transfer switch interconnects the commercial power to the emergency power. Battery-backed egress lighting is provided inside the building.

During a lightning storm on May 31, 2006 regular commercial power was interrupted from the utility. The emergency generator came online.

However, lightning struck the radio tower which is located very close to the generator room. The lightning traveled down to the generator and damaged the controls of the generator, which caused the generator to shut down. The battery-backed emergency egress lighting within the building did not work for lack of maintenance. Thus all three power sources shut down and the building plunged into darkness, leaving all security and safety systems inoperable.

There is no lightning protection on the radio tower or the building in a geographic location where lightning storms are commonplace.

26. IT System

The IT functional system for the building is adequate. However, a large amount of IT cabling has been added throughout the plenum space and in the network room that is used by the law enforcement. Disorganized cabling, improper supports and unknown insulation of the plenum cables are a fire hazard. The building was not designed to accommodate the extent of IT systems that have been added over time.

27. Security System

The building security camera systems are inadequate at this time. A new 48-camera system needs to be added that is compatible with a new base system that was installed about two months ago.

28. Energy Usage and Conservation

The facility uses T8 lamps and LED exit lights. The facility is aware of the loss of energy as a result of an unbalanced HVAC system which causes the facility to be excessively cooled and excessively heated to compensate for temperatures in those areas that have insufficient airflow and inadequate air circulation.

29. Fire Egress – Exterior and/or Secured Areas  
Fire egress is adequate and there are sufficient secured staging areas to evacuate the inmates. With optimum conditions the facility can be evacuated in three minutes; that is, if all power sources are in operation.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There is a fire alarm system which includes smoke detectors and manual pull stations in appropriate locations. There is no sprinkler system except one sprinkler head in the laundry room and two sprinkler heads in the clothing storage room. The fire alarm system is checked on an annual basis. The kitchen hood suppression system is also checked on an annual basis.
31. Building Access for Staff and Inmates  
Inmates are escorted through the Sally port. Visitors enter through the back door. The Police Department and staff at the detention facility use the front main entrance.
32. Hazardous Materials  
The showers in the dormitories are potential areas for the growth of mold. There is no asbestos or lead paint that was observed or noted at the facility.
33. Handicap Access for Staff and Inmates  
The facility is provisioned partially to allow accessibility for the disabled. A ramp and two additional doors are being provided that will be compliant with the ADA requirements. Additional work is in progress to provide appropriate toilets for public access. All new combination toilet-sink combination units in the housing area are equipped with a grab-bar.
34. Potentially Hazardous Elements  
Articles of clothing in combination with the grab-bars mentioned above could be used by the inmates to harm themselves. The suspended television platforms in the cell areas, the ropes used for shower curtains and for privacy curtains, the electrical cords for the television sets combined with articles of clothing may be used by the inmates to harm themselves.

### Section 1

#### Background Information of the Bois Forte Reservation Served by the Nett Lake Law Enforcement Center

##### Bois Forte Reservation<sup>1</sup>

Federal reservation  
Chippewa or Ojibway  
Koochiching, Itasca, Lake, St. Louis and Cook counties, Minnesota

##### Bois Forte Band of Chippewa

P.O. Box 16  
Nett Lake, MN 55772  
218-757-3261  
218-757-3312 Fax  
Website: boisforte.com

Total area (BIA realty, 2004) 43,789 acres  
Tribally owned (BIA realty, 2004) 31,624 acres  
Individually owned (BIA realty, 2004) 12,160 acres  
Federal trust (BIA realty, 2004) 5 acres

Population (2000 census) 717  
Tribal enrollment (BIA labor report, 2001) 2,857

Total labor force (2000 census) 315  
Total labor force (BIA labor report, 2001) 1,069  
High school graduate or higher (2000 census) 80%  
Bachelor's degree or higher (2000 census) 11.3%  
Unemployment rate (2000 census) 7.9%  
Unemployment rate (BIA labor report, 2001) 5%  
Per capita income (2000 census) \$11,790

##### LOCATION AND LAND STATUS

The Bois Forte Reservation is divided into three sections: Nett Lake, the largest and the location of Bois Forte tribal headquarters; Deer Creek, in Itasca County; and Vermilion. Tribal members currently live in the Vermilion and Nett Lake sectors,

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

and on trust lands. The reservation lies 75 miles south of the Canadian border in Minnesota.

Originally spanning 103,863 acres, the Bois Forte Reservation was established by treaty in 1866. An executive order on December 30, 1881, set aside additional parcels for the "use and residence of the Bois Forte Band of Chippewas." Currently, the reservation totals 132,000 acres; approximately 11,500 acres of the land base are allotted.

#### PHYSICAL DESCRIPTION

The Nett Lake Sector straddles the Koochiching and St. Louis county line; both the Nett Lake River and the Little Fork River intersect the Nett Lake sector. The Deer Creek sector lies in Itasca County and is crossed by the Big Fork River. The Vermilion sector lies within a peninsula on Lake Vermilion. Nett Lake contains the largest contiguous wild rice (manoomin) beds in the world, totaling almost 8,000 acres near Spirit Island.

#### CLIMATE

There is no climate information recorded for Nett Lake, Minnesota. However, the community lies approximately 40 miles south of International Falls and temperatures would not differ significantly. The year-round average daily high temperature at International Falls is 48°F, with the highest temperature ever recorded of 99°F. The year-round average daily low is 26°F. The lowest temperature on record is -46°F. The area receives approximately 24 inches of rain annually and 64 inches of snow.

#### CULTURE AND HISTORY

Ojibway is generally interpreted as "To roast till puckered up," referring to the puckered seams of moccasins, or as a mispronunciation of O-jib-i-weg, "Those who make pictographs." The name Chippewa, widely used in treaties and other official documents, is a corruption of the early spellings of Ojibway or Otchipwe. Anishinabe (Anishinabeg, plural) is the name by which the people call themselves, and it indicates "Original or Spontaneous Man" or "The People." Bois Forte, a French phrase translated as "Strong men (or Strength) of the woods," Chippewa speak an Algonquian based language.

The Bois Fortes originally lived in small self-governing villages in Canada. The tribe first encountered French explorers in the 1600s near Sault Sainte Marie, Canada. Later, they prospered in the fur trade and expanded their population and territory. By the late eighteenth century, the Iroquois had driven the Chippewas out of the Ontario peninsula, and they began to move into western Wisconsin and northeastern Minnesota. Arriving in what is now Minnesota, the Chippewas encountered the powerful Santee Sioux. Conflicts between the two tribes persisted until the Chippewas successfully drove the Sioux westward. When Euro-American settlers arrived, the Chippewas occupied more than half the state. The Minnesota Chippewas lived in four great divisions, each containing a number of bands.

Living in isolated villages throughout the early nineteenth century, the Chippewas were able to avoid the increasing number of westward-moving settlers. In the March

19, 1867 Treaty, the 10 chiefs of the Chippewa of the Mississippi ceded their treaty rights to land that extended northwest to Thief River and north to Turtle Lake. They retained land in an area quite similar to the present Leech Lake Reservation boundaries. The 1889 Nelson Act designated that all Chippewas living in Minnesota be moved to the White Earth Reservation. The Native people resisted this decree, and finally the U.S. Chippewa Commission was directed to negotiate for the complete cession of all lands belonging to the different bands except for the Red Lake and White Earth reservations. The Chippewas were able to retain seven reservations in Minnesota: Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, White Earth, and Red Lake, all located in the northern half of the state. Land losses by the turn of the twentieth century as a result of allotments were so massive that today the reservations are a fraction of their original size.

Chippewa in the twenty-first century are a diverse group active in contemporary society. Determined to maintain their culture and improve the living conditions of tribal members, the Minnesota Chippewas have a long tradition of political and legal activity to reclaim lost lands. Many contemporary members excel and have received national recognition in the visual, literary, and traditional arts.

#### GOVERNMENT

The original constitution and bylaws of the Minnesota Chippewa Tribe were ratified in 1936, in accordance with the Indian Reorganization Act. The six member reservations of the Minnesota Chippewa Tribe sought a single consolidated tribal government without relinquishing governance at the local level. Each member reservation elects its own tribal government, generally called the Reservation Business Committee, which governs locally as well as provides representation to the consolidated organization, which is governed by a tribal executive committee. The headquarters of the Minnesota Chippewa Tribe are located in the community of Cass Lake, on the Leech Lake Reservation. Enrolled members in the Minnesota Chippewa Tribe totaled 40,000 in 1993.

The Bois Forte Reservation is governed by a five-member elected tribal council, each member serving staggered four-year terms. The council includes a chairman, a secretary-treasurer, and district representatives.

The tribal council operates Head Start and other child care programs, conservation enforcement programs, roads and community maintenance, tribally owned enterprises, and central administration. They have their own criminal and judicial court system. The community maintenance program provides street and road maintenance, public building maintenance, and general community grounds upkeep and beautification.

The tribe, under PL-638, contracts with the BIA to administer key programs and services, such as the Indian Health Service clinic. The Bois Forte tribal council participates with that of Grand Portage in the 1854 Authority, an entity that regulates off-reservation tribal hunting, fishing, and gathering rights stemming from the 1854 treaty.

**BUSINESS CORPORATION**

In 1992, the tribe formed the Bois Forte Business Development Program, which provides loans for tribally owned small businesses.

**INFRASTRUCTURE**

The community of Bois Forte, in the Nett Lake Sector, lies along State Highway 65 and State Highway 23, the latter leading to the eastern edge of Nett Lake. State Highway 1 crosses the Deer Creek Sector and intersects west of Deer Creek at the town of Effie with Highway 38. The Vermilion Sector may be accessed from State Highway 17 off of Highway 169.

Water Supply - Water and sewage systems are provided by the Bois Forte Water and Sanitation Department.

Transportation - Falls International Airport, 80 miles northwest of Nett Lake, provides the closest commercial air service. The City of Orr, 20 miles from Nett Lake, has commercial train and bus services. The nearest truck line stops in Cook, 36 miles from Nett Lake. The Chishom Hibbing Airport lies southwest of the Vermilion Sector.

**COMMUNITY FACILITIES AND SERVICES**

The tribal community center provides a gathering place for special events, and it houses the elderly nutrition program and other senior events. The Nett Lake recreational area has facilities for softball and skating, as well as a permanent powwow grounds. The Nett Lake Post Office is located in the Bois Forte Reservation tribal office building.

Education - Reservation students (grades K-12) are enrolled in Nett Lake School, Independent School District #707. Younger children may attend the Head Start program and the Bois Forte Reservation daycare center. The tribe's adult basic education program provides GED testing and a comprehensive adult curriculum. The Bois Forte Reservation Tribal Academic Scholarship Program awards scholarships to graduating seniors at both Orr and Tower high schools.

Health Care - Nett Lake Health Center (full-time) and Vermilion Lake Health Station (two days a week) are staffed by a full-time physician, physician's assistant, registered nurse, LPN, and part-time lab technician. Community Health representatives provide liaison and follow-up services. Community Health Nursing employs one community health nurse, and it emphasizes early detection of illness and preventative health services. Emergency medical service is provided by the tribally operated, licensed ambulance program. The mental health department provides mental health and social services. The child welfare program provides children's advocacy services in abuse and custody situations. There is a dental clinic with a tribally hired dentist, dental assistant and dental assistant/receptionist.

**Section 2****Program and Facility Review  
July 22, 2006**

There was no individual to be met at this facility even though a proper appointment was made and we were there at the facility prior to the appointment time. The facility was locked.

There appear to be no inmates at this facility. There are no cameras around the perimeter and the exercise/recreation yard is used as a secured trash dump for the safekeeping of crushed aluminum cans. There were two BIA Police pickup trucks — one used as a snow plough—parked at the facility, both of which appeared to be in good condition. Smell of dead carrion emanated from the eaves at the front entrance. Signage for the municipal center, police department and the Bois Forte tribal court are located on the highway, but the facility appeared to be deserted.

Pictures were taken and measurements were made to ascertain the size and general condition of the facility. The physical building does not appear to be vandalized at this time. However, there are a number of areas of disrepair on the eaves. Generally the siding and the roof appear to be in good condition. A general assessment was made for the potential repairs and maintenance that may be needed based on the overall condition and age of similar buildings.

Law enforcement functions for this tribe have been partly relocated to a new public safety building that is located about 7 miles away on the Bois Forte Reservation. Detention is contracted out.



**Section 1****Background Information  
of the  
Navajo Reservation  
Served by the Chinle Adult Detention Center****Navajo Nation<sup>1</sup>**

Federal reservation

Apache, Coconino, and Navajo counties, Arizona; Bernalillo, Cibola, McKinley, Rio Arriba, Sandoval, San Juan, and Socorro counties, New Mexico; and San Juan County, Utah

Navajo Nation

P.O. Drawer 9000

Window Rock, AZ 86515

928-871-6352

928-871-4025 Fax

Web site: [indianaffairs.state.az.us/tribes/tribes.html](http://indianaffairs.state.az.us/tribes/tribes.html)

Population 180,462

High school graduate or higher 55.93%

Bachelor's degree or higher 7.29%

Per capita income \$7,269.00

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

## Navajo Nation Land Area by Types and States

Types of Lands	Arizona	New Mexico	Utah	Total Land
Navajo Nation Trust	10,158,784.82	2,795,418.26	1,223,933.96	14,178,137.04
Navajo Nation Fee	585,169.98	357,000.00	424.90	942,594.88
Individual Indian Allotment	81,963.81	671,043.50	9,741.80	762,749.11
State Lands Lease	256,905.79	126,760.10		383,665.89
BLM Leases		150,002.23		150,002.23
U.S. Forest Service Permit	174,000.00			174,000.00
Government E.O. PLO & School Tract		91,838.99	5.99	91,844.98
New Lands	345,032.00			345,032.00
Total Lands	11,601,856.40	4,192,063.08	1,234,106.65	17,028,026.13

The Navajo Nation has: 17,028,026.13 acres of land or  
26,606.29 sections square miles of land or  
739.06 townships of Navajo Nation lands and lease lands.

## LOCATION AND LAND STATUS

The Navajo Nation, comprised of 26,606 square miles, is the largest Indian reservation in the United States, both in terms of land base and tribal enrollment. The land base, comparable in size to the state of West Virginia, is located in northeast Arizona, northwest New Mexico, and southeast Utah. Window Rock, Arizona, in the southeast corner of the reservation, is the capital of the Navajo Nation. The Navajo Tribe is the only Arizona tribe not served by the Bureau of Indian Affairs' Phoenix Area Office; because of its size, the tribe has its own area office, located in Gallup, New Mexico.

The original Navajo Reservation, established pursuant to treaty concluded on June 1, 1868, and ratified by Congress on July 25, 1868, contained 3,414,528 acres, only about 10 percent of the land the Navajos earlier owned and used. The original reservation was

expanded by Executive Orders in 1878, 1880, 1882, 1884, 1900, 1901, 1905, 1907, and 1908. In 1911, lands in New Mexico were restored to the public domain. Minor revisions to the Navajo Reservation's size were made in 1912, 1913, 1914, 1915, and 1917. Executive Orders in 1917 and 1918 again expanded the reservation. In 1930 and 1931, the reservation was expanded by Congressional Acts. In 1933, Congress added 552,000 acres in Utah to the reservation and in 1934 provided for some smaller additions. Minor changes were made to the size of the reservation in 1948, 1949, and 1958. Court decisions in 1962, 1963, and 1977 reallocated some areas of the Navajo reservation to the Hopi.

In addition to the main Navajo reservation, there are three satellite areas of Navajo land located in New Mexico. The Cañoncito Reservation, the present boundaries of which were established in 1960, contains 57,863 acres of trust land. The Alamo Reservation, established in 1964, contains 62,000 acres. The Ramah Reservation, established in 1931, contains 91,456 acres. Today, the total acreage of the Navajo Reservation, including the main reservation, trust lands of the Eastern Navajo, and the satellite lands of Cañoncito, Alamo, and Ramah, is 16,224,896 acres.

#### PHYSICAL DESCRIPTION

The landscape varies from arid deserts to alpine forests, with elevations varying from 5,500 feet to more than 10,500 feet. The elevation at Window Rock, the Navajo Nation's capitol, is 6,760 feet above sea level. Wind, water, and volcanic activity have shaped the spectacular canyons, mesas, mountains, and deserts of the Navajo Nation over millions of years. The effects of these natural forces can be seen in scenic wonders located within the Navajo Reservation, including Canyon de Chelly, Monument Valley, Shiprock, Grandfalls, the Chuska Mountains, the Rainbow Bridge, and the Painted Desert.

#### CLIMATE

The average year-round high temperature is 64°F. The average year-round low temperature is 32° F. The area receives almost 12 inches of precipitation annually, with 30 inches of snowfall.

#### CULTURE AND HISTORY

The Navajos (Ni'hookaa Diyan Diné, or "Holy Earth People" or "Lords of the Earth") have been in the Southwest since at least the year 1300 AD after migrating southward from western Canada over 1,000 years ago. During the 1600s, Navajos acquired horses and sheep from the Spaniards, along with the knowledge of working with metal and wool.

The Navajos resisted Spanish domination during the late eighteenth and nineteenth centuries, also fighting against Anglo colonization after 1846, when the Americans took over the southwestern territory once owned by Mexico. Fighting continued throughout the 1850s until 1864, when the Navajos were rounded up and forced onto the infamous "Long Walk" to Fort Sumner, New Mexico, where they were taught a sedentary, agricultural lifestyle. However, by 1868 the experiment was recognized as a failure, and a new treaty established the Navajo Reservation, allowing the people to return to a portion of their land. There they practiced a mixed subsistence economy of agriculture and herding. The discovery of oil and gas on the reservation in 1921, and the later discovery of uranium, provided the stimulus for modern economic development. Today, the people call themselves Diné, meaning "The People." They call their traditional homelands Dinétah.

Dinetah, the Navajo homeland, is defined by four sacred mountains, which represent the four cardinal directions. Mount Blanca (Tsisnaasjimi' or "Dawn or White Shell Mountain") is the eastern reference point, near Alamosa, Colorado. It is the tallest mountain in the Colorado Sangre de Cristo range. In the south, Mount Taylor (Tsoodzil, or "Blue Bead Mountain" or "Turquoise Mountain") rises high and majestic, north of Laguna, New Mexico. The San Francisco Peaks (Doko'ooliid, or "Abalone Shell Mountain") define the westernmost edge of Dinetah, near Flagstaff, Arizona. Mount Hesperus (Dibe Nitsaa or "Big Mountain Sheep") is the sacred mountain of the north, located in the La Plata range of the Rocky Mountains in Colorado.

The Navajo people are most closely related by language and culture to the Apache peoples of the Southwest; their language also shows a relationship to the Athabascan peoples of Alaska and Canada. Navajo religion shares many elements with the religions of nearby Pueblo peoples, and it was the Tewa Indians who first called them "Navahu," which means "the large area of cultivated land."

The extended kin group, made up of two or more families centered on a mother and her daughters, is an important unit of Navajo social organization. It is a cooperative unit of responsible leadership, bound together by ties of marriage and close family relationships. Women hold an important social position in the tribe. Religion and language are still at the core of Navajo culture. Ceremonial sand paintings are used in healing rituals for many types of physical, emotional, and social imbalances. About 80 percent of the Navajo people still speak their language, although the elderly are disturbed that fewer children attempt to practice and maintain it. During World War II, the Navajo language was used as a code to confuse the enemy. These "code talkers," although shrouded in secrecy at the time, have become heroes to the American people, thanks to a movie extolling their courage under fire. It was the only code never broken during World War II.

According to census 2000 data, 168,000 enrolled tribal members are living on the Nation's tribal lands. The rest of the population is made up of nonmembers who live and work on the reservation. Another 80,000 Navajos reside in or near the bordering towns: Farmington, Gallup, and Grants, New Mexico; Page, Flagstaff, Winslow, and Holbrook, Arizona; and Cortez, Colorado, and Blanding, Utah. Others live in small towns and metropolitan areas throughout the United States.

#### GOVERNMENT

The Navajo Tribal Council was first formally recognized by the federal government in 1923. The Navajo Tribe rejected the Indian Reorganization Act of 1934 (IRA) and is, therefore, not organized under that Act. Between 1936 and 1938, the Navajos attempted a Constitutional government; it was refused by the Secretary of the Interior, who cited factionalism among the tribal members as a reason for denial. The Bureau of Indian Affairs (BIA) issued federal regulations, "Rules for the Governance of the Navajo Tribal Council," in 1938, and democratic elections to the Navajo Nation Council have been held every four years since then. The rules, as amended in December 1989, are the basis for all tribal operations. The Navajo Nation, under PL-638, contracts with the Bureau of Indian Affairs to administer key programs and services.

The Nation is headed by a council, consisting of 88 members, which represents the 110 local government subdivisions (chapters) that make up the Navajo Nation. Twelve standing committees conduct business between quarterly full council sessions. Representation is also included from the Alamo, Cañoncito, and Ramah reservations in New Mexico. Each of the 110 chapters also has an elected president, a vice president, a secretary-treasurer, and a grazing committee member, serving four-year terms. All programs and projects are processed through the appropriate standing committee before submission to the Navajo Nation Council.

The Navajo Nation has a three-branch government, similar to that of the United States. The Navajo Nation Bill of Rights is similar in structure, as well, to that of the federal government. The executive branch is headed by a tribal president, chosen by popular election every four years. During the same election year, the 88 council delegates are elected. Every two years, the council elects a "speaker," who presides over all council sessions, in addition to administratively overseeing the legislative branch. The judicial branch, created April 1, 1959, is headed by a chief justice who is nominated by the president and confirmed by the council. The judicial branch consists of a Supreme Court, seven district courts, seven family courts, and traditional peacemaker courts. Peacemaker courts are alternatives to typical courtroom settings, in that these courts use traditional Navajo laws and procedures in mediation to resolve disputes. The Navajo Nation Code, a comprehensive set of written rules and laws, is enforced by the Navajo Nation Courts, which dispose of over 90,000 cases per year. Courtrooms are open only to those attorneys who are members of the Navajo Nation Bar Association.

In 1974, the Navajo Nation established the Navajo Nation Tax Commission to, in part, levy and collect taxes. Although the Commission does not levy franchise, income, personal property, or unemployment taxes, it does levy the following taxes on the Navajo Nation:

i. Possessory Interest Tax (PIT): This is a tax on the taxable value of a possessory interest granted by the Navajo Nation. A possessory interest is the right to be on Navajo land performing a particular activity. The most common forms of possessory interests are oil and gas leases, coal leases, rights-of-way, and business site leases. The Office of the Navajo Tax Commission uses common appraisal methods to place a market value on the possessory interest. Then, the tax rate of 3 percent is applied to the taxable value. Possessory interests with a taxable value of less than \$100,000 are not taxed.

The PIT is assessed annually on August 1, with one-half of the payment due November 1 and the remainder due the following May 1.

ii. Business Activity Tax (BAT): This is a tax on the net source gains (gross receipts less deductions) from the sale of Navajo goods or services, with the legal incidence of the tax on the party receiving the gross receipts. The net source gains are taxed at a rate of 5 percent.

iii. Oil and Gas Severance Tax (SEV): This is a tax on the removal of oil and/or gas from any lands located within the jurisdictional territory of the Navajo Nation, regardless of ownership of such lands. The tax rate is 4 percent.

The SEV is a self-reporting tax, with monthly returns due 45 days after the end of the month.

iv. Hotel Occupancy Tax (HOT): This is a tax on the amount paid for the rental of a room in a hotel, motel, or bed and breakfast. The tax rate is 8 percent.

v. Tobacco Products Tax and Licensing Act (TOB): This is a tax on the sale of tobacco products within the Navajo Nation by a distributor or retailer. The tax rate is 40¢ per pack of cigarettes.

vi. Fuel Excise Tax (FET): The Navajo Nation Fuel Excise Tax became effective on October 1, 1999. This tax, with a rate of 18¢ per gallon, is administered in a manner similar to state gasoline taxes.

vii. Sales Tax: This tax went into effect on April 1, 2002; it replaced the Business Activity Tax for Construction. The tax rate is 3 percent of gross receipts. It is very similar to state gross receipts taxes. The tax is imposed on all sales of goods or services within the Navajo Nation.

#### INFRASTRUCTURE

Transportation – U.S. Highway 89 crosses the western part of the reservation running north-south, U.S. 666 runs north-south in the eastern part of the reservation, U.S. 160 crosses the northern part of the reservation from east to west, and Interstate 40 runs along the southern boundary of the reservation. In addition, there are a number of state and tribal roads connecting Navajo communities. Altogether there are more than 2,000 miles of paved roads on the reservation. Motor freight carriers serve all major reservation communities. Window Rock Airport, at Window Rock, Arizona, has a 7,000-foot lighted runway and provides charter service. Chinle Airport has a 4,800-foot unpaved landing strip. Other communities within the Navajo Nation, including Tuba City, Arizona, have unpaved landing strips. The nearest commercial airline and train services are at Gallup and Farmington, New Mexico, and Flagstaff, Winslow, Grand Canyon, and Page, Arizona.

Utilities – The Navajo Tribal Utility Authority is the major supplier of electricity, natural gas, water, and sewer services on the reservation. In a few areas, Arizona Public Service supplies electricity, and bottled gas is marketed by private companies. Dine Power Authority (DPA), a Navajo Nation enterprise, in partnership with Western Area Power Administration (Western), a power-marketing agent of the Department of Energy, has proposed the construction of the Navajo Transmission Project (NTP), a 500-kilovolt transmission line to deliver power from northwest New Mexico across northern Arizona to southern Nevada. According to DPA and Western, NTP will provide an economical source of transmission capacity that would reduce heavy loads in the region. In addition, the NTP would meet a portion of the electrical load growth projected in the area, while providing additional sources of revenues for the Nation and increase employment opportunities on the reservation.

Telecommunications – Telephone services are available from the Navajo Communications Company, doing business as the Frontier Company in 2003. It was 100 percent digital in

2003, providing Internet and wireless technologies to Nation residents. It is the largest provider of cable TV service on the reservation as well, with 4,000 subscribers.

Housing – The Navajo Housing Authority first received funding and support from the 1937 Housing Act, which permitted implementation of Mutual Help, Public Rentals, Homeownership and Section 8, and voucher programs. Under Section 184, that Act funded loan-guarantee programs as well.

In 1996, passage of the Native American Housing Assistance and Self-Determination Act made the construction of sustainable communities a reality, with appropriations amounting to an average of \$91 million annually between 1998 and 2002.

#### COMMUNITY FACILITIES AND SERVICES

Public Safety – Law enforcement is provided throughout the reservation by the Navajo Nation Police Department. Local communities maintain community centers.

Education – Educational facilities include 57 state-supported public schools, 13 community-contracted schools, 47 Bureau of Indian Affairs schools, and a few private mission schools. There are 123 Head Start programs dotting the Navajo Nation. Higher education can be obtained at the Northland Pioneer College and at the Crownpoint Institute of Technology. The former Navajo Community College, now known as Diné College, is located at Tsaile, Arizona. The 15,000-square-foot Karigan Child Care Center, completed in September 2001, is located on 113 acres purchased from privately held Karigan Estates. It can serve up to 170 children.

Diné College, chartered by the Nation in 1968, is a four-year accredited, multicampus postsecondary public institution, integrating key cultural principles throughout various courses of study. It was the first college established by Native Americans for Native Americans, setting a precedent for future tribal development of educational facilities. The school was first fully accredited by the North Central Association (NCA) Commission on Institutions of Higher Education in 1976. The college is governed by an eight-member board of regents confirmed by the Government Services Committee of the Navajo Nation Tribal Council. In a unique collaborative partnership with Arizona State University, Diné College bestowed its first baccalaureate degrees under the Diné Teacher Education Program in 1998. In 1999, the state of Arizona amended the tax codes to allow distribution of Transaction Privilege Tax revenues collected on the Navajo Nation to Diné College. This amendment ensures that the school receives \$1.75 million annually for 10 years for the institution's maintenance, renewal, and capital expenditures. With the increased revenues, Diné College plans to build new buildings at all of its Arizona campuses. Beyond the main campus at Tsaile, ("place where the stream flows into the canyon"), Arizona, there are satellite locations in Window Rock, Chinle, Ganado, Kayenta, and Tuba City, Arizona, and in Shiprock and Crownpoint, New Mexico. General education programs are offered at all campuses, and each eight years of accreditation in 2002.

In Farmington, the Navajo Preparatory School (NPS) serves over 200 Navajo and other Native American high school students. Four new dormitory buildings increased capacity at the school to 300 in the early years of the twenty-first century. The facility boasts that over 90 percent of NPS graduates enroll (and most graduate) from colleges or technical

programs throughout the United States. The school features a low faculty-to-student ratio, culturally diverse staffing, summer enrichment programs, and a plethora of quality after-school activities. In 2004, many of the buildings on the campus were/are in need of rehabilitation.

Health Care – The Navajo Area Indian Health Service (NAIHS) delivers comprehensive health services to all American Indians in portions of the states of Arizona, New Mexico, Colorado, and Utah. These services include inpatient, outpatient, and community programs in 6 hospitals, 7 clinics or health centers (some of which include emergency care), and 15 part-time health stations. The six hospitals range in size from the 32-bed Crownpoint, New Mexico, facility to the Gallup Indian Medical Center in Gallup, New Mexico, with 99 beds. The Navajo Tribe itself operates the Navajo Division of Health, created in 1977 and headquartered in Window Rock, Arizona. This agency oversees quality and guarantees that culturally acceptable health care is available and accessible to all Native Americans. The Navajo Nation also provides health-related and educational services in the areas of nutrition, aging, substance abuse, community health representative (outreach), and emergency medical services (ambulance). The NAIHS is one of 12 regional administrative units of the Indian Health Service, an agency of the U.S. Public Health Service Department of Human Health Services.

There are 12 health care centers in the region: Chinle Comprehensive Health Care Facility, Crownpoint Health Care Facility, Dziłth-Na-O-Díth-Híe, Fort Defiance Indian Hospital, Gallup Indian Medical Center, Inscription House Health Center, Kayenta Health Center, Shiprock-Northern Navajo Medical Center, Tohatchi Health Care Center, Tsaile Health Center, Tuba City Indian Medical Center, and the Winslow Health Center.

A unique feature of the NAIHS is that all staff is trained to provide cross-cultural medicine, so cultural taboos among various populations of Native Americans are avoided, and subtleties in intertribal and interpersonal relationships are honored. Care is provided in a cultural context so correct remedies may be pursued.



## Section 2

### Program Review July 15, 2006

This is a 48-hour holding facility operating under the consent decree, Silver vs. Pahe, dated, November 17, 1992.

#### 1. Funding of Operations

The operations are funded through a combination of the PL 638 funds and those contributed by the tribe. Additional details of operations could not be determined.

The following was reported: "Nothing is set in stone. All monies are controlled and transferred around by ... he tells the supervisors where they are low... This facility requested \$5,000 for food in the month of May to last through September 30<sup>th</sup>, however she cut it to \$2250 to last for food to September 30<sup>th</sup>. He said they were short on budget not enough budget to take care of all inmates till September 30th..."

#### 2. Funding of Repairs and Maintenance of Facility Structure

Funding for the repairs and maintenance of the facility could not be determined. A requisition is submitted for any repairs or maintenance at the facility.

#### 3. Policies and Procedures

The facility uses tribal policies and procedures. A combination of the tribal and BIA policies and procedures have been prepared as a draft. They will meet with someone the following Tuesday to determine the scope of work for the BIA.

#### 4. Staffing

There are ten full-time detention officers, six of whom are certified. One officer resigned last Friday. The offices work is rotated through four shifts; generally there are only two officers for each shift. It is very difficult to find new officers. Only tribal members or nonmembers who are married into the tribe may apply for these positions. Most who do apply fail the background test.

#### 5. Programs

Alcoholics Anonymous provides a weekly service every Thursday at the facility. The clergy provides church services every Sunday evening. The public health services (PHS) holds a sweat lodge service every other day. On other occasions inmates may be relieved for one to two days with a court order, to attend ceremonies.

6. **Staff Training**  
Once an officer has been certified at the Academy, the facility does not provide any additional training off the reservation because of a shortage of staff. All off-reservation training requires approval from the tribal president. The following was reported:  
“The officers do not have an opportunity to go to Artesia. The past boss was very reasonable before ... came, and used to allow officers to go to Artesia. Now ... objects and says – “not enough funding for gas and a travel vehicle.” It takes a 9 hour drive to get there. They relay to Window Rock for this length of travel to share expenses. Also, if an officer is dismissed at Artesia, they cannot stay on the grounds. Other officers (from the facility) are asked to come down and pick up. Some individuals drive all the way to Artesia and bring back the dismissed officer in one continuous drive, for there is no money for stay at the motel in Artesia and the Academy will not allow them to stay at the dorms. This is a financial hardship for both officers. So they are very reluctant to request for training.”
7. **Space for Inmates On-Site**  
This is a 48-hour holding facility as decreed by the court order in 1992. But often inmates overstay. One inmate reported, pointing to article 1.1 on page 15 on the posted decree on the wall across his cell, “I was brought here on Thursday and it is already Saturday and I am still here and there will be no court until Monday. This is lot more than 48 hours. This is wrong according to the rules. Can you do something?”  
There are eight male and six female beds at the facility. At the time of the visit there were 31 inmates being incarcerated. However, the detention facility booking logbook pages 68, 69 and 70 showed a total of 72 inmates who were booked in July 1, 2006 at this facility. In contrast, page 5 of the decree dated November 17, 1992 notes that the maximum number of 27 males and 4 females for a total of 31 inmates may be held at Chinle.
8. **Space for Inmates Off-Site**  
The facility contracts out with an undetermined number of beds at the McKinley County Jail and at the Window Rock facility. And this time twelve males and two females are housed at the McKinley County Jail and nine males and two females are housed at the Window Rock facility for a total of 25 inmates that are presently being housed off-site.  
The facility pays thirty-six dollars per inmate per day at the McKinley County Jail. The facility generally negotiates with the courts to have their inmates released within 30 days from the off-site facility.
9. **Staffing Capacity for the Inmates On-Site**  
Presently there are ten detention officers and one supervisor who provide services during the day shift, swing shift, graveyard shift and relief shift.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
The detention officers provide transportation and escort for the inmates. The detention officers use a relay method where an inmate is transported to an

intermediate point where the next relay team follows transporting the inmate to the final destination. This allows the first team to prevent using excessive duty hours for the round trip transportation of one inmate. On occasion law enforcement officials assist with the transportation of the inmates.

11. **Office Supplies for Staff**  
There is a severe shortage of funds for the purchase of office supplies. Officers use personal funds to purchase items such as copying paper, sacks for properties from inmates, stapler, scotch tape, money envelopes, typewriter ribbon and toner for the printer. The health services provide gloves. Other entities donate janitorial supplies.
12. **IT Equipment for Office Use**  
There is insufficient funding for IT equipment that is needed at the facility. One computer was installed recently by the IMS (Information Management Systems) using the Cody system. This system provides software for booking and release of inmates. Sometimes another computer is used to provide daily logs. Since the system often goes down manual logs are maintained for all operations at the facility. The Cody system is inoperative at Window Rock very often.
13. **IT Equipment for Communications Use**  
The radios used for communications were issued in 2000. Batteries in the old radios have worn out and do not hold a charge. New batteries are needed for the existing radios and six additional radios with battery chargers and batteries are needed to provide communications between detention officers.
14. **Personal Supplies for Inmates**  
There are insufficient funds to provide personal supplies for the inmates. This facility calls other facilities to provide such supplies if they are in stock and if they can afford to send such supplies. Short of that, the detention officers purchase such supplies from the personal funds. "The officers have spent up to \$50 for such individual purchases. They have never been reimbursed and have stopped asking for such reimbursement. They generally go to Wal-Mart to purchase such supplies. There is no control or accountability. This has been going on for years."
15. **Uniforms for Staff and Inmates**  
Officers have recently received a memo that they need to order uniforms up to a maximum value of \$300 for each individual. There are insufficient funds to provide sufficient orange suits for the inmates.
16. **Linen for Inmates**  
Officers do not place any orders for blankets, towels, sheets or pillowcases, all of which are running low. Inmates have complained about being cold with the blankets that were provided. Upon review of such blankets it was noted that they were threadbare with large holes. Such was the case both with the

blankets that were in use by the inmates at their bunks as well as those that have been washed, folded and ready for issue to the incoming inmates.

17. **Furniture and Fixtures for Staff and Inmates**  
There is one picnic-bench-style institutional setup at each of the dormitories. Though there is a need for appropriate furniture for the staff, there is physically no space to accommodate such furniture.
18. **Transportation Vehicles**  
The facility has two vans that are used for transportation. The older van has 201,419 miles and the newer van has 18,917 miles. Both vans have built-in cages.
19. **Fuel for Vehicles**  
There are not enough funds to purchase fuel for the vehicles. Mileage restrictions have been placed because of lack of funding. This has caused a financial hardship to the facility to comply with the requirements of the consent decree as it pertains to the number of inmates that can be held on-site.
20. **Utilities for Facility**  
Electricity and gas utilities are paid by the tribe at the district level. Expenses for the utility are prorated between law enforcement and detention who share the building. Last month, the share for detention for the utilities was \$2000 for the month.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is hot and cold water for the kitchen and showers. Even though hot water is provided at the laundry, the washer is incapable of using hot water. The plumbing system dates back to 1959 when this facility was built. A cosmetic upgrade with new sink/toilet combination units was provided in 1999 but the original plumbing system behind the walls and underground is 46 years old and in disrepair.
22. **Adequate Lighting for Inmate and Staff Areas**  
There is sufficient lighting for the staff and inmate areas. Fixtures were upgraded in 1999. There are no night-lights in the housing unit. Battery-backed emergency lighting is provided.
23. **Ongoing Repairs and Maintenance**  
Response to the repairs and maintenance is very poor. The same repair team services the entire Navajo Nation. As such they are late in responding to the routine requirements for repairs and maintenance.

## 24. Deferred Repairs and Maintenance

The building has deteriorated for lack of appropriate repairs and maintenance at the facility. The following deferred repairs and maintenance are needed:

- 1) Remove and replace the HVAC system including all units, distribution ductwork and controls.
- 2) Provide a separate HVAC unit distribution ductwork and controls for the kitchen.
- 3) Provide a new roof.
- 4) Replace old underground plumbing and sanitation sewers.
- 5) Replace sixteen sink/toilet combination units with new units.
- 6) Replace eight shower stall units with new showerheads, mixing valves and shower enclosure units.
- 7) Provide new windows for the kitchen.
- 8) Provide a restroom for the use by kitchen staff.
- 9) Provide new electrical distribution.
- 10) Provide separate detoxification cell for the females.
- 11) Provide a new booking space away from the central control station.
- 12) Provide an appropriate central control station.
- 13) Provide a complete intercom system.
- 14) Provide a complete camera system for 36 cameras and a central camera control console at the central control station.
- 15) Provide lead abatement for all existing interior paint. Repaint all interiors.
- 16) Provide new flooring for office space. Refinish all flooring in the housing unit.
- 17) Provide provisions for handicapped staff inmates and visitors.
- 18) Stabilize all foundations for the building.

## 25. Medical Response at the Facility

A first-aid kit is provided at the central control station. An IHS clinic serves the community. Any EMT from the IHS can respond within five minutes if he or she is not busy. The inmates are not tested for tuberculosis, HIV or hepatitis. There is no screening for STD. Confidentiality of medical information prevents the IHS from disclosing any existing medical conditions of the inmates. Thus detention officers and other inmates may be exposed to diseases carried by an inmate.

## 26. Booking Process at the Facility

The booking process is very poor. Booking is conducted through a window in the corridor and at the counter top of the central control station. There is no physical barrier between the inmate and the detention officer at the countertop. There is a partial plexiglass barrier at the corridor window. There is no recording camera to record the process of booking. The Cody booking software that is loaded on the computers is generally not available and therefore not used at all by the detention officers. There is no space available to provide fingerprinting or crosschecks on the past history of the inmate. The common countertop at the central console that serves for booking also provides storage space below for janitorial supplies, medical supplies, medicines and personal

hygiene supplies for the inmates. There is constant foot traffic around this countertop at the central control station.

27. **Food Service at the Facility**  
A small kitchen serves the facility. There is insufficient room for all of the dry storage and refrigerators. There is no restroom for the use of kitchen staff at the facility. The kitchen has poor air circulation and is generally hot and stuffy. Circulation fans are used and windows are kept open for ventilation. Kitchen knives are kept in an unlocked cabinet drawer in the cook's office. The cook's office has a marginal lock on the door. Other utensils are stored by hanging on racks in the kitchen. Grease is collected in coffee cans. The kitchen hood fire suppression system and fire extinguishers are inspected annually and were within the inspection time period as indicated by the inspection tags. All doors in the kitchen area have marginal locks and the exterior door leading from the kitchen corridor to the exterior needs repairs so it can be securely shut and locked.
28. **Dining Staff at the Facility**  
One cook and two food handlers provide all the staff services at the kitchen.
29. **Housekeeping Staff at the Facility**  
Detention officers provide all housekeeping other than in the inmate housing area. Trustees are not permitted in the kitchen.
30. **Repairs and Maintenance Staff at the Facility**  
A team of seven to eight individuals at the Navajo Nation's main office at Fort Defiance provide repairs and maintenance services for the entire nation. One individual is assigned to this specific area. He is often slow in responding, considering the number of facilities that he has to respond to even in a local area.
31. **Inmate Services Provided at the Facility**  
No inmate services are provided at the facility. Inmates are sent to take specific classes off-site such as at Window Rock, if the judge orders them as such.
32. **Healthcare Assistance in the Community**  
The Indian Health Services Community Healthcare Center provides such services.
33. **Other Support Agencies in the Community**  
There is a behavioral health service that serves the community.
34. **General Reasons for Detention**  
Lately most of the incarceration is related to violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.

35. Potentially Harmful Conditions and Behavior of Inmates  
Inmates could harm themselves with articles of clothing such as socks, underwear and T-shirts. Accessible items within the facility that lend to supporting weight are the steel bars around the dormitory and corner posts of bunk beds. There has been one successful suicide attempt in the past 20 years where an inmate hanged himself with a T-shirt.
36. Accountability and Reporting of Incidents  
All incident reports are sent to someone at the Navajo Nation and the BIA.

DRAFT

**Section 3****Facility Review  
July 15, 2006**

This is a 48-hour holding facility based on the consent decree, Silver vs. Pahe, dated, November 17, 1992.

1. **Exterior Site Conditions**  
Exterior conditions at the facility are fairly poor. The general public has access through the unsecured and constantly open fence gates all around the building.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area has been abandoned and is being currently used to store evidence. Remains of three old vehicles are being stored, as evidence for the federal prosecutors. It appears that the exercise yard has not been used in many years.
3. **Exterior Perimeter Security**  
The exterior perimeter security is very poor. There are no cameras at the front entrance. One camera on the building monitors the movement of inmates as they are escorted from the detention facility to the court nearby, while the other camera monitors the Sally port door. The doors themselves are left open. This includes the exterior doors of the jail cell dormitory building. The two gates at the chain-link fence and all four doors into the detention facility were found open. The razor wire along the perimeter of the roof was found bent and broken with carpet remnants strung over them at two locations above the kitchen exterior door.
4. **Sally Port Security**  
There is no Sally port. And exterior side door to the building is used as an entrance to escort the inmates into the facility and up to the booking location in the corridor.
5. **Building Interior Security**  
The interior security of the building is very poor. Sixteen cameras monitor the building, three of which are located outside. The monitors are located high, up and away from the peripheral vision of the detention officers working in the central control room at their desk or at the countertop. The resolution on the monitors is very poor. Identity of inmates cannot be clearly determined on the monitors. There are several blind spots that the cameras do not monitor. The kitchen window is left open. The exterior doors on the perimeter at the dormitory, kitchen, the Sally port and the front entrance are all left open – primarily for ventilation. The general public can walk in and the inmates can



walk out through any of these open doors and on through the open gates at the chain-link fence.

6. **Building Structure**  
The building is a slab-on-grade brick structure built 45 years ago. The foundation is settling. The interiors are in disrepair.
7. **Building Roof**  
The building is a flat roof with metal sidings and razor wire around some of the perimeter. There have been occasional leaks that have been repaired.
8. **Interior Ceilings**  
Generally the ceilings consist of glued-on tile on sheetrock for most of the offices and non-housing space. Sheets of concrete tiles are used in the housing area. Peeling paint was noticed at several locations including that at and around piping insulation.
9. **Interior Walls**  
Generally the walls are of block-wall construction in the housing area and wood framing and wood paneling for interior office walls.
10. **Interior Flooring**  
Flooring consists of vinyl tiles on concrete floors in the offices and painted slab in the housing area. Most of the floor both in the offices and in the housing area is in disrepair and extremely worn out.
11. **Interior Dormitory Cells**  
Interior dormitory cells consist of steel bars with steel cross-members. Each dormitory contains a separate space with an institutional table and a bench that serves as a dining area. Based on the logbook entry pages 68, 69 and 70 there were 72 inmates that were booked on July 1, 2006. This month had a high of 60 inmates at the facility. At Fair-time August 2005, the maximum number of inmates booked was 300 within a 24-hour period. It is very hot and stuffy with little or no air circulation. One small circulating fan provides little relief.
12. **Interior Isolation Cells**  
There is one male and one female isolation cell. Each isolation cell is capable of holding one inmate only. The female isolation cell is also used as the female detoxification cell since there is no separate detoxification cell for the females.
13. **Interior Detoxification Cells**  
There is only one detoxification cell with a capacity of 18 inmates. During Fair-time August 2005, there were so many inmates in the detoxification cell that there was no place for the inmates to sit down; everyone was standing.
14. **Booking and Intake Area**  
There is no specific booking and intake area. Booking is conducted at the window in the corridor and at the countertop at the central control station.

There is no recording camera and there is no operating booking software. The corridor is blocked during the booking process. An inmate shower in the corridor that was used at one time by incoming inmates has been abandoned and is used as a janitor's closet.

15. Visitation Area  
There are four stand-up visitation stations with no direct visual contact between the visitor and the inmates. Visitors and inmates shout through a small 4" x 6" screen to make themselves heard.
16. Kitchen, Food Preparation and Pantry Area  
A very small kitchen, food prep and pantry area serves the facility. There is no restroom for the use of kitchen staff. The exterior door from the kitchen and the kitchen window are constantly left open to allow for ventilation. There is no walk-in refrigerator or dishwasher. The excessive grease from cooking is collected in a coffee can.
17. Dining Area  
There is no specific dining area for the inmates. All inmates eat in the dormitory or in the cells.
18. Day Room Area  
There is no day room to the facility. A radio is provided in the space between the exterior wall and the dormitory walls.
19. Vocational Training Area  
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no specific first aid and medical assistance area at the facility. A first-aid kit is provided at the central control station.
21. Toilets and Showers  
Because of the long-term neglect in repairs and maintenance at the facility and because of the hard water in the area, all of the plumbing systems have been encrusted with salts. Replacement parts are not available for the combination sink-toilet units, all of which need to be replaced.
22. HVAC System  
The HVAC system does not provide heating ventilation or air-conditioning. No cooling units are in use. Minimal heating is provided by baseboard heaters and a small furnace. Spaces are either very hot or very cold. There is very poor air circulation. Almost every space has a small air circulation fan. All exterior doors are kept open most of the time to allow for air circulation and this compromises security at the facility.

23. **Plumbing System**  
The plumbing system is in disrepair with neglect over the past 45 years. Aboveground piping and fixtures were changed in 1999 but they have fallen into disrepair since then.
24. **Lighting System**  
Lighting level is very low. Lenses of light fixtures are broken and in disrepair. The light fixtures are not vandal resistant. There are no night-lights provided in the housing area.
25. **Electrical Power System**  
There is an overhead 400 amp – 120/240 V, single phase 3 wire system that was installed in 1959. The electrical distribution system does not provide the capacity and distribution needed for all the electrical appliances and equipment that are presently in use. All electrical panel boards are in disrepair. A 15 KW backup generator provides electrical power in an emergency. There were no testing logs available to ensure that the system is tested regularly. It is unknown if this generator is operated on a weekly basis or tested with the full load on a monthly basis.
26. **IT System**  
The facility has the use of a few old computers.
27. **Security System**  
The building has a 16-camera system with monitors that have very poor resolution and are located in areas that do not facilitate viewing by the detention officer. The camera system has several blind spots and does not monitor all spaces appropriately. There are no recording cameras and the cameras that are there cannot zoom in, pan or tilt. All locks for all the housing unit and the remainder of the facility are of the mechanical type. Only one set of keys is carried by the officer on duty. The mechanical door operators and the lock tumblers are lubricated on an annual basis.
28. **Energy Usage and Conservation**  
There is no awareness of energy conservation at this facility. Doors are kept open most of the time to facilitate ventilation. As the building has settled, the door jams for the exterior doors have skewed and are not square with the hanging door. Thus they are difficult to close and are often left open.
29. **Fire Egress – Exterior and/or Secured Areas**  
All exterior doors to the facility are constantly kept open. Thus the facility can be evacuated within three minutes. However, there is no secured space away from the building to evacuate the inmates in an emergency. The exercise/recreation yard has been abandoned and is now used for the storage of evidence, which at this time includes a few old cars being stored for the federal prosecutor. A fire egress door was installed in the exterior wall near the kitchen to permit evacuation of inmates in an emergency. This door cannot be opened

even if unlocked, for it has been blocked by drifting sand that has solidified with moisture and sand over the years.

30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
There is a basic fire alarm. There are fire extinguishers. Both systems are tested on an annual basis. There is no sprinkler system.
31. **Building Access for Staff and Inmates**  
The general public and staff use the front entrance. Inmates are escorted in through the side door which serves as the Sally port.
32. **Hazardous Materials**  
There is reason to believe that there is asbestos and lead paint in the building that have not been abated. There are no records of abatement for lead paint or asbestos at the facility. Several areas of peeling paint were noticed at the ceiling and around piping insulation.
33. **Handicap Access for Staff and Inmates**  
There are no provisions at this facility for staff, visitors or inmates who are handicapped.
34. **Potentially Hazardous Elements**  
Inmates could use articles of clothing to harm themselves. There are a number of steel cross members and bars throughout the facility that could be used to support the weight. There are holes in the metal steel pans of the bunk beds – all of which could be used by the inmates to harm themselves.

### Section 1

#### Background Information of the Navajo Reservation Served by the Chinle Youth Correctional Facility

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

### Section 2

#### Program Review July 16, 2006

1. **Funding of Operations**  
The funding of operations could not be determined. There are chronic delays of up to nine months in receiving the actual funding for the operations of facilities. These delays affect the quality of operations.
2. **Funding of Repairs and Maintenance of Facility Structure**  
The funding of repairs and maintenance of the facility could not be determined. The Bureau of Indian Affairs owns the building but it is leased and operated by the Navajo Nation through the PL 638 program. The delays in receiving funding for the repairs and maintenance affect the quality of operations.
3. **Policies and Procedures**  
The facility has been working for the last three to four years in developing its policies and procedures. Information at this time has not been turned in to the Department of Justice at the Navajo Nation. The facility is requesting help in creating policies and procedures for this site.
4. **Staffing**  
There are 25 full-time detention officers at this facility. Of these, 15 are certified officers and the remaining have been hired recently and are awaiting certification. The passing rate of new individuals for the certification at the Academy is approximately 40%.  
In addition, there are four individuals who serve in the food service department, three individuals who provide maintenance and three individuals who provide administrative functions.  
There are generally three officers on duty, with four or five officers on occasion. Presently the staff to inmate ratio is 1:5.

5. **Programs**  
The facility provides education in a conventional classroom setting. An educational specialist works for the inmates on a long-term setting. PLATO software is used. The facility provides a computer lab, a library for discussion groups and traditional classrooms. The facility also provides traditional counseling and the ODY program for the youth. The facility provides religious services through the visiting clergy. A sweat lodge is under construction at this time.
6. **Staff Training**  
The facility is awaiting certification of 10 detention officers that were recently hired. The facility believes that training in Artesia is excellent except that it is not held in a tribal setting and does not take tribal considerations into account in planning and executing its training for detention officers who will serve on tribal lands.
7. **Space for Inmates On-Site**  
There are 50 beds that are available on-site. The average population is about 25 inmates. The peak load at this facility has been 30 inmates. The facility is working out a memorandum of understanding with other tribes such as the Ute, Apache and Hopi to accept their inmate youth at this facility. The youngest inmate housed at this facility was nine years old.
8. **Space for Inmates Off-Site**  
The facility does not contract out any space off-site. Rather, it is interested in accepting youth from other facilities. The only other youth detention facility on the Navajo Nation is the Tohatchi Youth Detention Facility.
9. **Staffing Capacity for the Inmates On-Site**  
There is insufficient staffing for the number of inmates at this facility. Staffing for youth is more intensive and the facility expects to have a staff to inmate ratio of 1:3.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
Detention officers provide the transportation and escort for the inmates. Rovers have been designated and are generally on a call-in basis. Distances to the Window Rock facility and the Remah facilities are large, and use up one whole day for the transportation of one inmate.
11. **Office Supplies for Staff**  
The facility is always short on office supplies. The Department has slashed the budget. Personal funds are now being used to provide office supplies. Individuals have used up to \$50 of their own funds to provide office supplies for routine operations at the facility.

12. IT Equipment for Office Use  
The facility uses old but serviceable IT equipment at this time. The facility needs additional workstations. The Cody software system has not been set up at this time at this facility. The Cody system servers at the Navajo Nation headquarters are often inoperative and inaccessible to the satellite units in the Nation.
13. IT Equipment for Communications Use  
The intercommunication system is inoperative at this time at this facility. Officers use radio communications. Ten additional Motorola mode EX 600 - XLS with the push-to-talk switch are needed.
14. Personal Supplies for Inmates  
There is insufficient funding for personal supplies for the inmates at this facility. Purchase requests have been pending for six months with no relief in sight.
15. Uniforms for Staff and Inmates  
The uniforms for the inmates need to be replaced once every two to three years. Staff needs uniforms replaced at least once a year. Neither of these needs is being met at this facility at this time for lack of funding.
16. Linen for Inmates  
Worn-out blankets have been put aside. However, 40 new blankets are needed for the upcoming winter. There are sufficient mattresses for the use of the inmates.
17. Furniture and Fixtures for Staff and Inmates  
There are insufficient chairs for the staff. Twenty-five office chairs are needed for the staff and eighty metal chairs are needed to conduct training in the multipurpose room at the facility. Appropriate institutional seating is needed for the inmates.
18. Transportation Vehicles  
The facility uses three transport vans, one 4x4 pickup truck and one sedan for its routine operations. On average each of these vehicles has operated 125,000 miles at this time. As these vehicles are worn-out over the next 12 months, two additional transport vehicles will be needed to meet the present demands. The facility needs one full-size transportation van with appropriate metal cage for the transportation of inmates and one 2 x 4 pickup truck that is needed for the routine repairs and maintenance.
19. Fuel for Vehicles  
The facility lacks funding for the purchase of fuel. The Navajo Nation has placed restrictions on mileage that is permissible for the operations of all vehicles.

20. Utilities for Facility  
There is sufficient funding for utilities at the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is sufficient hot and cold water for the kitchen and laundry and showers. One of the two boilers has aged prematurely as a result of using untreated hard water. It needs replacement in the next 12 months.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the staff and inmate areas throughout the facility.
23. Ongoing Repairs and Maintenance  
There is insufficient funding for routine repairs and maintenance. Purchase requisitions have been pending for over six months. Very often quotations from suppliers are good for 30 days during which time such repairs cannot be funded for lack of funds. Repeated quotations from suppliers often escalate as the facility waits for the funding to come through. The staff at the facility could not determine the reason for such delays and lack of funds.
24. Deferred Repairs and Maintenance  
The building has been neglected ever since it was built in 1998. Deferred repairs and maintenance now include:
- 1) Replace the existing intercom system with a new system that includes the master communication panel and hardware for 80 stations throughout the facility. Each intercom station is capable of transmitting and receiving written manual overrides for such functions.
  - 2) Repair individual low-voltage switching modules at each of the doors for 30 doors. Provide controls at the central control station.
  - 3) Relocate the compressors for the walk-in coolers from the kitchen plenum glaciated area on the roof.
  - 4) Provide a new booster-heater for the commercial dishwasher in the kitchen.
  - 5) Provide two door-operators on each of the rollup door at the Sally port. Provide new limit switches and interlock control wiring.
  - 6) Repair the HVAC unit in the multipurpose room to prevent vibration and noise.
  - 7) Provide a new commercial washer for the laundry to meet the present demands.
  - 8) Provide additional storage of approximately 50 sq. ft for each laundry rooms in each of the three pods.
  - 9) Provide additional storage of approximately 100 sq. ft. with two-hour fire-rated walls to store flammable chemicals.
  - 10) Provide an exit through the courtyard to serve as a path of egress during an emergency. Provide a fenced and secure enclosure outside and 50 feet away from the building walls to securely stage 70 inmates and staff during an emergency.



- 11) Provide a new water softening system for the facility.
- 12) Provide a workshop space of approximately 200 sq. ft. for small repairs and maintenance at the facility.
- 13) Provide 3 additional water fountains, one at the recreational yard two at the remote pods by the control stations.
- 14) Provide a sliding cover plate at each of the keyhole/locks for each of the exterior doors to prevent blowing sand from entering the keyholes. Repair and lubricate all tumblers at all exterior doors.
- 15) Repair the oven/range in the kitchen.
- 16) Repair the deep fryer unit in the kitchen.
- 17) Repair the overhead exhaust fan in the hood in the kitchen.
- 18) Repair the inoperative fire suppression Ansul™ system.
- 19) Provide refrigerant servicing to the air-conditioning unit that serves the kitchen.
- 20) Provide a new reach-in cooler that can maintain a 40°F or below temperature.
- 21) Add window barriers and countertop at the booking window.
- 22) Stabilize the sinking foundations of the building.

25. Medical Response at the Facility

The facility provides basic regular medical response at the facility. EMTs are called in for an emergency. Every Monday and Wednesday a registered nurse comes in to provide routine medical services to the inmates. This includes STD testing. The staff is aware of a need to provide testing for TB, HIV and hepatitis but no such testing is conducted at the facility. There is a shortage of medical supplies at the facility. The local IHS has requested that the practice of supplying medical supplies to the facility be curtailed. However, there are no funds to support this function at the facility. The facility requires a medical clearance for acceptance into incarceration at the facility.

26. Booking Process at the Facility

The booking process is inadequate. Inmates are escorted from the Sally port to the detention control station. There are wide openings between the lower section of the booking officer window and the inmate. Inmates spit at the booking officers. There is insufficient space for the booking officer, arresting officer and the inmate since the booking is conducted in the walkway surrounding the control station.

27. Food Service at the Facility

The facility runs out of food very often. There is insufficient funding for food for the inmates at the facility. Roughly \$1200 is allocated per month for food which would support about 12 inmates or less on average. However, the facility has an inmate population of 25 inmates on average. As such the routine menus are not adhered to. "It is a gross exaggeration when the facility reports that the inmates are provided with 2300 calories of food per day" as reported by the staff. "Food is actually being diluted with sauces and carbohydrates so it could be stretched to serve all inmates."

“Carbohydrates and fats are fed excessively including to diabetics. One inmate lost 9 pounds in a month at this facility.”

28. **Kitchen and Dining Staff at the Facility**  
There are three food handlers and one food services coordinator for a total of four staff members at the facility. These individuals provide all of the meals at the facility.
29. **Housekeeping Staff at the Facility**  
The custodian provides all the housekeeping at the facility.
30. **Repairs and Maintenance Staff at the Facility**  
Two individuals provide full-time repairs and maintenance at this facility.
31. **Inmate Services Provided at the Facility**  
The facility provides education services through the Internet using the Plato educational software. The facility provides a computer lab, a library for discussion groups and traditional classrooms.
32. **Healthcare Assistance in the Community**  
The community provides public health services and behavioral health services.
33. **Other Support Agencies in the Community**  
The community provides the services of a ‘Chapa House’ and an ‘Adabi’ – home for the domestically abused.
34. **General Reasons for Detention**  
Most of the incarceration is related to property crime and violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
Articles of clothing are used by the inmates to harm themselves. In one such incident an inmate used a pillowcase around his neck. The inmate died at the hospital.
36. **Accountability and Reporting of Incidents**  
Incidents are reported through the administrative hierarchy of the Department of Justice at the Navajo Nation.

**Section 3**  
**Facility Review**  
**July 16, 2006**

1. **Exterior Site Conditions**  
The exterior site conditions are poor. The site is located on eight acres with two perimeter fences. The general public has access up to the facility.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise and recreation area is located in an inner courtyard that is surrounded by the physical structure of the facility. This courtyard is a fire trap for there's no appropriate egress and inmates could be trapped in their pods on the far side. This courtyard does not provide sufficient space or distance to serve as a staging area for evacuating inmates in an emergency.
3. **Exterior Perimeter Security**  
The exterior perimeter security is poor. The outer fence topped with razor wire lacks about 750 feet of fencing to complete the perimeter. The sliding gate in the fence is constantly open. There are no cameras to monitor the gate. One inmate escaped by simply walking away. Work is underway to provide electrical connections to a proposed guard shack near the gate. There are insufficient cameras to provide viewing of the entire perimeter. There are several blind spots and building protuberances that are detrimental to unobstructed views by camera. There is a need for 20 additional cameras with 3 recording cameras to support the 36 cameras already on site. A central console for a 64-camera system that is compatible with the existing cameras is needed. Relocate all existing cameras to provide appropriate coverage.
4. **Sally Port Security**  
The Sally port is an enclosed structure with two rollup doors. One of the rollup doors cannot be opened for lack of appropriate door operators. The cameras have poor resolution and cannot view blind spots close to the entry door to the building.
5. **Building Interior Security**  
They are insufficient cameras with several blind spots in the building interiors. Blowing sand in the keyhole mechanism of several keyed locks in the courtyard and building exteriors has made several locks difficult to operate. In case of an emergency, inmates cannot be evacuated in three minutes from the building.

6. **Building Structure**  
The building is settling down at a rate of about three to four inches in seven years or about one-half inch per year. There are signs of such settlement as the building sinks and the adjoining concrete slabs are lifted up. Concrete has to be chipped at every exterior door to allow for it to open. The sinking is also evident at the concrete foundations for each of the lighting poles in the courtyard. It is unknown why this building is experiencing such rapid settlement. It may be speculated that: 1) The soil was not compacted well enough for the weight that it had to support. 2) The geotechnical analysis and soil testing were insufficient or inaccurate. 3) Foundation design was inappropriate for the type of soil. 4) There were inappropriate construction techniques, final testing and acceptance of the project. or 5) There are other geological phenomena that may have caused underlying soils to move below the foundation. The phenomena need attention. Note that other buildings in the area have also experienced settling. However, these buildings were lighter and single-story structures. They experienced settling of about one-half inch in 30 to 40 years.
7. **Building Roof**  
The building consists of pitched and flat roof structures. Most of the flat roofs have been leaking. The sunroom atrium at the lobby is leaking at the attachment to the building structure.
8. **Interior Ceilings**  
The interior ceilings consists of lay-in ceilings in the office areas, drywall ceilings in kitchen and pantry areas, concrete paneled ceilings in the inmate housing area and sloped gypboard ceilings in the day room area of each pod. A lightning strike in the past damaged one of the high celestial windows in the day room, as lightning traversed through the sloped ceiling to the ground.
9. **Interior Walls**  
Generally all walls within the facility are of block-wall construction.
10. **Interior Flooring**  
Generally the flooring consists of vinyl tile and vinyl sheeting on concrete slab. Carpeting is provided in the offices. The detention central control room and the individual pod control rooms have raised flooring.
11. **Interior Dormitory Cells**  
There are no interior dormitories at this facility. The entire facility consists of 50 individual cells.
12. **Interior Isolation Cells**  
There are four cells specially designated for segregation or detoxification. The cells provide only a sink/toilet combination unit and do not have any institutional furniture.

13. **Interior Detoxification Cells**  
The detoxification cells provide only a sink/toilet combination unit and do not have any institutional furniture. Walls are not padded. The plumbing drains from the cells have a very shallow pitch that makes it very difficult to flush the solid waste from the floor drain.
14. **Booking and Intake Area**  
The booking area is poorly designed for the use. Inmates are in close proximity to the detention officers. The windows of the countertop have large openings. There is a need for recording cameras at each of the three detention control stations within the facility.
15. **Visitation Area**  
The visitation area is appropriate for its use. The visitor can see the inmate and communicate through an intercom handset.
16. **Kitchen, Food Preparation and Pantry Area**  
The kitchen food preparation and pantry area are adequate except for those items that have been mentioned in the listing of deferred repairs and maintenance items.
17. **Dining Area**  
The multipurpose room/gymnasium serves as a dining area with females on the one side and males on the other side.
18. **Day Room Area**  
There are two day rooms for each of the four pods, for a total of eight day rooms. The day rooms are used as an extension of the classrooms. One of the day rooms has a television set connected to a dish network satellite antenna.
19. **Vocational Training Area**  
The facility has educational classrooms, a computer lab with 10 computer stations, art rooms with physical space to create artwork, a library with donated books and a Plato software system to provide educational material through the Internet.
20. **First Aid and Medical Assistance Area**  
The facility has a medical exam room which provides first aid and other medical assistance to the inmates. The facility is often short on medical supplies for lack of funds.
21. **Toilets and Showers**  
The toilets and showers are in disrepair. The plumbing lines are clogged up with accumulated salts because of hard water. The water softening system has not been used for lack of funds to buy necessary supplies and maintain it. Six combination toilet/sink units need to be replaced.

22. HVAC System  
There is a total of ten heat pump units on the rooftops. Five of these units have been shut down because of a lack of refrigerant. Work orders have been placed for these repairs. Air distribution is very poor. Areas are either too hot or too cold. A complete air balance is needed once all the heat pumps are functional.
23. Plumbing System  
The plumbing system is in disrepair. The food service area needs to be cleaned out. A lift station needs to be installed.
24. Lighting System  
Generally lighting is adequate within the facility. There is a need for emergency lighting and duplex receptacles in the Sally port by each of the rollup doors. There is a need for six exterior wall-mounted wall-pack lighting units with cold weather ballasts and four high bay mounted gymnasium light fixtures.
25. Electrical Power System  
The facility is served with a 1000 amp 480 Y/277 volt, three phase four wire system. Part of this service is transformed to 208 Y/120 volt through a 300 KVA transformer. A natural gas operated 115 KW generator serves as an emergency backup. The generator need to be exercised once per week in addition to a full load test of once per month. All such operations need to be logged. The facility also provides uninterruptible power supply through a 50 KVA UPS unit. A lightning suppression system is provided on the building. These electrical services are adequate for the building.
26. IT System  
The IT system for the facility is adequate.
27. Security System  
The facility does not have an appropriate security system. There is a need to relocate all existing 36 cameras and add 20 additional cameras with a new camera console for 64 cameras.  
All of the keyed locks on exterior doors need to be repaired and replaced; in addition, the lock tumblers and keyholes need to be protected from the blowing sand. Covers need to be placed on all such locks.
28. Energy Usage and Conservation  
The facility uses energy-efficient fluorescent lighting fixtures that include T8 and PL lamps for all interior lighting. The facility also uses high-pressure sodium lamps for exterior lighting.
29. Fire Egress – Exterior and/or Secured Areas  
Fire egress is fairly poor at this time. In an emergency, it will take more than 40 minutes (instead of 3 minutes) to evacuate all of the inmates. Inmates

who are housed away from the exterior doors, on the other side of the inner courtyard will get trapped. Additional fire egress needs to be provided.

30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
There is a fire alarm system at the facility. Appropriate fire extinguishers are located throughout the facility and there is a fire sprinkler system at the facility. Routine testing records for such systems could not be determined. The detention officers reported that the systems are tested every six months the last test being conducted in November 2005.
31. **Building Access for Staff and Inmates**  
All inmates are escorted through the Sally port. All staff uses the main entrance through the lobby to ingress and egress the building.
32. **Hazardous Materials**  
There is no known hazardous material such as asbestos or lead paint at the facility.
33. **Handicap Access for Staff and Inmates**  
There is no access ramp at the facility for handicapped visitors, staff or inmates. There is no handicap-accessible restroom for male visitors at the facility. There are four cells that provide toilets accessible to handicapped inmates. There are two showers that provide access to handicapped inmates.
34. **Potentially Hazardous Elements**  
One of the cells across from the central control station has an exterior door that opens into the Sally port. The door has hardware that includes a door handle. This provides an opportunity for an inmate to hang himself.

**Section 1****Background Information  
of the  
Navajo Reservation  
Served by the Dilkon Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2****Program Review  
July 17, 2006**

1. **Funding of Operations**  
The salaries for law enforcement and detention operations are funded by the PL 638 program. The remaining general funds are provided by the tribal program.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Tribal funding provides for the repairs and maintenance of the facility.
3. **Policies and Procedures**  
The policies and procedures for law enforcement are a set of rules and regulations that include the general orders rules and regulations for public safety of the Navajo Nation. There are no specific policies and procedures for detention.
4. **Staffing**  
There are 22 law enforcement officers who provide services rotated over four shifts. There is no specific detention officer or staff that serves the detention needs of the facility. The facility is actively recruiting for additional officers but it is difficult to find qualified individuals. In addition, the low wages and lack of appropriate benefits and retirement plans are detrimental for such recruiting efforts. Recruitment is open to individuals from any other agencies and other nations.
5. **Programs**  
There are no programs for the benefit of the inmates.
6. **Staff Training**  
There is no continuing training for the law enforcement staff.



7. Space for Inmates On-Site  
Space for the inmates is limited on-site. Two chairs are available inside a cage. The steel bench with welded anchors and handcuffs provides additional seating for the inmates. On average there are three arrests per shift and about five to seven arrests per shift during the first part of the month. There are about 20 arrests per day for intoxication. There is a tribal court in the vicinity. It could not be determined if the inmates are held overnight at the facility.
8. Space for Inmates Off-Site  
Inmates are sent to the Window Rock Detention Facility.
9. Staffing Capacity for the Inmates On-Site  
There are no staff or detention officers to serve the inmates on-site.
10. Staffing Capacity for Transportation and Escort for Inmates  
Law enforcement officers provide the transportation and escort of inmates to other facilities.
11. Office Supplies for Staff  
Office supplies for the staff are insufficient.
12. IT Equipment for Office Use  
There are five separate computers that are used by law enforcement. The Cody system software is available at one of the computers.
13. IT Equipment for Communications Use  
Not applicable.
14. Personal Supplies for Inmates  
Not applicable.
15. Uniforms for Staff and Inmates  
Not applicable.
16. Linen for Inmates  
Not applicable.
17. Furniture and Fixtures for Staff and Inmates  
Not applicable.
18. Transportation Vehicles  
Not applicable.
19. Fuel for Vehicles  
Not applicable.

20. Utilities for Facility  
Not applicable.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
Not applicable.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the inmate and staff areas.
23. Ongoing Repairs and Maintenance  
There are no ongoing repairs and maintenance.
24. Deferred Repairs and Maintenance  
Entrance steps need repair. Electrical service entrance panelboard upgrade and complete electrical distribution upgrade is needed at this time.  
The double-wide trailer is about thirteen years old. The trailer has a physical functional remaining life of five years at which time it will need to be replaced. However, at this time the trailer does not meet the program's functional requirements of law enforcement and needs to be replaced.
25. Medical Response at the Facility  
Inmates are transported to a medical facility in Tuba City or Window Rock about one hundred miles away.
26. Booking Process at the Facility  
Inmates are escorted in through the side door. Booking is conducted in the work area designated for law enforcement officers.
27. Food Service at the Facility  
There is a refrigerator at the facility.
28. Kitchen and Dining Staff at the Facility  
There is no kitchen or dining staff at the facility.
29. Housekeeping Staff at the Facility  
There is no housekeeping staff at the facility.
30. Repairs and Maintenance Staff at the Facility  
There are no repairs or maintenance staff at the facility. Upon request the tribal maintenance staff responds to such needs.
31. Inmate Services Provided at the Facility  
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community  
There are no healthcare services in the community. An IHS clinic is planned for the future.

33. Other Support Agencies in the Community

There are no support agencies in the community.

34. General Reasons for Detention

Dilkon is a rapidly growing community, which has also brought an increase in the crime rate. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.

35. Potentially Harmful Conditions and Behavior of Inmates

There is little that the inmate can do in the cage except hurt himself by hurling against the two chairs.

36. Accountability and Reporting of Incidents

Incidents are reported to the tribal Department of Justice.

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**Section 3****Facility Review  
July 17, 2006**

The detention facility is a "custom-built cage with security mesh walls" located on one end of a double-wide trailer that is used by law enforcement. Two chairs are located inside the cage. The cage is about 4 feet wide, 5 feet long and 6 feet high. A custom-made steel bench adjacent to the cage serves as additional seating for use by inmates. The bench is equipped with welded anchors and permanently anchored handcuffs reminiscent of the medieval ages. The double-wide trailers are 26' x 60' or 1560 sq. ft. and are expected to serve the needs for all law enforcement in the Dilkon district.

1. Exterior Site Conditions  
The exterior site conditions for the facility are very poor. The site is located in an area that is accessible by the general public.
2. Exterior Exercise/Recreation Area  
There is no exercise or recreation area provided for the inmates.
3. Exterior Perimeter Security  
There is no exterior perimeter security other than three cameras that do not work and/or cannot be monitored at the dispatch and/or detention control center.
4. Sally Port Security  
A camera monitors the side entrance to the trailer which is used as the Sally port entrance.
5. Building Interior Security  
There is no security inside the trailer.
6. Building Structure  
The building is a 13-year-old double-wide trailer with wood-framed walls and poor flooring and roof.
7. Building Roof  
The building roof is adequate. There have been no reported leaks.
8. Interior Ceilings  
Interior ceilings consist of lay-in vinyl sheeting.

9. Interior Walls  
Interior walls consist of 3-inch wood-framed partitions with wood paneling.
10. Interior Flooring  
Interior flooring consists of vinyl tile and carpeting. The detention cage is carpeted.
11. Interior Dormitory Cells  
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells  
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells  
There are no interior detoxification cells at the facility.
14. Booking and Intake Area  
The booking and intake area is inadequate. Booking is conducted in a work area used by law enforcement officers.
15. Visitation Area  
There is no visitation area for the inmates at the facility.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area  
There is no dining area for the inmates at the facility.
18. Day Room Area  
There is no day room area for the inmates at the facility.
19. Vocational Training Area  
There is no vocational training area for the inmates at the facility.
20. First Aid and Medical Assistance Area  
There is no first aid or medical assistance area for the inmates at the facility. A first-aid kit is available at the dispatch.
21. Toilets and Showers  
A staff toilet and shower are provided for use by the inmates.
22. HVAC System  
The HVAC system consists of two Bard unit heat pumps located at either end of the double-wide trailer. This provides sufficient heating and cooling to the interior space.

23. Plumbing System  
The plumbing system is adequate.
24. Lighting System  
The lighting system is adequate. Lenses for the light fixtures are in disrepair.
25. Electrical Power System  
An overhead 200 amps 120 /240 volt single phase 3 wire service serves the facility.  
There is no backup emergency generator or battery-backed emergency lighting. There are insufficient electrical outlets for the needs of law enforcement.
26. IT System  
There are five separate computer systems serving the needs of law enforcement at this facility.
27. Security System  
There is no functional security system at the facility. Three cameras monitor the exterior of the facility; however, the monitor itself at the dispatch is inoperative.
28. Energy Usage and Conservation  
There is no awareness of energy conservation at the facility.
29. Fire Egress – Exterior and/or Secured Areas  
There is no exterior secured area to evacuate the inmates in case of an emergency.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There are two fire extinguishers located in the corridor. It could not be determined if they were tested. There is no fire alarm system in the facility. There is no sprinkler system in the facility. There is no emergency battery backup lighting for a safe egress out of the facility.
31. Building Access for Staff and Inmates  
Inmates are escorted in through the side door which serves as the Sally port entrance. Staff uses the two other remaining doors for entrance and egress.
32. Hazardous Materials  
There is no reported asbestos or lead paint in the facility.
33. Handicap Access for Staff and Inmates  
A handicapped ramp is provided at one of the end doors at the facility. There are no additional provisions for the use of any staff or inmates who are handicapped.

- 34. Potentially Hazardous Elements  
Inmates may potentially hurt themselves by hurling themselves against each other or against the two chairs in the cage.

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**Section 1****Background Information  
of the  
Navajo Reservation  
Served by the Kayenta Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2****Program Review  
July 18, 2006**

The facility is operated under the Consent Decree of 1992 as a 36-hour holding facility only. The facility is owned and operated by the Navajo Nation.

1. **Funding of Operations**  
Funding of operations could not be determined. A combination of funds from the PL 638 program and contributions from the Navajo Nation are used to operate this facility. Up to five years ago each district had a distinct and separate budget; however, the new director at Window Rock has set up a different financial management system. Someone at the Navajo Nation controls all funding to the facilities without input at the facility level. The facility has reported that funds are being transferred into 'law enforcement' causing hardships for the 'detention'. Such hardships compromise the safety and security of the inmates and officers.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Funding for the repairs and maintenance of the facility could not be determined.
3. **Policies and Procedures**  
There are no formal policies and procedures that are used to operate this facility. Standards were developed working with the Department of Justice of the Navajo Nation but they have not been finalized. Even though training was provided, deadlines were set and samples were handed out; no one has worked with the facility on a one-on-one basis to provide the language, format and content that is specific to this facility for their policies and procedures. The facility acknowledged and signed the formalities with the understanding that additional help could be provided through professional



writers but such is not the case. An attorney at the Department of Justice at the Navajo Nation provided some assistance but not enough to finalize and implement the policies and procedures. Thus there are no policies and procedures for the facility. The process is at an impasse.

4. Staffing

There are one full-time administrator, four full-time officers and one temporary staff member. Of these, two individuals, the administrator and one of the detention officers, is certified. The facility is operated using the four-shift plan; each shift is eight hours with an eight-hour relief shift as needed. The facility is seeking to recruit two additional officers. However, the recruitment search is a challenge. Potential employees do not qualify, often as a result of an adverse background that disqualifies them. At other times the prevailing wages are a deterrent. The present starting wage is \$9.77/hr. leading to annual increases at 14 cents/hr. with the maximum salary range at \$10.25/hr. for a certified detention officer with about seven years of experience. The facility lost an experienced and capable officer recently who left for a job as a bailiff at \$13/hr.

Given such financial hardships, officers and staff that stay do so as a result of dedication and loyalty to the Navajo Nation and the local community. These officers very often work long hours without requesting reimbursement or being offered any reimbursement. The facility administrator has served her position at this facility for 18 years, starting at \$6.72/hr.

5. Programs

There are no specific programs at the facility for the benefit of inmates.

6. Staff Training

Officers regularly attend training and fire safety in-service, CPR, first aid and food handling, which generally adds up to about 40 hours per year per person.

Upon recruitment the officers have 12 months to complete their certification training at Artesia. At this time all personnel other than the administrator have less than one year of experience and are awaiting training at Artesia. Since the local facility is unable to perform in-depth background checks and the training facility at Artesia does, it is uncertain if the remaining four individuals will qualify for training at Artesia after their background checks.

7. Space for Inmates On-Site

There are no beds for the inmates on-site. Rather, there are only two detoxification cells, one for male inmates and one for female inmates. Inmates are generally released for lack of adequate space at the facility. More than 30 inmates are housed at the facility at the beginning of each month. This count reaches an excess of 50 if the inmates are not released, with the corresponding continuous intake of new inmates.

8. Space for Inmates Off-Site  
Inmates are sent to the Window Rock, Shiprock, Mc Kinley and Tuba City facilities as needed.
9. Staffing Capacity for the Inmates On-Site  
There is insufficient staff for the inmates at the facility. The facility administrator works one of the shifts herself. One person from the Tuba City facility is assisting with duties as a detention officer.
10. Staffing Capacity for Transportation and Escort for Inmates  
The detention officers provide transportation and escort of the inmates to the health facilities, the courts and the other detention facilities.
11. Office Supplies for Staff  
There are sufficient office supplies for the staff.
12. IT Equipment for Office Use  
There is sufficient IT equipment for office use at the facility.
13. IT Equipment for Communications Use  
The staff uses portable radios as a means of communication. There is a need for four additional radios with push-to-talk switches, eight additional battery chargers and a set of batteries for eight radios.
14. Personal supplies for Inmates  
Personal supplies for the inmates are borrowed from other facilities or donated by local charities.
15. Uniforms for Staff and Inmates  
Uniforms for inmates are borrowed from the Window Rock facility. There are sufficient uniforms for the inmates. Staff has not been provided with any new uniforms for the last three years. There is a need for 6 'officer kits' at this time. These officer kits provide an allowance of \$250 for the uniform, \$220 for the duty belt, \$30 for the handcuffs case, \$30 for the baton holder, \$30 for the handcuffs, \$200 for the badges and \$40 for other miscellaneous equipment, for a total of \$800 per kit.
16. Linen for Inmates  
There is insufficient funding to provide appropriate blankets to the inmates. The local Holiday Inn donates blankets and towels for the inmates. The local Catholic Church donates other miscellaneous supplies for the inmates.
17. Furniture and Fixtures for Staff and Inmates  
There are only two detoxification cells for the inmates. These do not require any institutional furniture. Furniture and fixtures for the staff is six years old and at this time is serviceable for the next few years.

18. **Transportation Vehicles**  
There are two transportation vehicles at the facility. One sedan 2002 model is used for administrative purposes and one van 2004 model with 77,090 miles are used to transport inmates to Chinle, Tuba City, Mc Kinley and Shiprock. These vehicles make a minimum of five relays per week. Each relay transports the inmate an approximate halfway distance. The relays are arranged so that the transportation officer could provide a round-trip transportation trip within an eight-hour shift.
19. **Fuel for Vehicles**  
There is sufficient fuel for the vehicles at this time.
20. **Utilities for Facility**  
Propane and electricity are used at the facility. There is sufficient funding for the utilities at this time.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is sufficient hot and cold water at the facility for the laundry. The facility does not have a permit to operate a kitchen and there are no showers for the inmates.
22. **Adequate Lighting for Inmate and Staff Areas**  
Lighting levels are very low for both the inmate and the staff areas.
23. **Ongoing Repairs and Maintenance**  
The repairs and maintenance staff from the Navajo Nation does not respond for up to three weeks when a request is made. There is only one repair crew that serves the five districts at the Navajo Nation. Detention officers generally provide all the routine repairs and maintenance at the facility. One detention officer was observed painting the central control station on her off-duty day.
24. **Deferred Repairs and Maintenance**  
The facility, which consists of three single-wide trailers (36' x 66'), was built in 1980. A block-wall structure consists of the two detoxification cells (24' x 32') was added in 1982. The facility has suffered continuous neglect for the past 26 years. The facility is in severe disrepair and has outlived its useful life.  
The following deferred repairs and maintenance are needed:
- Provide new roof to replace the one that was damaged during a fire and has not been repaired.
  - Provide three new Bard units for the trailer and roof-mounted swamp coolers for the detoxification cells.
  - Provide a new fenced area with gate to serve as a secured entrance for the Sally port.
  - Provide a 16-camera system with high resolution cameras and monitors for the interior and exterior of the facility.
  - Provide a new booking and intake area.

- Provide four new shower stalls for the inmates.
- Provide a new control station area.
- Provide a new kitchen hood with special supports for the weight of the hood that the present roof is incapable of supporting.
- Provide a new electrical service and a complete electrical distribution. Provide new lighting and power outlets for the facility. Provide a 15 KW backup generator.
- Provide battery-backed emergency egress lighting.
- Provide fire detection and alarm system.
- Provide exterior lighting.
- Provide new flooring for the facility. Redo the flooring with nonskid surface in the two detoxification cells.
- Provide new ceilings for the facility.
- Provide exterior paint covering for the new facility.

25. Medical Response at the Facility

The facility summons medical assistance from a hospital which is about two miles away. There is a first-aid kit available at the facility.

26. Booking Process at the Facility

The booking process at the facility is poor. Inmates are escorted through the back door into a makeshift countertop in the corridor in front of the detoxification cells. There are no barriers between the inmate and the booking officer.

Two months ago the facility was switched over to using the CODY system which has not been successful as a result of constant software crashes and unavailability to the users. The facility thus uses a manual system of booking as well as the CODY system to electronically record the manual files.

27. Food Service at the Facility

Although there is a small kitchen at the facility, the kitchen does not have an operating permit since it does not have an appropriate institutional hood above the stove top. The hood could not be installed because the roof structure of the trailer cannot withstand the concentrated weight of an institutional hood.

The local grocery store, Basha's, prepares and serves the food for the inmates. The grocery store charges \$4.99 for each breakfast and \$5.99 for each lunch and dinner.

28. Kitchen and Dining Staff at the Facility

There is no kitchen and dining staff at the facility.

29. Housekeeping Staff at the Facility  
The detention staff provides housekeeping for their office space. Community service workers provide the remaining housekeeping for the administrative areas and for the inmate housing.
30. Repairs and Maintenance Staff at the Facility  
There are no repairs and maintenance staff at the facility.
31. Inmate Services Provided at the Facility  
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community  
Healthcare assistance is provided by the Indian Health Services Hospital. Behavioral health services are also provided through the Indian Health Services.
33. Other Support Agencies in the Community  
There are no other support agencies in the community.
34. General Reasons for Detention  
The general reasons for apprehension and detention are violent crime in the community. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
35. Potentially Harmful Conditions and Behavior of Inmates  
There have been two attempts to commit suicide at the facility. Inmates have attempted to harm themselves by attempting to drown themselves in the toilet or using their articles of clothing to hang themselves from the bars to the side or the vent screen at the ceiling directly above the toilet.
36. Accountability and Reporting of Incidents  
All of the incidents are reported to the Department of Justice at the Navajo Nation. They are also sent to the BIA.

**Section 3****Facility Review****June 18, 2006**

This is a tribally owned and operated facility. The facility consists of three single-wide trailers attached to create an office space with a later addition of two detoxification cells to create a detention facility. The building is shared with the Police Department, the Dispatch and Detention.

1. **Exterior Site Conditions**  
Exterior conditions of the building are poor. Since the building is shared with the Police Department, the general public has access through the front door up to the main entrance of the detention facility. The general public also has access all around the building and the facility itself is located on a busy highway.
2. **Exterior Exercise/Recreation Area**  
The exterior/recreation area consists of a concrete slab surrounded with the chain-link fence topped with razor wire around the concrete slab. The area is not utilized by the inmates. However, the area is utilized to hold stray animals. The fenced gate was found open. The space is not large enough and not far enough from the facility to serve as a secured staging area for the inmates in case of an emergency.
3. **Exterior Perimeter Security**  
The exterior security of the perimeter is very poor. Part of the facility is surrounded with a fence. However, the fence gates are kept open at all times. There are no exterior cameras to monitor the exterior of the facility. The Sally port door is generally kept open for ventilation. The general public can walk all the way through the open fence and through the open Sally port door to the booking and intake location at the detention facility. This facilitates the passing of contraband to the inmates who are located immediately across the booking station. The control station though adjacent is inside the trailer facility without a direct view of an intruder walking through the Sally port door up to the front door of the detoxification cells – which is the only location where inmates are held at this facility. There are no cameras.
4. **Sally Port Security**  
There is no Sally port. The back door between the trailer facility and the detoxification cells is used for the ingress and egress of inmates. Although a fenced gate is provided, it is generally left open. There are no cameras.

5. **Building Interior Security**  
 Building interior security is very poor. There are no cameras either within the trailer facility or at the detoxification cells or any monitors at the central control station.  
 Radios are used to communicate and serve as a means to secure inmates and provide safety to the officers. However, most radios are unusable at most times because of a lack of battery chargers. The batteries do not hold a charge on extensive period of time.
6. **Building Structure**  
 The building structure consists of three single-wide pedestal-mounted trailers attached to create a physical working office space that is shared by the Police Department, the Dispatch and the Detention offices. Two detoxification cells have been constructed with slab-on-grade and block-wall construction, adjacent to the trailer to serve as the only detention space at the facility. The trailer facility was constructed in 1980 and the detoxification cells were added in 1982. The building structure is in disrepair.
7. **Building Roof**  
 The trailer roof caught fire one year ago and has not been repaired as yet. The roof leaks all through the rainy season.
8. **Interior Ceilings**  
 All offices have suspended ceiling or glued-on tile on a gypboard ceiling. The housing unit has a hard ceiling.
9. **Interior Walls**  
 Interior walls of the offices are 2" x 3" wood-framed stud-walls with wood-veneer paneling. The interior walls of the detoxification cells are of block-wall construction.
10. **Interior Flooring**  
 The interior flooring of the office space is carpeting over a sub-floor. The detoxification cell is painted concrete slab.
11. **Interior Dormitory Cells**  
 There are no interior dormitory cells at the facility.
12. **Interior Isolation Cells**  
 There are no interior isolation cells at the facility.
13. **Interior Detoxification Cells**  
 There are two detoxification cells, one of which is used by the male inmates and the other is used by the female inmates. Each detoxification cell has a hard bench structure to sit on. All surfaces have hard finishes. There is one sink/toilet combination unit in each detoxification cell. Inmates do not have the use of shower other than in the employee's staff toilet in the trailer building. Inmates are not taken outdoors during their stay.

14. **Booking and Intake Area**  
The booking and intake area consists of a makeshift Masonite countertop structure outside the back door and in the corridor between the trailer of facility and the detoxification cells. There is no separation between the inmate and the booking officer. There are no cameras.
15. **Visitation Area**  
There is no visitation area at the facility.
16. **Kitchen, Food Preparation and Pantry Area**  
There is a small kitchen but it lacks a permit to operate. The kitchen was shut down for a lack of an appropriate institutional hood and a fire suppression system over the hood. The roof structure of the kitchen could not support the concentrated weight of the hood.
17. **Dining Area**  
The facility does not have a specific dining area. Inmates are fed in the detoxification cells.
18. **Day Room Area**  
There is no day room at this facility. Inmates are not given any outdoor time during their stay at the facility.
19. **Vocational Training Area**  
No vocational training is provided to the inmates at the facility.
20. **First Aid and Medical Assistance Area**  
The central control room serves as the area to provide first aid and medical assistance to the inmates. A first-aid kit is provided and a refrigerator is provided for the storage of medicines. The central control area is too small for its intended use and is not appropriate to serve as an area to render first aid and medical assistance.
21. **Toilets and Showers**  
A combination sink/toilet unit is provided in each of the detoxification cells. Inmates use the employee's staff restroom for shower facilities.
22. **HVAC System**  
Bard units provide HVAC for the trailer facility. One of the Bard units has not been repaired since it was damaged by the fire one year ago. Thus there is no cooling in one-third of the trailer facility. The housing unit is served by a swamp cooler on the roof of the permanent structure which makes up the two detoxification cells. Cooling is insufficient for the number of inmates that are held in the detoxification cells.



23. **Plumbing System**  
The combination sink/toilet unit is constantly in disrepair in each of the detoxification cells. Often repairs cannot be completed for lack of availability of parts on the outdated units. The sanitation sewer line is often plugged. This sewer line does not have any rag-filter-screens at the cleanouts.
24. **Lighting System**  
There is insufficient lighting in the offices and in the cells.
25. **Electrical Power System**  
The facility does not have sufficient electrical power service. At this time the facility is served with a 200 amp 120/240 volt - single phase power. All electrical distribution has been tapped off for new electrical loads as the building was utilized over the last twenty five years and as new equipment was added in the facility. The facility does not have a backup generator to serve in an emergency.  
The facility does not have any battery-backup lighting for emergency egress out of the building.
26. **IT System**  
A minimal IT system is in use at the facility. Manual logs are still maintained and two typewriters are in active use. The recently installed CODY system constantly crashes, necessitating backups with manual logbooks.
27. **Security System**  
There is no security system in place at the facility. All security is provided through communications using portable radios.
28. **Energy Usage and Conservation**  
Energy conservation is not practiced. The heating and cooling systems are inadequate and as such most exterior doors are constantly left open for ventilation.
29. **Fire Egress – Exterior and/or Secured Areas**  
Fire egress is inadequate. Inmates cannot be evacuated and staged in a secured area in an emergency.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
Fire extinguishers are provided at appropriate locations. There is no fire alarm system. There is no sprinkler system.
31. **Building Access for Staff and Inmates**  
Staff uses all three entrances for routine ingress and egress. The inmates are escorted through the backdoor that also serves as the Sally port door.

32. **Hazardous Materials**  
Hazardous materials such as asbestos and lead paint were not reported on-site. The use of such materials had been abandoned by the time the site was constructed in 1980.
33. **Handicap Access for Staff and Inmates**  
There are insufficient provisions for the use of the facility by disabled staff inmates or visitors. An inappropriate ramp has been constructed at the front entrance. There are no restrooms or showers to serve the disabled staff, inmates or visitors.
34. **Potentially Hazardous Elements**  
Inmates may harm themselves using articles of clothing and the vent screens above the sink/toilet combination units. Inmates may also harm themselves when they have the use of the shower facilities in the employee restroom in the trailer. A posted sign indicates that an inmate may use the shower up to 15 minutes, which is sufficient time for permanent damage.

**Section 1****Background Information  
of the  
Navajo Reservation  
Served by the Shiprock Adult Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2****Program Review  
July 2, 2006**

This is a 48-hour holding facility operating under the consent decree, Silver vs. Pahe, dated November 17, 1992.

1. **Funding of Operations**  
The funding of operations is undetermined.
2. **Funding of Repairs and Maintenance of Facility Structure**  
The funding for repairs and maintenance for this specific facility is undetermined.
3. **Policies and Procedures**  
The Detention Officer indicated that the Navajo Nation Policies and Procedures are in use. However, no hard copies of such policies and procedures were observed at the facility. The operations indicated that policies and procedures were either not in place at all, not in use or both.
4. **Staffing**  
Presently there are ten full-time detention officers, six of whom are certified. The facility requires at least five to nine more officers in order to maintain operations.
5. **Programs**  
Screening for sexually transmitted diseases (STD) is provided. Religious services are also available through the several churches in the area, however, many programs cannot be provided due to a severe shortage of space.
6. **Staff Training**  
Four officers are awaiting certification. The facility attempts to attain 40 hours of training per year but this does not often occur due to a lack of officers available to cover those who are in training.

7. **Space for Inmates On-Site**  
There are 19 beds in dormitory style in three locations. Thirteen of these beds are for the use of males and the remaining six are used by females. There are five isolation cells and one cell that are used for special observations. There is one cell specifically set aside for inmates needing detoxification. This cell area measures about 140 square feet. There are 36 inmates in the cell at the time of the observation. Inmates were using every horizontal space in the cell including one inmate lying in front of the toilet preventing others from using it. The consent decree requires one-fourth of this number in such a space.
8. **Space for Inmates Off-Site**  
Inmates were sent to Gallup earlier, but due to the closing of the Tuba City Adult Detention Center, there is no space available at Gallup anymore for inmates from this facility. No inmates are sent off-site at this time.
9. **Staffing Capacity for the Inmates On-Site**  
There is a need for more officers. There are two to three officers on a shift at any given time; however, this reduces to one to two officers if someone is called out for transportation duty. Presently ten detention officers and one cook are employed at the facility but five to nine more officers are needed in order to meet the operating needs of the facility.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
The detention officers provide the transportation and escort of all inmates. Transportation locations are between 100 to 200 miles one way and as such, these transportation relays often use up an entire day of an officer's time, placing a strain on the remaining officers to ensure the safety of the facility.
11. **Office Supplies for Staff**  
There are not enough office supplies for the staff. Paper, pens, tape and pencils are all in short supply. Officers are using their own funds to purchase supplies at the nearby Wal-Mart in Farmington and Gallup.
12. **IT Equipment for Office Use**  
The IT equipment at the time of the assessment was old but serviceable.
13. **IT Equipment for Communications Use**  
Radios for the officers are inadequate at this time. Three officers do not currently own radios nor are there any radios in the office area. Presently six officers own radios. Six more radios with battery chargers are needed for the facility. Six extra sets of batteries and six extra battery chargers are also required for the new radios. All ten officers are in need of new microphone push-to-talk microphone switches.

Staff at the kitchen cannot communicate with the central control station or the dispatch in case of an emergency. There is no intercom between the kitchen and the center control room.

14. Personal Supplies for Inmates

There are sufficient personal supplies for the inmates at this facility at this time. However, they often run out and because of a lack of funds, have to borrow supplies from the juvenile division. At other times the detention officers purchase toothpaste, shampoos, soaps, laundry soap and cleaning-supplies for the facility, from their own funds.

15. Uniforms for Staff and Inmates

There is no funding for the purchase of uniforms for the staff. Officers purchase from their personal funds, their own pants, duty belts and boots. Officers were provided with a 'uniform funding' in the past. However, this practice has been discontinued. The detention officer indicated that she was furnished with 'uniform' three years ago, but has been purchasing for her own needs since then, as is the case with all other officers.

16. Linen for Inmates

There is a shortage of blankets for the inmates at this facility. Most blankets are worn out. All mattresses are worn out and ripped. Towels were borrowed from the Tohatchi Youth Detention Center. Sheets are supplied to the female inmates only. There is a severe shortage of blankets during periods of a breakdown of the heating system, which happens quite often.

17. Furniture and Fixtures for Staff and Inmates

Furniture and fixtures for the inmates are adequate. However, there is a lack of desks and several broken chairs are used by the staff.

18. Transportation Vehicles

Two transportation vehicles (one Chevy van and one Ford van) are used at this time, both of which need to be replaced. These vans have 171,915 and 132,513 miles on them. One of the vans has an unreliable gas gauge that has caused it to run out of fuel once.

The detention staff also gathers all garbage and transports it to the dump using a pickup truck that has 75,700 miles on it. The garbage collection service was discontinued for lack of funding.

19. Fuel for Vehicles

There is sufficient fuel for the vehicles.

20. Utilities for Facility

There is sufficient funding to pay for the utilities at the facility at this time.

21. Hot and Cold Water for Kitchen, Laundry and Showers

There is sufficient hot and cold water for the kitchen, laundry and showers. However, the water pressure is low. Water pressure in the cells is low

enough to necessitate the use of Styrofoam cups by the inmates, for drinking water.

22. **Adequate Lighting for Inmate and Staff Areas**  
The facility has sufficient lighting in the inmate and staff areas. Inmates complain of excessive light at night all of which remain lit all night. There is a lack of night-lights. Light fixtures are not vandal resistant.
23. **Ongoing Repairs and Maintenance**  
There is a purchase order submitted for the repairs of the cross angle-iron on the bunk bed (that makes up the headboard). In the meanwhile the bunk bed is in use.
24. **Deferred Repairs and Maintenance**
1. Leaking toilets in the cell area.
  2. Cooling system for the building.
  3. Heating system for the building.
  4. Sanitation drains of the building.
  5. Washing machine for the laundry.
  6. Lock and key system for all cells.
  7. Sprinkler system for the building.
  8. ADA system for the building.
  9. Restraining chair.
  10. Repair one camera in the detoxification cell.
  11. Add six cameras and two monitors to the existing 16-camera system.
  12. Replace all existing lighting fixtures with vandal-resistant light fixtures and light fixtures with night-lights.
  13. Electrical distribution system with sufficient electrical outlets.
  14. One recording camera for the booking station.
25. **Medical Response at the Facility**  
Medical response at the facility is within 5 minutes of the call. There is a monthly visit by a doctor and/or nurse to respond to the complaints of the inmates. However, there are no routine visits by a healthcare professional to check the inmates for tuberculosis, hepatitis, HIV, AIDS or dental needs. Detention officers reported that inmates often spit in their face.
26. **Booking Process at the Facility**  
The booking process is inadequate. There is no barrier between the booking officer, arresting officer or the inmate in the booking area. There is a non-recording camera and no audio recording apparatus in the booking area. There is a need for software that can access the history of an inmate.
27. **Food Service at the Facility**  
There is a kitchen at this facility. The kitchen utensils are unsecured and are either hanging from a kitchen rack, or placed in insecure kitchen drawers. Kitchen knives are placed in unlocked drawers in the kitchen. When questioned about policies and procedures regarding the kitchen, the cook

indicated that she locks the kitchen knives drawer with a padlock. Upon further questioning, she produced one padlock that was in the kitchen knives drawer. The padlock was smaller than  $\frac{3}{4}$  inch x  $\frac{1}{4}$  inch. Inmate trustees have access to the kitchen. In an emergency, the cook in the kitchen does not have a way to communicate either with the central control room or the dispatch. A separate and very foul smelling grease dumpster was noticed outside the kitchen. Since the garbage hauling services have been discontinued for lack of funds, it is assumed that the grease removal services have also been discontinued.

28. **Kitchen and Dining Staff at the Facility**  
There are three cooks who perform all of the cooking at this facility. The detention officer reported that the cooks are certified as food handlers.
29. **Housekeeping Staff at the Facility**  
The community service worker (CSW) inmates provide all of the cleaning at this facility. These inmates also provide cleaning at the adjacent courts building. Some of the inmates have to serve up to 947 hours of community service. The CSW inmates do not provide any services beyond the detention facility and the courts building for lack of supervisory staff that is needed to monitor their activities.
30. **Repairs and Maintenance Staff at the Facility**  
There is shared maintenance staff for routine repairs and maintenance for this facility. They are slow in responding because of a shortage of staff and the physically remote distances of the facilities. Service may be provided with the delay of at least a week from the time the service order is placed.
31. **Inmate Services Provided at the Facility**  
The clergy provide some church services.
32. **Healthcare Assistance in the Community**  
The community provides healthcare services that include:  
1. Indian Health Services hospital; 2. Behavioral Health Services; and 3. DWI school services.
33. **Other Support Agencies in the Community**  
The community provides: 1. Anger management services; 2. Parenting skills services; 3. Victim impact panel for DUI services; and 4. Domestic abuse counseling services.
34. **General Reasons for Detention**  
Substance abuse is the major reason for detention at this facility. This results in crimes such as domestic violence, sexual assault, child neglect and burglary. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.

35. **Potentially Harmful Conditions and Behavior of Inmates**  
Potentially harmful conditions and behavior of the inmates to harm themselves emerge from the mental health problems of the inmates. Such inmates have to be segregated in an individual cell. There are no cameras in the segregated cell, resulting in the detention officer constantly checking the condition of the inmate by entering the cell. Additionally, inmates can use articles of clothing to potentially harm themselves. There are a large number of locations such as the horizontal elements of the bars around the cell, the holes in the steel plate of the bunk beds and the horizontal cross members of the bunk beds that could be potentially used by the inmates to harm themselves.  
There have been two successful suicides at this facility in the past. 1) An inmate used his unraveled bandages from a hospital to hang himself; and 2) An inmate used an overdose of prescription pills prior to being booked and which was not disclosed at the booking.
36. **Accountability and Reporting of Incidents**  
Incidents are reported through memos to the detention supervisor. These are then reported to the Department of Justice at the Navajo Nation.



**Section 3**  
**Facility Review**  
**July 2, 2006**

This is a 48-hour holding facility operating on the consent decree, Silver vs. Pahe, dated, November 17, 1992. This facility is a tribal building.

1. Exterior Site Conditions

The exterior site conditions are poor. The facility provides an easy access to the general public both from the front entrance and through the permanently open exterior fence, permanently open Sally port fence gate and permanently open and unlocked (there are no locks at all) Sally port door, all the way into the booking area.

One ¾ inch diameter, 18-inch long steel bolt and another 24 inches long, 1-inch diameter solid steel bar were found strewn outside the building. These items could have been used as deadly weapons against the officers and/or the inmates. These items were submitted to the detention officer on duty.

2. Exterior Exercise/Recreation Area

Two separate exercise and recreation areas are provided for inmates. Though sufficiently separated from the building for fire evacuation, the physical area is insufficient for fire evacuation for all of the inmates at the facility. The exercise and recreation area are sufficiently accessible by the general public to toss and contraband items.

3. Exterior Perimeter Security

There is no security around the exterior perimeter. There are only two cameras to monitor the perimeter of the building.

4. Sally Port Security

There is no security at the Sally port. There is only one camera to monitor the Sally port. While there is a camera pointed at the Sally port door, the gate at the exterior perimeter fence is permanently open, the gate at the Sally port fence is permanently open and the door at the Sally port is also permanently open. There is no lock on this door. The door cannot be latched at all since the door jamb is skewed as a result of the settling of the building, and prevents the door from closing in.

The detention officer reported that it is scary to find general public loitering inside the detention facility late at night. These individuals have simply walked in through the two open gates in the two fences and the open Sally port door. At one time an individual walked in the Detention Center building, past the three unsecured barriers and requested a lone detention officer to arrest someone that he had brought along. Upon questioning, the individual lead the detention officer to his parked car outside, which contained a tied-up individual in the backseat.

5. **Building Interior Security**  
The interior security of the building is minimal. While there are 16 cameras, they are placed at awkward locations with a number of blind spots that cannot be monitored by these cameras. The control console for the detention officers is poorly designed so it can monitor only four cameras on the one and only monitor, at a time.  
A fixed camera is pointed at the reception window accessible to the general public. The detention officer reviews the monitor before she responds to the reception window. However, the responding detention officer at the reception window can be harmed, since this plexiglass window is located in line of sight of the access by the general public.
6. **Building Structure**  
The building consists of brick structure with slab-on grade and block-wall partitions.
7. **Building Roof**  
The building has a flat roof. The roof leaks in a number of places every time it rains.
8. **Interior Ceilings**  
The office areas generally have glued-on tile ceiling on sheetrock. Other non-housing areas have a painted sheetrock ceiling. The remaining housing areas have concrete slab hard ceilings.
9. **Interior Walls**  
Exterior perimeter walls are brick. The housing partitions are concrete block wall. Booking and control areas are block-wall. The offices consist of wood framing and wood panel covering.
10. **Interior Flooring**  
The inmate housing consist of painted concrete floors which is the slab on grade. Vinyl tiles are used in the common areas, offices and corridors. All tiles have been worn down to the bare concrete slab.
11. **Interior Dormitory Cells**  
The interior dormitory cells consist of steel bars with horizontal cross members. There are 19 beds set up in a dormitory style in three locations. There are seven beds for male inmates upstairs. There 12 beds, six each for males and females downstairs. These cells are set up with single bunk beds and tiered-bunk beds. The door control mechanism consists of manual controls that have not been lubricated in years.
12. **Interior Isolation Cells**  
There are three female and two male isolation cells. The interior of the isolation cells have hard unpadded walls. A combination sink-lavatory unit is provided. There is minimal water pressure at the sink. A special

observation cell is used for suicide watch. However, this cell does not have a camera for continuous surveillance.

13. Interior Detoxification Cells

There is one detoxification cell. The interior of the detoxification cells have hard unpadded walls and concrete benches.

14. Booking and Intake Area

The booking and intake area consists of a freestanding counter top in the hallway and four worn-out chairs. There is very poor security at the booking and intake area. The intake Sally port door is permanently open. It has no locks. There is no barrier between the inmate and the detention officer during the booking process.

While there is a camera, the resolution of these images is very poor. There is no video recorder. The camera and the video recorder need to possess a higher resolution scan so that detailed recordings can be made of the inmate's personal possessions such as currency notes, which are removed from the inmate during the booking process.

Forms are filled out during the booking process. However there is no computer or access to the Cody booking software that is in use at the Navajo Nation.

15. Visitation Area

The visitation area is very congested on the inmate side. Three inmate stations with no elbow room and no telephone access are provided for the inmate who has to shout out to the visitor through an audio screen. The visitor stands on the opposite side. There is no visual contact between the visitor and the inmate.

16. Kitchen, Food Preparation and Pantry Area

There is a kitchen, food preparation area and a pantry area at this facility. The kitchen hood and its associated fire suppression system are inoperative. There are no sprinklers in the kitchen, or anywhere else in the building. The kitchen drains plug up very often. There are no grease traps that serve the kitchen. Kitchen grease is separated in plastic bags and tossed in the garbage heap within the insecure generator enclosure. There are insufficient electrical outlets and/or electrical outlets in inappropriate places that are subject to the water splashing as the washed pots and pans are placed on the drain boards. Excessive lengths of extension cords are used in the kitchen to power kitchen appliances.

There is inadequate ventilation and cooling in the kitchen and the dishwashing area. A swamp cooler provides minimal cooling to the kitchen.

17. Dining Area

Inmates generally eat in their cells or in the secured common area outside their cells but within the contained dormitory area.

18. Day Room Area  
There is no day room at this facility.
19. Vocational Training Area  
There is no area that serves the inmates for vocational training at this facility.
20. First Aid and Medical Assistance Area  
There is no specific area to render medical assistance. The facility has a first-aid kit that is used to provide minor healthcare.
21. Toilets and Showers  
There was insufficient pressure to provide drinking water in several of the cells that were tested. There was adequate hot water at the showers. There is a need to replace all combination sink-lavatory units and the stainless steel shower stalls.
22. HVAC System  
Heating is provided by a furnace and heat exchangers, supported with natural gas. There is a retrofitted cooling system that uses roof-mounted units and a system of exposed ductwork to specific areas within the building. Both the heating and cooling systems were retrofitted around the block building, and thus provide a very poor system of air circulation and distribution of heating and cooling air. For example, the intoxicilyzer room has three additional fans to provide air circulation and cooling for the intoxicilyzer unit. The heating system often breaks down, which is noticed by the inmates. A lack of sufficient blankets at the facility exacerbates the chilled environment.
23. Plumbing System  
The plumbing system suffers from high content of hard-water salts in the area. There are two hot-water heaters located in the mechanical room at the facility. The two doors at the mechanical room are insecure and open to the general public. The combined flue from the furnace and the hot water heaters is not connected to the rooftop extension, causing unburned flue gases and carbon monoxide to accumulate in the mechanical room. The sanitation drains are often plugged up. There are leaking toilets in the cell areas.
24. Lighting System  
The light fixtures are not vandal resistant. There are no night-lights for the cell areas.
25. Electrical Power System  
The facility is served by a 400 amp, 120/240 V, single-phase three wire system. This is the original system, about forty years old, and consists of several disconnect switches that serve as the main service entrance. There is insufficient electrical power to serve the facility. Electrical power is

supported by a backup 15 KW generator with a transfer switch. There was no record if the generator is exercised on a regular basis. The generator enclosure is not secured. The enclosure is also used as a trash dumpster.

26. IT System  
The facility has sufficient computers for administrative needs. There is no computer or software at the booking station.
27. Building Security System  
The building security system is very poor. More cameras are needed in addition to high-resolution video recorders at the booking space and high-resolution video monitors at the detention officers' control station.
28. Energy Usage and Conservation  
The building uses no measures to conserve energy.
29. Fire Egress – Exterior and/or Secured Areas  
The fire egress into the exterior secured area is poor and unsafe. The recreation areas cannot accommodate the number of inmates. There was no evidence of any fire drill that was ever conducted.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
The facility has a working fire alarm system with a fire alarm control panel. There are insufficient fire extinguishers and there was no record of routine testing. There is no sprinkler system at this facility.
31. Building Access for Staff and Inmates  
The staff uses the front and Sally port door entrances. The inmates and general public come through the Sally port or the front entrance.
32. Hazardous Materials  
The building was built about 1962, when asbestos and lead paint were in common use. There is no record of any inspections or abatement of asbestos/ lead paint at this site.
33. Handicap Access for Staff and Inmates  
The staff, visitors and inmates have no provisions for any access to the building or restrooms by handicapped individuals.
34. Potentially Hazardous Elements  
The facility has several areas that could be potentially harmful to the inmates. Inmates can use their own clothing and strips of mattresses to commit suicide. Potential anchors to hang sufficient weight is provided by the holes on the bunk plates, corners of the upper bunks and the horizontal cross-members on the steel bars of cells and cell doors. Inmates have successfully overdosed on prescription pills and committed suicide.

**Section 1****Background Information  
of the  
Navajo Reservation  
Served by the Tohatchi Youth Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2****Program Review  
July 1, 2006**

1. **Funding of Operations**  
The funding off operations could not be determined at this time.
2. **Funding of Repairs and Maintenance of Facility Structure**  
The funding of repairs and maintenance for the facility could not be determined at this time.
3. **Policies and Procedures**  
Copies of the BIA Red handbook are on file. It could not be determined if they are in use or if they have been modified to suit the purposes of this facility.
4. **Staffing**  
There are nine full-time detention officers and one full-time detention supervisor.
5. **Programs**  
The facility runs a school program to benefit the inmates. The youngest inmate at this facility was eight years old.
6. **Staff Training**  
The quality and quantity of staff training could not be determined at this time.
7. **Space for Inmates On-Site**  
There is a dormitory for girls, which has five beds. This dormitory was created by demolishing interior partitions of cells which at one time made up several independent cells. There are two detoxification cells which are used for the general male population.

8. Space for Inmates Off-Site  
There are no inmates housed off-site.
9. Staffing Capacity for the Inmates On-Site  
There are a total of nine detention officers who serve this facility. Generally there are two officers for each shift at the facility.
10. Staffing Capacity for Transportation and Escort for Inmates  
The detention officers provide transportation and escort of the inmates.
11. Office Supplies for Staff  
There are sufficient office supplies for the staff at the facility.
12. IT Equipment for Office Use  
Could not be determined.
13. IT Equipment for Communications Use  
Could not be determined.
14. Personal Supplies for Inmates  
Could not be determined.
15. Uniforms for Staff and Inmates  
The officers were provided uniforms about one year ago.
16. Linen for Inmates  
Blankets and uniforms for the inmates are worn out.
17. Furniture and Fixtures for Staff and Inmates  
Could not be determined.
18. Transportation Vehicles  
Could not be determined.
19. Fuel for Vehicles  
Could not be determined.
20. Utilities for Facility  
Could not be determined.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is sufficient hot and cold water for the kitchen, laundry and showers.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the inmates and staff areas.

23. Ongoing Repairs and Maintenance  
A residential-type laundry washer is in constant need of repair. A residential-type laundry dryer is inoperative. Washed clothes are hung out to dry on the handrails.
24. Deferred Repairs and Maintenance  
Convert the two existing detoxification cells to one single dormitory for the use of male inmates.
25. Medical Response at the Facility  
Could not be determined.
26. Booking Process at the Facility  
Booking is conducted at the central control room, which also serves as the public reception area.
27. Food Service at the Facility  
A minimal residential-type kitchen serves the facility. The stovetop does not have a hood or a hood suppression system. All dishes are hand washed. Utensils and knives are stored in unsecured kitchen-counter top drawers.
28. Kitchen and Dining Staff at the Facility  
The detention staff provides all of the cooking for the inmates.
29. Housekeeping Staff at the Facility  
The detention staff provides all of the housekeeping at the facility.
30. Repairs and Maintenance Staff at the Facility  
Two individuals serve as shared staff for this and other facilities.
31. Inmate Services Provided at the Facility  
Educational material is provided at the facility for the inmates.
32. Healthcare Assistance in the Community  
Could not be determined.
33. Other Support Agencies in the Community  
Could not be determined.
34. General Reasons for Detention  
The general reasons for apprehension and detention are the onset of drugs-related violent crime.
35. Potentially Harmful Conditions and Behavior of Inmates  
Steel cross members at bunk beds could be used by the inmates to harm themselves. Several leftover steel posts from ceiling to floor in the girls dormitory, that were left over when the partitions were removed could also be used by the inmates to harm themselves.



- 36. Accountability and Reporting of Incidents  
Could not be determined.

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**Section 3****Facility Review****July 1, 2006**

1. **Exterior Site Conditions**  
The exterior conditions of the facility are fairly poor. The facility is accessible to the general walk-in public through an unsecured front entrance and through a continuously open gate at the perimeter fence.
2. **Exterior Exercise/Recreation Area**  
The facility provides an exercise and recreation area that could also be used as an area for emergency evacuation. The area has minimal security. Only one camera monitors the exterior door at the building that leads into the area. This area provides an easy escape route at the building corner where the razor wire is not anchored and has been bent. Additionally the razor wire uses an unbarbed cross-connect steel wire on the top of the loop, throughout the perimeter. Apparently this was used to provide stiffening of the loop. However, this unbarbed cross-connect wire also provides stability and can carry the weight of inmates on their way out, defeating the purpose of the razor wire.
3. **Exterior Perimeter Security**  
Exterior perimeter security is fairly poor. There are only two cameras — one at the front entrance and the other at the exterior door leading to the exercise yard — that monitor the exterior perimeter. Each camera has blind spots that could be used by escaping inmates.
4. **Sally Port Security**  
There is no Sally port. All inmates are escorted through the front entrance into the central control room for booking.
5. **Building Interior Security**  
There is an eight-camera system at the facility. Five cameras monitor the interiors, one camera monitors the entrance lobby and the other two cameras are used to monitor the exterior perimeter.
6. **Building Structure**  
The building consists of brick perimeter walls with slab-on-grade. The interior consists of brick load bearing walls and hollow dry walls for full-height partitions.
7. **Building Roof**  
The building has a pitched tar roof with multiple HVAC rooftop units. There are no reported leaks or signs of leaks.

8. Interior Ceilings  
Generally all interior ceilings consist of painted sheetrock.
9. Interior Walls  
Generally all exterior walls are brick. All load-bearing walls are brick. All full-height partitions are hollow dry walls.
10. Interior Flooring  
All interior flooring is vinyl tile over concrete slab.
11. Interior Dormitory Cells  
There is one dormitory cell for the female inmates.
12. Interior Isolation Cells  
There are no interior isolation or segregation cells.
13. Interior Detoxification Cells  
There are two detoxification cells that are used by the male inmates. Each detoxification cell has tile benches on three sides and a combi-sink-lavatory unit.
14. Booking and Intake Area  
There is no booking and intake area. All inmates are escorted through the front door to the central control room for booking. This booking area/central control room also serves as the public reception area.
15. Visitation Area  
Two chairs outside the female dormitory serve as the visitation area. Both visitors and inmates are escorted through the building to this area for visitation.
16. Kitchen, Food Preparation and Pantry Area  
A small residential kitchen and pantry area serve as the kitchen for the facility. There is no hood or a hood suppression system over the stovetop. There are no fire sprinklers.
17. Dining Area  
There is no specific dining area at this facility. Inmates eat in their cells.
18. Day Room Area  
There is no day room area at this facility.
19. Vocational Training Area  
A small vocational training area is provided with educational material in the bookshelves.

20. First Aid and Medical Assistance Area  
There is no specific area to provide first aid and medical assistance. Such assistance is provided in the central control room.
21. Toilets and Showers  
There are minimal toilet and shower facilities for the number of inmates at this facility.
22. HVAC System  
A retrofitted HVAC system consisting of rooftop units and exposed ductwork within the building serves as the cooling system. A boiler and a heat exchanger furnace provide for all of the heating. All units are about two years old and are functioning appropriately.
23. Plumbing System  
The plumbing system is functional with no reported backups or leaks. The combi-sink-lavatory units are functional.
24. Lighting System  
The lighting system consists of both surface and recessed light fixtures. There is sufficient lighting for the present use.
25. Electrical Power System  
An overhead electric service at the chemical storage shed with a 200 amp main disconnect, serves as the main electrical service. There is no backup generator.
26. IT System  
One computer serves as the general purpose computer for the facility. This computer is used for the general logs and the CODY software system. Manual logs are also maintained and they serve as a backup for the computer system.
27. Security System  
An eight-camera system was installed about four years ago. These cameras are interconnected to one poor-resolution monitor at the central control room.
28. Energy Usage and Conservation  
There is no awareness of energy conservation at this facility. Both the front entrance and the back perimeter door are left open with the air-conditioning system in operation.
29. Fire Egress – Exterior and/or Secured Areas  
A fire evacuation plan is posted. Inmates are expected to be evacuated into the exercise yard, which is large enough to provide a 50-foot separation from the building.

30. Fire Alarm, Fire Extinguishers and Sprinkler System  
A fire-detection, strobe-horns and a fire alarm control panel system are provided. Fire extinguishers are provided and inspected on regular basis. There is no sprinkler system at this facility.
31. Building Access for Staff and Inmates  
Both the staff and inmates use the front entrance.
32. Hazardous Materials  
This building was built in August 1958 at a time when asbestos and lead paint were in use. There are no apparent signs of asbestos such as in the floor tiles or in the pipe insulation. There are no records for this facility to indicate that these have been eliminated.
33. Handicap Access for Staff and Inmates  
There are no provisions for the use of handicapped individuals at this facility.
34. Potentially Hazardous Elements  
Cross members of bunk beds, structural steel posts in the girl's dormitory and articles of clothing could be potentially hazardous for inmates and could be used to harm themselves.

**Section 1****Background Information  
of the  
Navajo Reservation  
Tuba City Adult Detention Center  
June 17, 2006**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2****Program Review  
June 17, 2006**

This is a 48-hour holding facility operating under the consent decree, Silver vs. Pahe, dated November 17, 1992.

The building is owned and operated by the Navajo Nation.

1. **Funding of Operations**  
Funding is provided through the PL 638 program and contributions from the Navajo Nation. Details could not be determined.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Funding for the repairs and maintenance of the facility could not be determined.
3. **Policies and Procedures**  
There are no policies and procedures in place at the facility.
4. **Staffing**  
Including the three full-time administrative staff, there is a total of 13 staff members, nine of whom are detention officers. There are seven certified detention officers. At least three officers are on duty at any time. There are four vacancies at this time that are being advertised. It is a challenge to recruit new employees. Adverse backgrounds of potential employees and insufficient offer for salaries are a deterrent. The starting salary for a detention officer is \$20,000 per year which reaches a maximum of \$23,000 per year after approximately 24 years of continuous service.
5. **Programs**  
The facility provided spiritual counseling, church services and behavioral health services, all of which have been stopped for lack of funding.

6. **Staff Training**  
There are seven certified detention officers at this facility. Others are awaiting training. The certified officers have reported that while Artesia provides good training and transportation defensive tactics, supervisory skills and weapons training, Artesia does not focus on tribal issues and tribal jails.
7. **Space for Inmates On-Site**  
There is a total capacity of 34 individuals at the facility operating under the consent decree of 1992. Of the 34 individuals, 18 individuals are expected to be confined in the detoxification cells that provide no beds. There is a capacity of 16 beds at the facility. An additional 32 beds are provided in the two modular units that are located on the premises. Inmates may be held for a maximum of 48 hours.  
  
During the Fair nights in October, 20 to 50 inmates are booked per night and inmate population reaches 90 in one day.
8. **Space for Inmates Off-Site**  
Inmates are sent off site to McKinley, Window Rock, Shiprock and Chinle facilities.
9. **Staffing Capacity for the Inmates On-Site**  
There is a shortage of staff at the facility.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
The detention officers provide transportation and escort of the inmates. More officers will be needed after the facility is closed down. The round-trip to McKinley County Facility is 750 miles and takes about 10 hours.
11. **Office Supplies for Staff**  
The office supplies are temporarily adequate. The detention officers, staff and cooks often use their personal funds to procure office supplies and meet other needs for the facility. These individuals are not reimbursed.
12. **IT Equipment for Office Use**  
IT equipment is not adequate for the present use. The facility needs three printers, one copy/fax machine and one computer station.
13. **IT Equipment for Communications Use**  
IT equipment for communications is inadequate. Six new radios, battery chargers and batteries are needed, which is the only source of communications for the safety and security of officers.
14. **Personal Supplies for Inmates**  
Personal supplies for the inmates are provided by the families and donations from St. Jude's Church. The budget for such supplies has been reduced by

- 50% this year, which is inadequate for the appropriate operations at the facility.
15. **Uniforms for Staff and Inmates**  
There is no funding for uniforms for the staff or inmates at this time.
  16. **Linen for Inmates**  
There is no funding for blankets, all of which are very worn out and have large holes.
  17. **Furniture and Fixtures for Staff and Inmates**  
The furniture and fixtures for staff are in disrepair. Furniture and fixtures for the inmates are minimal.
  18. **Transportation Vehicles**  
There is one light-duty truck without a cage that is used for administrative purposes. In addition, there are two vans with cages. Because of the distance traversed, each of the vans have about 100,000 miles. There is a need for one additional van with a cage that will serve as a replacement for one of the existing vans.
  19. **Fuel for Vehicles**  
There is sufficient funding for fuel for transportation.
  20. **Utilities for Facility**  
There are sufficient funds to pay for the electricity, telephone and propane used at the facility.
  21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is not enough hot water or water pressure for a commercial laundry at this facility. There is sufficient hot water for the kitchen and showers.
  22. **Adequate Lighting for Inmate and Staff Areas**  
Lighting is very poor both inside and outside the facility in the staff and inmate areas. Several skylights are provided throughout the facility – but they are dirty and provide little light.
  23. **Ongoing Repairs and Maintenance**  
There are no ongoing repairs and maintenance at this time. There have been no minor repairs or maintenance done at this facility for the past two years. The Navajo Nation utilizes one maintenance crew that is located at Window Rock. One individual from this maintenance crew provides repair services to five different districts each of which is over one hundred miles away from the other.



24. **Deferred Repairs and Maintenance**  
 The facility was built in 1960. It has been a victim of severe neglect over the past years. At this time, the facility is in need of the following deferred repairs and maintenance items:
- Provide all hazardous material abatement, which includes abating asbestos and lead paint throughout the facility.
  - Remove and replace existing electrical service with 1000 amp 208Y/120 volt, three-phase, four wire service.
  - Provide new lighting system, including institutional light fixtures and associated electrical distribution.
  - Provide new electrical power distribution with additional receptacles and outlets for communication equipment.
  - Provide a new fire alarm system.
  - Provide a new backup 60 KW emergency generator and associated switchgear for the building. (A separate generator provides primary power to the two portable detention units outside the building. This generator does not provide backup power to the building.)
  - Provide a new HVAC system, including all equipment and distribution ductwork.
  - Provide a new plumbing system, including 16 sink/toilet combination units and 16 shower stalls.
  - Provide new plumbing lines and sanitation sewer lines within the building and extending to the public sewer system 300 feet away.
  - Provide a system of 32 high-resolution cameras for interior and exterior installation. Provide high-resolution monitors.
  - Provide a system of electronic locks on 20 doors with a keyed manual override.
  - Provide a new roof.
  - Provide new flooring for the office space and a new washable floor covering for the housing area.
  - Provide new lay-in ceiling for the office areas and a refinished hard ceiling in the housing area.
  - Provide new doors for all office areas.
  - Provide structural reinforcement for settling foundations.
25. **Medical Response at the Facility**  
 The local Indian Health Services provides healthcare response to the inmates. IHS is located about half a mile away. The local fire department also provides basic medical emergency response. Inmates are not screened for tuberculosis, HIV or hepatitis.
26. **Booking Process at the Facility**  
 The booking process at the facility is fairly poor. Inmates are escorted into the building through a side door and into a corridor. Booking is conducted through this window at the central control station. The booking officers are at risk since there are no barriers between the inmate and the booking officer.

The facility uses the CODY system. The staff has received two days of training but the software is difficult to use and not a user-friendly system. There is no computerized fingerprinting machine that could provide a cross check with other law enforcement agencies. There is no camera to record the booking process.

27. **Food Service at the Facility**  
The kitchen provides two hot meals and a sack lunch for each of the inmates every day during the week. The inmates are served with sack lunches for meals during the weekend. Kitchen knives and utensils are stored in unsecured kitchen drawers. A secured storage cabinet for all utensils and knives is needed.
28. **Kitchen and Dining staff at the Facility**  
Two cooks are on duty five days a week.
29. **Housekeeping Staff at the Facility**  
Trustees provide housekeeping services at the kitchen and the facility. The kitchen staff assists with certain areas in the kitchen. Detention staff provides their own housekeeping of their areas. There is no additional janitorial help.
30. **Repairs and Maintenance Staff at the Facility**  
There are no repairs and maintenance staff at the facility.
31. **Inmate Services Provided at the Facility**  
No inmate services are provided at the facility.
32. **Healthcare Assistance in the Community**  
Behavioral Health Services are provided in the community. The local Indian Health Services provides healthcare services at the local hospital. Rehabilitation services for alcohol and drug abuse are also provided in the community.
33. **Other Support Agencies in the Community**  
Counseling and religious services are provided in the community. Sister Elizabeth provided a number of charitable services to assist the inmates. Tai chi classes are offered in the community.
34. **General Reasons for Detention**  
Most of the incarceration is related to violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.

- 35. Potentially Harmful Conditions and Behavior of Inmates  
One inmate committed suicide in January 2006. Inmates may use articles of clothing and elements such as the steel cross members on the bars of the dormitory walls.
- 36. Accountability and Reporting of Incidents  
All incidents are reported to the shift supervisor as well as to the BIA.

DRAFT

**Section 3****Facility Review****June 17, 2006**

This is a 48-hour holding facility operating under the consent decree, Silver vs. Pahe, dated November 17, 1992.

The facility is a single-story structure consisting of 7857 sq. ft. It was built in 1960.

1. Exterior Site Conditions  
The exterior site conditions are poor. The facility is located on a busy city street and the general public has access to the facility through the front entrance, Sally port and the detention dormitory.
2. Exterior Exercise/Recreation Area  
An exterior exercise/recreation area is provided but it is not used. The area is in close proximity to the portable units such that it may not be used as a staging area for the evacuation of inmates in an emergency.
3. Exterior Perimeter Security  
The exterior perimeter security is very poor. Part of the exteriors is fenced but the fence gates are left open at all times. Since the building is shared with the Police Department, the general public has access to the front entrance. This front door is left open at all times. Entrance to the detention facility from the front door is secured with an additional door. However, the Sally port doors are left open at all times and the doors to the dormitory cells are left open for the general public to have direct access to the facility. A few cameras monitor the exteriors. However, the camera monitors are located off to the side and on a sidewall away from the peripheral vision of the detention officer at the central control console. The inattentiveness of the detention officers combined with the poor resolution of the monitors cause the recorded activities to go unnoticed.
4. Sally Port Security  
There is no security at the Sally port. The Sally port in and of itself is only a double door around the back of the building. No fence or fence gate serves as a deterrent for direct entry up to the door. The door itself is kept open for ventilation. There is a camera that monitors the activities at the door but as noted above, activities at the exterior of this door go unnoticed by the detention officer.

5. **Building Interior Security**  
The interior security of the building is poor. There are few fixed-lens cameras that monitor the activities at the building. The kitchen is accessible to the trustees. Kitchen utensils and knives are stored in unsecured kitchen drawers. There are no intercommunication devices between the kitchen and the central control console. The cook does not carry a radio for communications.
6. **Building Structure**  
The building structure consists of block-wall construction with a brick veneer. The foundation of the structure is settling down and is noticeable in certain interior parts of the building. The wall structures indicate cracks at a 45° angle.
7. **Building Roof**  
The building has a flat roof that has leaked often in the past. There are several openings in the ceiling cavity that have been left unfinished after such repairs were undertaken. A new roof is needed.
8. **Interior Ceilings**  
The interior ceilings consist of lay-in dropped ceilings, glued-on tile on hard ceilings in the housing area. Interior ceilings are in severe disrepair. Large unsightly openings have been left after repairs in other areas were undertaken. Considerable peeling paint from the hard ceiling in the kitchen may contain lead. Several return air duct grilles are missing.
9. **Interior Walls**  
The interior walls consist of block-wall construction for the housing areas and drywall on wood stud framing for the offices.
10. **Interior Flooring**  
The interior flooring consists of vinyl tile over concrete slab in the office areas and painted concrete slab in the housing area. All flooring is in severe disrepair.
11. **Interior Dormitory Cells**  
There is one male and one female dormitory at the facility. According to the consent decree, these dormitories may contain a total of 11 inmates.
12. **Interior Isolation Cells**  
There are three isolation cells for the females and two isolation cells for the males. According to the consent decree these isolation cells may contain a total of 5 inmates.
13. **Interior Detoxification Cells**  
There is one detoxification cell. According to the consent decree this detoxification cell may contain 18 male inmates. There are no detoxification cells for the female inmates. All female inmates are housed in the isolation

cells. The isolation cells and the detoxification cells are lined with hard surfaces that are detrimental to the intoxicated inmates.

14. **Booking and Intake Area**  
The booking and intake area is a window in the corridor leading from the Sally port door to the housing area. An extended countertop at the window between the corridor and the central controls area serves as the booking space. There is no barrier between the booking officer and the inmate – which puts the booking officer at risk since the inmates are not screened for tuberculosis.
15. **Visitation Area**  
Two small partitions provide a space for the inmates to visit. Inmates have to shout through the small screens located on the opaque barrier between the inmate and the visitors.
16. **Kitchen, Food Preparation and Pantry Area**  
A small kitchen provides three meals a day. Because of a lack of air circulation, the kitchen is generally hot and stuffy. In case of an emergency, the cook cannot communicate with the central control station.
17. **Dining Area**  
There is no specific dining area for the inmates at the facility. Inmates are served their meals at their cells or in the dormitory. A bench in the dormitory provides seating for the inmates.
18. **Day Room Area**  
There is no day room at the facility.
19. **Vocational Training Area**  
There is no vocational training area at the facility.
20. **First Aid and Medical Assistance Area**  
First aid and medical assistance are provided at the central control station.
21. **Toilets and Showers**  
The toilets and showers are in disrepair and need to be replaced.
22. **HVAC System**  
A combination of rooftop-mounted HVAC units and swamp coolers provide cooling and ventilation for the facility. Heating is provided with electric baseboard heaters located on the walls. The HVAC system is inadequate and in disrepair. The HVAC system needs to be replaced.
23. **Plumbing System**  
The plumbing system is in disrepair. The plumbing lines are encrusted with hard-water salts and provide very low pressure at all of the plumbing

fixtures. The sewer lines are often clogged. There are no rag screen filters at the cleanouts.

24. **Lighting System**  
The lighting system is inadequate and needs to be replaced.
25. **Electrical Power System**  
Electrical power is served from an overhead service rated at 200 amp - 120/240 volts. The service is inadequate and needs to be replaced. The electrical distribution service is underrated for the number of appliances that are presently in use. The entire electrical distribution needs to be replaced. An emergency backup generator needs to be provided. The existing emergency battery-backed egress lighting system is inadequate and needs to be replaced.
26. **IT System**  
The IT infrastructure cabling is in disrepair. A wide number of IT devices have been added to the facility over the years without any consideration for the overall electrical safety. This infrastructure needs to be replaced with appropriately rated IT cabling for use in plenum space.
27. **Security System**  
The security system is inadequate. A system of new cameras and monitors to provide adequate coverage is needed for the facility. All locks for all doors need to be replaced with appropriate electronic locks with manual keyed overrides.
28. **Energy Usage and Conservation**  
The facility does not provide for any energy conservation. All exterior doors are generally left open for ventilation.
29. **Fire Egress – Exterior and/or Secured Areas**  
Fire egress is poor at the facility. All inmates cannot be evacuated within three minutes and they cannot be staged in a secured staging area away from the building in an emergency.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
Fire extinguishers are located within the building. Testing logs for these fire extinguishers could not be determined. There are no fire alarm or sprinkler systems at the facility.
31. **Building Access for Staff and Inmates**  
The staff accesses the building through the front entrance and the Sally port door. Inmates ingress and egress through the Sally port door.

32. Hazardous Materials  
The building of this age is expected to have lead paint and asbestos materials. No records were found that indicate an abatement of such materials was undertaken in the past. Asbestos and lead abatement are needed at the facility.
33. Handicap Access for Staff and Inmates  
The building does not have any provisions for disabled staff, inmates or visitors.
34. Potentially Hazardous Elements  
Inmates may use articles of clothing and elements such as the steel cross members on the bars of the dormitory walls to hurt themselves.

DRAFT



**Section 1****Background Information  
of the  
Navajo Reservation  
Served by the Western Navajo Juvenile Services Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2****Program Review  
June 16, 2006**

1. **Funding of Operations**  
Funding of operations is provided into a common fund contributed by the BIA PL 638 program and the Navajo Nation. The PL 638 program contributes \$1,021,000 annually. Navajo Nation contributes \$70,000 annually. In addition, BIA provides an operations and maintenance budget of \$158,000 annually. Navajo Nation provides all necessary funds for minor improvements and repairs annually. Fiscal year for BIA begins on October 1, while the fiscal year of the Navajo Nation begins on January 1. Funds provided by the BIA are generally not available to the facility up to nine months after they have been funded, generally until about June of the following year. The facility operates on funds provided in the previous year and/or on a 'line of credit' through a local banking institution. Use of funds from the prior year is considered as justification for not having a need for the funding for the current year. This justification is used to reduce funding for the following year. Thus, there is a chronic shortage of funds at all times. Such a shortfall causes financial hardship for the facility, for often it cannot meet its payroll or provide for the basic necessities such as food and personal hygiene items to the inmates. This compromises the life, safety and security of the inmates and the officers as the administrator continually delays actions that require a cash outlay. The facility is unable to operate in a fiscally sound manner. It relies on charities. It is our understanding that a new financial management system has been set up that causes budgetary delays in the funding at the facility.
2. **Funding of Repairs and Maintenance of Facility Structure**  
There are no funds designated specifically for repairs and maintenance of the facility structure.

3. **Policies and Procedures**  
The policies and procedures for the facility are not in place at this time. The site has been developing such a document using the Navajo Nation codes and the BIA standards. Yearly reviews are provided by the Department of Justice of the Navajo Nation. However, the facility needs technical assistance through the services of a consultant who is familiar with developing policies and procedures for specific sites.
4. **Staffing**  
Staffing consists of one detention supervisor, four shift supervisors and eleven detention officers. Four of the detention officers have been recently hired. All shift supervisors have the basic training in supervising juvenile detention centers.
5. **Programs**  
The facility provides treatment programs, which include counseling, alcohol and drug assessment and rehabilitation and building life skills. Other programs are provided by religious organizations, and a Ropes program is conducted. A specific Project Adventure program is conducted, a wellness and fitness program, tenants program and an AIDS and HIV awareness program is conducted. A high school education program is also provided by the Grey Hill Academy. Software such as NovaNet is used for the education program.
6. **Staff Training**  
Detention officers are provided with the basic officers' training in Artesia. Four recently hired officers are awaiting such training. In addition to such training, officers are provided with 40 hours of orientation and additional core training classes that include CPR, fire safety, crisis intervention, arresting techniques and suicide prevention.
7. **Space for Inmates On-Site**  
There is sufficient space for the inmates on-site. This includes 36 beds. Of these, 26 beds are assigned for males and 10 beds are assigned for females. At any given time, an average of 8 to 18 inmates are housed at this facility. Arrangements are being made to provide access of 10 beds to other tribes at a rate of \$110 per inmate per day.
8. **Space for Inmates Off-Site**  
No inmates are sent off-site.
9. **Staffing Capacity for the Inmates On-Site**  
The facility is staffed with 16 detention officers and 12 individuals who serve to administer the facility.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
Patrol officers are requested to provide the transportation and escort of inmates. Detention staff is used to transport and escort the inmates should

such patrol officers be unavailable. Detention officers provide transportation and escort if staff or patrol officers are unavailable.

11. Office Supplies for Staff  
The National Relief Charities provides office supplies for the facility.
12. IT Equipment for Office Use  
IT equipment for the office use is sufficient at this time. However, the education program needs 15 computer stations and associated software for NovaNet which is used as a basis of the educational curriculum provided by the Grey Hills Academy. Software for each station costs \$1500.
13. IT Equipment for Communications Use  
Radios are used as a means of communication, all of which are in disrepair at this time. There is a need for 35 new radios with spare batteries and battery chargers.
14. Personal Supplies for Inmates  
The facility administrator provides shoes for the inmates through a personal fund, which is not reimbursed. The National Relief Charities provide the remaining personal supplies for inmates.
15. Uniforms for Staff and Inmates  
Internal policies have been set up to provide minimal uniforms for the officers on duty. T-shirts and polo shirts are acceptable uniform. No uniform is required for individuals providing rehabilitation at the facility.
16. Linen for Inmates  
The facility does not have sufficient funds for the needs of inmates. The National Relief Charities provide clothing, hygiene products and food. However, there is a shortage of funds and the facility often runs out of food for the inmates.
17. Furniture and Fixtures for Staff and Inmates  
There are sufficient furniture and fixtures for the use of the staff and inmates.
18. Transportation Vehicles  
There are two transportation vehicles that are used to transport inmates. There is a 15-passenger van, Suburban 2002, without a security cage that is often used. An additional van equipped with a security cage is also used for the transport of inmates. The security cage needs to be installed in the van that is not equipped with one at this time.
19. Fuel for Vehicles  
There is sufficient funding for fuel for the vehicles.

20. Utilities for Facility  
Disconnect notices have occasionally been received for nonpayment of utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is insufficient hot water at the facility. There are four 125-gallon capacity hot water heaters that are in disrepair. These water heaters were installed in 1996 and have suffered through continuous misuse by hard water that was not treated. The water softening system has not been working at the facility.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the inmate and staff areas at the facility.
23. Ongoing Repairs and Maintenance  
Items are being processed through the routine process of repairs and maintenance.
24. Deferred Repairs and Maintenance  
The project has been a victim of severe neglect since it was built 10 years ago. Deferred repairs and maintenance are noted as follows:
- Exteriors
- o Trash dumpster is accessible to the general public. Provide a new fence around the trash dumpster.
  - o Flammable chemicals are stored with nonflammable chemicals and other dry goods in a temporary wood-structured storage shed. Provide a permanent and separate storage unit with a two-hour fire rating for the storage of flammable chemicals.
  - o Provide additional cameras for coverage and the existing blind spots.
  - o Enclose all potential weapons such as firewood and rocks that are used for the sweat lodge, with a permanent fence.
  - o Provide a lock at the Sally port door that does not have one and which is constantly left unlocked and unsecured.
- Interiors
- o There is no window between the lobby and the reception officer. Provide a bullet-resistant window flush to the countertop and with a depressed opening for transactions through the lobby.
  - o Provide appropriate cells, restrooms and showers for male and female inmates as well as for the staff and visitors who are handicapped.
  - o Provide two cameras, one for the lobby and one for the corridor in the admin area.
  - o Provide panic-hardware at office 96. Install electronic keypad device to control security at the door.
  - o Provide appropriate padding for the detoxification cell number 140.
  - o Provide appropriate padding for special management cells in the special management unit. Each cell requires 400 sq. ft. of padding.

- On the common wall between the Sally port and the holding cell, remove existing door, doorframe and all hardware at the existing isolation holding cell 139, which is susceptible to potential suicides. Patch and close such opening with matching concrete wall.
- Painted-over sprinkler head in cell 139 needs to be replaced.
- Provide a new water softening system.
- Provide new hot water piping to the cells numbered 137, 139 and 140.
- Provide appropriate barriers in the visitation area for non-contact visitation.

#### Central control room area

- Provide cameras in detoxification cells and special-watch cells.
- Provide a high-resolution recording camera at booking.
- Provide an appropriate booking enclosure with a separation barrier between the inmate and the booking officer.
- Replace all monitors with high-resolution monitors.
- Provide new radios batteries and battery chargers.

#### Courtyard

- Provide three additional high-resolution cameras in the interior courtyard.

#### MPR

- Repair the non-operative contactor for the partition.

#### Kitchen

- Provide a secured cabinet for the storage of all utensils and knives.
- Relocate compressors for the walk in refrigerator and freezer from the top of the unit in the plenum space, to a shaded area on the roof.
- Repair the existing convection oven.
- Repair the full disposal unit.

#### HVAC system

- Provide air balance to the entire facility to secure appropriate air distribution in each of the cells.

#### Plumbing system

- Flush out all interior plumbing water lines, drains and sanitation sewer lines.

#### Roofing system

- Patch existing roof in 15 locations.

#### Electrical system

- Provide 10 new emergency battery-backup lighting units for emergency egress.

- There are 52 wall-pack lighting fixtures installed on the exterior wall, none of which have 0° temperature ballasts. These light fixtures turn themselves off during the cold nights. Install ballasts.
  - Provide 48 replacement lamps for the wall-pack light fixtures and 12 replacement lamps for the high-mast lighting in the courtyard.
25. Medical Response at the Facility  
A field healthcare nurse provides minimal healthcare checking at the facility. No routine tests are conducted for tuberculosis, HIV or hepatitis. However, inmates can request to go to a clinic. The Tuba City Regional Healthcare Corp. responds when summoned by a 911 call. However, they are limited in their response since they have only two ambulances and often the patient has to wait until an ambulance is available for a response.
26. Booking Process at the Facility  
The booking process is adequate at the facility. The facility uses the Eagle software system which works well for the despite the insistence of the Navajo Nation to use the CODY system. The facility has requested more training on the booking software for the detention officers. The software serves only as an internal database and does not connect to any external databases.
27. Food Service at the Facility  
The facility provides food services through a small kitchen that is adequate for the present needs. Menus are prepared using a nutrition-analysis software called Nutrikids.
28. Kitchen and Dining Staff at the Facility  
Three individuals serve as the kitchen and dining staff at the facility.
29. Housekeeping staff at the Facility  
The staff provides cleaning of the office space and other common areas; the inmates clean their own cells.
30. Repairs and Maintenance Staff at the Facility  
The Navajo Nation provides repairs and maintenance for the facility.
31. Inmate Services Provided at the Facility  
The following inmate services are provided at the facility:
- GED education
  - Education through NovaNet software
  - Anger management skills
  - Life skills
  - Wellness and fitness program
  - Abstinence only program
  - Religious services

32. **Healthcare Assistance in the Community**  
The local hospital provides general healthcare assistance and mental health services.
33. **Other Support Agencies in the Community**  
General education is provided through the Grey Hill Academy.
34. **General Reasons for Detention**  
Most of the incarceration is related to violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
The door handle at the door in holding cell 139 could be used by inmates to harm themselves. There have been no attempts of suicide at this facility. The Eagle software provides police officers a mental health assessment tool to identify inmates who have a potential for suicide. A routine procedural suicide watch every 15 minutes has been established for inmates who are considered suicidal.
36. **Accountability and Reporting of Incidents**  
Appropriate accountability of incidents is maintained by the detention officer on duty and is reported through the chain of command to the Navajo Nation and the BIA.

### Section 3

#### Facility Review

June 16, 2006

The building is a block-wall structure approximately 25,000 square feet built to house 36 juvenile inmates. It was built in 1996.

1. **Exterior Site Conditions**  
Exterior site conditions are adequate. The site is set back, though on a busy city street. The general public has access up to the exterior walls and the main entrance at the parking lot.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area is the interior courtyard surrounded by the housing and administrative units. This interior courtyard has a double door that opens into the exterior secured fenced area, which may be used as a staging area for evacuation of inmates in an emergency.
3. **Exterior Perimeter Security**  
The exterior perimeter security is poor. Several of the exterior lighting fixtures are inoperative and are unlit at night. Lamps of 25 wall-pack light fixture units have been burnt out and not replaced. The high-mast lighting in the interior courtyard has several lamps that have been burnt out and not replaced. A chain-link fence topped with razor wire is provided around approximately two-thirds of the exterior wall. The posts on the chain-link fence are broken and the fence is not secured to the building walls, leaving large openings that compromise security. Cameras that monitor the perimeter do not provide sufficient coverage or resolution. The exterior perimeter wall has several protuberances as a result of its basic design. These contours create a number of locations that facilitate obscurity from the fixed directional lens of cameras. The several blind spots around the perimeter compromise security.
4. **Sally Port Security**  
The Sally port is insecure. The door operators for the rollup doors are in disrepair. One of the rollup doors does not operate. The lock mechanism at the person door at the Sally port has been removed and is left unlocked at all times.
5. **Building Interior Security**  
Interior security of the building is fair. A number of cameras monitor specific areas of the building. Being a juvenile facility, a number of areas are not expected to be monitored. Camera monitors are located high up and on to the side at the Central control station where they are generally not



within the peripheral vision of the detention officer who is busy with the computer station and concentrates directly on the windows up front from the Sally port entrance. These front windows across from the Sally port entrance have large openings at the bottom of the glazing. These openings provide an uninterrupted countertop to facilitate booking. The openings are sufficiently large so that the security and health of the booking officer is compromised.

6. **Building Structure**  
The building is a block-wall structure approximately 25000 sq. ft., which was built in 1996.
7. **Building Roof**  
The building has a flat roof which is generally in good repair except for certain isolated areas that require repair at this time.
8. **Interior Ceilings**  
Interior ceilings are lay-in ceilings at the offices and work areas. The kitchen has a washable lay-in ceiling that could compromise security. All housing units have hard ceilings.
9. **Interior Walls**  
All walls are of CMU block-wall construction.
10. **Interior Flooring**  
All interior flooring is in good repair except at the raised flooring at the two Central control stations where the surfacing has worn out. Generally the interior flooring in the common areas consists of vinyl tile on concrete slab. The housing units have a washable floor finish surface on a concrete slab.
11. **Interior Dormitory Cells**  
There are two small dormitory cells, one each for the boys and girls. Most of the housing consists of individual cells. There are a total of 36 beds, 26 of which are assigned for boys and 10 for girls.
12. **Interior Isolation Cells**  
There are four special management cells.
13. **Interior Detoxification Cells**  
There are two detoxification cells that can accommodate up to 10 individuals.
14. **Booking and Intake Area**  
Booking and intake is generally conducted in the corridor between the Sally port door entrance and the countertop window at the Central control station. A small room nearby serves as an intake/exit interview room that also provides a camera.

15. Visitation Area  
There is no specific visitation area. A small space with a few chairs adjacent to the staff lockers serves as the visitation area for the inmates and visitors.
16. Kitchen, Food Preparation and Pantry Area  
A kitchen, food preparation and pantry area is provided. Deferred repairs and maintenance have been noted earlier in Section 2.
17. Dining Area  
Inmates dine at the multipurpose room/gymnasium/dining area, or at the common areas adjoining their cells. This area also serves as a day room for the cluster of cells around it.
18. Day Room Area  
The common areas adjoining the cells and the dormitories serve as the day room area. In addition a multipurpose room/gymnasium also serves as a day room.
19. Vocational Training Area  
Vocational training is provided in several classrooms and a computer lab.
20. First Aid and Medical Assistance Area  
The first aid and medical assistance area is adequate.
21. Toilets and Showers  
The toilets and showers are generally adequate.
22. HVAC System  
The HVAC system consists of individual roof-top mounted units. Air distribution is inadequate and certain areas are either too hot or too cold.
23. Plumbing System  
The entire plumbing system has not been maintained and needs to be flushed out.
24. Lighting System  
Lighting in the staff and inmate areas is sufficient and adequate.
25. Electrical Power System  
The electrical power system consists of a 1000 amp - 480Y/277 volt three phase, four wire system which is adequate for the needs of the facility. A90 KW generator serves as a backup source in case of an emergency.
26. IT System  
The IT System consists of several computers at the computer lab as well as individual computers at each of the two control stations.

27. **Security System**  
The security system is inadequate. Additional cameras need to be provided. All perimeter security fencing needs to be repaired and upgraded. Appropriate security transportation cages need to be provided in the transportation vans. The rollup door and the person door at the Sally port need to be repaired. The inoperative exterior door with malfunctioning panic hardware needs to be repaired.
28. **Energy Usage and Conservation**  
The facility was designed with little consideration for energy conservation in the building structure, lighting or HVAC systems. There is little awareness of energy conservation.
29. **Fire Egress – Exterior and/or Secured Areas**  
Fire egress paths are appropriate. Generally inmates will be evacuated into the central courtyard which provides egress to the fenced area outside the building.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
A fire alarm and sprinkler system are provided throughout the building. Fire extinguishers are located at appropriate intervals and at the control stations.
31. **Building Access for Staff and Inmates**  
The staff accesses the building through the front entrance. Inmates are escorted through the Sally port entrance.
32. **Hazardous Materials**  
Hazardous materials such as lead paint or asbestos are not reported in the building.
33. **Handicap Access for Staff and Inmates**  
The facility is accessible by staff, visitors and inmates who are handicapped.
34. **Potentially Hazardous Elements**  
Inmates can harm themselves using the corner posts of bunk beds in the dormitories. Inmates can harm themselves by using the door handle in the holding cell 139.

**Section 1**

**Background Information  
of the  
Navajo Reservation  
Served by the Window Rock Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

**Section 2**

**Program Review  
June 30, 2006**

This is a 48-hour holding facility operating under the Consent Decree, Silver vs. Pahe, dated November 17, 1992.

1. **Funding of Operations**  
Funding is provided by a combination of PL 638 funds from the BIA and tribal funds.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Funding for the repairs and maintenance of the facility is provided by the Navajo Nation.
3. **Policies and Procedures**  
The Operating Standards have not as yet been approved by the Department of Justice at the Navajo Nation. These were submitted about two years ago. Policies and procedures will be derived from these Operating Standards once they are approved. There are no policies and procedures in effect at this time at this facility.  
Lack of such policies and procedures causes incidents such as these:  
The side door used as a Sally port is constantly left open including the time when an inmate has been escorted for booking by a law enforcement officer. It was noticed that the law enforcement officer's vehicle was idling with the keys in the ignition while the Sally port door as well as all of the gates in the perimeter fence were open.  
It is common practice for the law enforcement officers to remove confiscated alcoholic beverages from their squad cars, pour the contents near the dumpster and dump the partially empty bottles in the dumpsters. The released inmates then have free access to the dumpster and the partially emptied alcoholic beverages left by the law enforcement officers.

4. **Staffing**  
 There are a total of ten full-time detention officers at this facility. Six of these officers are certified while the others are awaiting certification. There are three full-time cooks at the facility.  
 Salary range for the detention officer begins at \$8.60 per hour and increases to \$11.10 per hour after 26 years of continuous service as a detention officer.
5. **Programs**  
 Behavioral Health Services provides STD screening. Church services are provided.  
 Sweat Lodge Counseling is provided. Alcoholics Anonymous (AA) counseling and substance abuse counseling are also provided.
6. **Staff Training**  
 Staff training is minimal. Three of the applicants were turned down for staff training during the past year.
7. **Space for Inmates On-Site**  
 There are 64 beds for male inmates and 32 beds for female inmates at this facility. There were a total of 31 inmates at about noon on the day of the visit. This number rose to 68 inmates at a follow-up visit at 4:30 a.m. the following morning. There were two detention officers at that time. The 68 inmates were 'packed' on every horizontal space in the dormitory cells. This included two individuals on a single bunk bed and several individuals on the only available floor space below the bunk beds. The foul stench was extremely high at this hour with the crowded condition, which was a far cry from the prior visit during the afternoon on the previous day.  
 The detention officer reported that this number will increase significantly, since 4:30 a.m. on a Saturday morning is just a start for the weekend. The detention officer also reported that she will start releasing inmates based on her best judgment – but without specific court orders, to accommodate the oncoming crowds. The inmate count reaches a maximum prior to dawn but this inmate count does not show up in any statistics since the inmate count is reported by the facility after the detention officer has released a number of inmates to make room for the next group of inmates for the day. Inmates may only be held for up to 48 hours as decreed by the courts in November 1992.  
 The detention officer reported that there were 80 inmates at this facility on January 1, 2006 and 138 inmates during Fair time in 2005.
8. **Space for Inmates Off-Site**  
 Inmates are not sent off-site. Closing down of the detention facility in Tuba City has caused an additional demand for detention space in the surrounding areas. Inmates from other facilities at the Navajo Nation are sent to Gallup, New Mexico.
9. **Staffing Capacity for the Inmates On-Site**

There are two to three detention officers on the shift at a time. This is insufficient for the number of inmates at the facility. Several officers perform overtime work and many of these officers work extra hours that are never recorded or paid.

10. **Staffing Capacity for Transportation and Escort for Inmates**  
The detention officers provide for all of the transportation and escort of the inmates to the Federal facilities, County facilities, Mental Health facilities and Indian Health Service. The distance to these facilities is between 100 to 200 miles and an officer could use a good part of the day in transporting just one inmate to one location. Occasionally law enforcement officers help out with such transportation. However, they too are understaffed and often may not cooperate.
11. **Office Supplies for Staff**  
The facility does not have sufficient office supplies for staff. The staff uses their own funds to purchase items such as pencils, papers, pens and tape. The staff also seeks donations from the local charities and churches. The staff gathers unused notepads, pencils and toiletries from their visits to the hotels and motels.
12. **IT Equipment for Office Use**  
There are four computer stations with monitors for routine use at the facility. Two additional but temporary computer stations with monitors were in use at the time of the visit. All six computers were loaded with CODY software.
13. **IT Equipment for Communications Use**  
Presently all ten officers have radios for internal communications. These radios are used as security devices for the officers when they are in the facility and as a way to communicate with law enforcement officers escorting new inmates into the facility. However, ten more radios, battery chargers and microphones with push-to-talk switches are needed.
14. **Personal Supplies for Inmates**  
Personal supplies for inmates are in short supply for lack of funds. The facility depends on charities to assist with the needs of personal supplies for the inmates. At this time more toothpaste is needed for the inmates.
15. **Uniforms for Staff and Inmates**  
For lack of funding, officers have not been funded for uniforms for the past two years. Uniforms for the inmates are sufficient for now but they are wearing out. Inmates are not expected to clean themselves up and not provided with uniforms for about the first 24 hours with the expectation that they will be out after that.

16. Linen for Inmates  
The facility has run out of blankets for the inmates. Worn-out blankets are used. However, inmates use them to unravel the yarns that could be braided into ropes to harm themselves.
17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff and the inmates are old but serviceable for now. However, furniture for the staff needs to be replaced in the next 12 months.
18. Transportation Vehicles  
Two vehicles are used for transportation. The 2004 van with a cage and a 2001 Blazer without a cage are used. The inmates are occasionally shackled, but not always, when being transported.
19. Fuel for Vehicles  
There is sufficient fuel for the vehicles.
20. Utilities for facility  
There is sufficient funding to pay for the utilities for the facility. The facility is served electricity, water and natural gas.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is not enough hot water for the use in kitchen, laundry and showers. There is no hot water at all on the female side. Apparently a hot-water circulating pump was removed three years ago, from the hot-water line and has not been replaced as yet. The hot-water line to the female side has been disconnected in the plumbing chase near the female cells. Water pressure is low at all the sinks. Water temperature is cold for all the showers. Hot water is served from the mechanical room in the basement. There are two hot-water tanks in the mechanical room and a boiler that is only five years old. Temperature of the hot water from one of the tanks was noticed to be low. This was increased at about 5:30 p.m. on the day of the visit. However, the temperature at the showers next morning was tested at 4:30 a.m., and it was still cold. This leaves the possibility that all of the piping is crusted with salts from the hard water at the site. The salts were evident from the drips that had dried over where a circulating pump was removed on the female side. There is no water-softening system at the facility. For the past two years, the detention officers have been appeasing the female inmates for lack of hot water. Inmates are told that, "we are working on it." The effects of the lack of hot water could worsen in the wintertime when hot water is needed to heat the building.
22. Adequate Lighting for Inmate and Staff Areas  
There is inadequate lighting for the inmates and staff area. The facilities were ordered in 2003 to disconnect one lamp out of every two lamp fixtures, in theory, to extend the life of the remaining one lamp that is still lit.

23. Ongoing Repairs and Maintenance  
There are outstanding repair orders to "unplug the kitchen drains."
24. Deferred Repairs and Maintenance  
This building was built in 1961 and has never had the benefit of any routine repairs or maintenance over the last 45 years. The accumulated list for deferred repairs and maintenance is a result of neglect and changing requirements for detention, over the last 45 years.

This list reflects only the detention side of the building. The building also houses the courts on the second floor and law enforcement and other administrative offices across the lobby on the first floor. The building also has a large basement that houses the mechanical room for the entire building. The prorated square footage for the detention is approximately 8800 sq. ft., with an additional 1715 sq. ft. that is used for storage in sheds that are located outside the building. However, the entire building is approximately 25000 sq. ft.

The building has outlived its useful life. Nonetheless the following list is presented for calculations of costs of repair of the detention side, at this facility:

1. All distribution of the electrical, mechanical plumbing and sewer systems need to be replaced.
2. Install filter rag traps at all sewer cleanouts and grease traps at kitchen drains.
3. All 16 combi-sink-lavatory units and 8 shower stalls need to be replaced.
4. Mechanical units and heat exchangers to provide heating with air instead of hot water.
5. A water softening system is needed.
6. All the flooring needs to be replaced.
7. Central control station has to be reconfigured and moved back and away from the direct access from the general public.
8. The booking and intake area has to be completely redesigned and relocated.
9. A new camera system with recording cameras and high-resolution monitors are needed for the interior and exterior security.
10. A sprinkler system is needed for the facility. Note: This will be difficult to surface-mount in a block-wall construction and yet conceal all of the plumbing in the housing units without compromising security and a potential of inmates harming themselves.
11. Extra storage space is needed to replace the five exterior sheds and the insufficient storage in the offices.
12. The kitchen has to be enlarged to facilitate the refrigerators and freezers that are at this time located outside the building.
13. The exercise yard and the sweat lodge yard need to be secured.



14. An enlarged and secured space needs to be created to evacuate the inmates in an emergency.
  15. All exterior fencing needs to be replaced and provided with electrically operated fence gates.
  16. Add an appropriate fenced and secure Sally port with vehicle sensors and keypad operated gates for inbound and outbound vehicles with inmates.
  17. For ADA compliance, include appropriate ramps, toilets and showers for staff, inmates and visitors at the facility.
  18. All the crumbling structural fins from the exterior walls need to be removed.
  19. The settling exterior walls and the foundation need to be stabilized.
25. Medical Response at the facility  
There is a medical exam room that lacks a sink. Minor medical treatment is provided at this facility. Inmates are not tested for TB, HIV or hepatitis.
26. Booking Process at the Facility  
Booking is conducted in an open space around a countertop near an exterior door. The freestanding countertop is not well anchored and sways when leaned on. Fingerprinting is done using the old ink system while a new fingerprint machine has been installed and awaiting appropriate 40 hours of training by the staff. The computer station is loaded with the Cody software. All records are kept on manual logs and the computer system serves as a backup.  
There are no barriers between the inmate and the booking officer. Inmates have been known to spit on the booking officer and have compromised the officer's safety and security.
27. Food Service at the Facility  
A small kitchen provides three meals a day, seven days a week. Food is in short supply. The carefully planned menu posted on the refrigerator is often ignored and is for the benefit of visitors. At the time of the visit, the detention supervisor reported that there was a total of about \$6.40 left to purchase food, in the three food accounts with the three food suppliers. To make ends meet, the facility had been 'borrowing' food from other detention facilities for the past few days. At the end of the visit at 7:30 p.m. on Friday night, the supervisor reported that she had received earlier in the day an approval of a purchase order for food with the three food suppliers for the total of \$2000. She went grocery shopping after our visit. A follow-up review at 4:30 a.m. on Saturday morning revealed more food in the refrigerators than on the previous day.  
Kitchen drains have constantly been plugged up. Kitchen cleaning supplies are kept in unlocked plumbing chases. Kitchen knives and utensils are partly kept in a locked cabinet as reviewed on the day of the visit. The staff was warned at about 4:30 p.m., of the dangers of leaving utensils and knives in unlocked areas. However, a second review at 4:30 a.m. next morning, revealed knives and utensils in an insecure plastic bin with the rest of the

- pots and pans. The kitchen is accessible to the inmates who provide cleaning services.
28. **Kitchen and Dining staff at the Facility**  
Three cooks provide all of the cooking at this facility. The cooks are trained as food handlers and one cook is certified in the culinary arts from the college of San Juan.
  29. **Housekeeping Staff at the Facility**  
The inmates and staff provide the housekeeping at the facility.
  30. **Repairs and Maintenance Staff at the Facility**  
A shared maintenance staff serves the facility for routine repairs and maintenance.
  31. **Inmate Services Provided at the Facility**  
Behavioral Health Services provides STD screening. Church services are provided.  
Sweat Lodge Counseling is provided. Alcoholics Anonymous (AA) counseling and substance abuse counseling are also provided.
  32. **Healthcare Assistance in the Community**  
The community is provided with Indian Health Services, the use of two ambulances and a fire department, all of which provide healthcare assistance to this facility.
  33. **Other Support Agencies in the Community**  
Behavioral health services are provided in the community.
  34. **General Reasons for detention**  
Lately most of the incarceration is related to violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
  35. **Potentially Harmful Conditions and Behavior of Inmates**  
Inmates may use articles of clothing and worn-out blankets to hurt themselves. There are a wide number of locations and devices that the inmates may use to hurt themselves, such as drain holes on the steel pans for the bunks, corner posts of bunk beds, hard surfaces in the detoxification cells, unsecured chemicals in the kitchen, unsecured knives and other utensils in the kitchen, bars and steel cross members used as walls in all of the dormitories, electrical cords used for radios and circulating fans in the dormitories and kitchens.
  36. **Accountability and Reporting of Incidents**  
All reports of incidents are reported to tribal law enforcement.

**Section 3****Facility Review****June 30, 2006**

This is a 48-hour holding facility based on the Consent Decree, Silver vs. Pahe, dated, November 17, 1992.

1. **Exterior Site Conditions**  
The exterior site conditions are poor. The facility also houses the courts and law enforcement within the same building. Being a public building it allows public access. The general public has access all around the building, including the front door and receptionist window at the lobby entrance.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area can be accessed by the general public. This exercise/recreation area, which is located adjacent to the building, cannot serve as a space to evacuate inmates during an emergency.
3. **Exterior Perimeter Security**  
There is no exterior perimeter security. There is a gated chain-link fence, the gate of which has not been closed in years. There is a camera above the side door which also serves as the Sally port door.
4. **Sally Port Security**  
There is no Sally port. Officers park their car by the side door. The side door serves as the inmate entrance to the building. There is a camera above the door.
5. **Building Interior Security**  
Interior security of the building is very poor. The general public can walk right into the detention control station through the generally open front entrance doors at the detention control station and the lobby. The front entrance of the detention control station was found wide open at 4:30 a.m. The front entrance door at the lobby is kept unlocked to allow individuals to sleep the night in the lobby and freshen up in the public restrooms available at the law enforcement. These doors were found unlocked at 4:30 a.m. and throughout the day. There is no security glazing at the reception window. There are about 10 cameras in the building that are monitored. The detention control station also serves as the reception desk through the lobby entrance. The camera monitors are located at the detention control station at a height that does not lend itself for viewing by officers who are working on the countertop below and on to the side. The fire alarm control panel is located in the hallway where it could not be monitored. Several camera monitors

indicated either no reception from a camera or poor resolution. The cameras do not pan, tilt or zoom. There are no recording cameras. The cell doors are mechanically keyed. The dormitory doors are activated with the mechanical counter-lock mechanism and keys. The inmates cannot be evacuated in three minutes.

6. **Building Structure**  
The building structure consists of block-wall construction. Concrete used as decorative fins has crumbled. There are several signs of severe structural stresses leading to a settling of the structure.
7. **Building Roof**  
The building has a flat roof. There have been no reported leaks.
8. **Interior Ceilings**  
The interior ceilings consist of hard concrete and steel panels in the housing area and drywall in the office areas.
9. **Interior Walls**  
All interior walls are of block-wall construction.
10. **Interior Flooring**  
Interior flooring in the housing area is painted concrete. Elsewhere, all flooring is vinyl tile and concrete.
11. **Interior Dormitory Cells**  
There are two dormitories for the males and one dormitory for the females. The dormitory cells use barred walls.
12. **Interior Isolation Cells**  
There are three isolation cells generally used by the male inmates. The cells have full-height steel doors with a pass-through food slot.
13. **Interior Detoxification Cells**  
There is a detoxification cell, one each for male and female inmates. The detoxification cell is bare. All walls floor and ceilings are hard surfaces.
14. **Booking and Intake Area**  
The booking and intake area is a space off the main corridor located close to an exterior side door. A freestanding wood counter provides a low barrier between the officer and the inmate. The space is very small and inappropriate for its use. There is insufficient room for a fingerprint machine, a breath alcohol analyzer, cameras and physical space to restrain, should it be needed. There is no physical barrier between the officer and the inmate. Incoming inmates are not screened for existing medical conditions and have been known to spit on the booking officer.

15. Visitation Area  
There is no visitation area. Three visitation windows on one of the side walls at the detention control room were set up for visitation with the visitors in the detention control room and inmates on the other side. Two of these windows have been blocked off. One window is still in use. The visitation area is inappropriate.
16. Kitchen, Food Preparation and Pantry Area  
There is a very small kitchen, food preparation and pantry area for the number of inmates housed at this facility. Freestanding refrigerators and freezers are located outside the building for lack of space adjacent to the kitchen. There is insufficient space for storage of dry food, pots and pans and utensils. There are no secure cabinets for the storage of knives and other sharp objects that could be used as weapons.
17. Dining Area  
There is no specific dining area for the inmates. Inmates are served either in their cells or in designated common area located adjacent to their dormitory cells.
18. Day Room area  
There is no day room for inmates.
19. Vocational Training Area  
There is no vocational training area for inmates.
20. First Aid and Medical Assistance Area  
A very small room off the detention control room serves as a medical exam room. The space provides basic first aid and medical assistance and is equipped with a medical exam table. There is no sink or washbasin in this space.
21. Toilets and Showers  
All toilets and showers are in disrepair. Toilets generally consist of stainless steel combination toilet-sink units. Most of these units do not operate. The stench from inoperative sink units is unbearable. The shower stall consists of stainless steel stalls with a push-button showerhead operating unit. Most of these push-buttons do not operate and allow the shower to run continuously or not at all.
22. HVAC System  
The HVAC system does not provide sufficient cooling or heating for the spaces. Circulating fans are used to provide some air movement. Secured doors are often kept wide open to allow for ventilation in the space. Cells with steel doors are unbearable if the door is closed. Pneumatic controls for the HVAC system are in disrepair. Thus there is poor air distribution within the facility. There is no ventilation for the dryers at the laundry.

Heating is provided by baseboard heaters located on the walls around the cells. The heat exchangers in these baseboard heaters use circulating hot water. There is a no hot water on the female side and limited hot water on the male side. Thus there is insufficient heating for the number of inmates in the housing unit.

23. **Plumbing System**  
The plumbing system is in disrepair. Distribution piping is encrusted with hard-water salts that have not been attended to for the last 45 years. The hot-water line at the female side has been disconnected. There is no hot water available at the laundry. There is no system at the facility to treat hard water. As such there is very low pressure at all of the sink combination units. The sanitation sewer lines are constantly plugged for lack of rag screens at any of the cleanouts. There are no grease traps at the kitchen.
24. **Lighting System**  
Lighting is generally sufficient for the staff and inmates.
25. **Electrical Power System**  
A common electrical power system serves the entire building. A backup generator is provided to serve in case of a power failure. There are no logs for the routine testing of the emergency generator. The electrical distribution is insufficient for the number of electrical devices and appliances that are in use at this facility. The electrical distribution at the detention control center is inappropriate for its use.
26. **IT System**  
The IT system is adequate.
27. **Security System**  
The security system is insufficient and inadequate. The cameras and monitors are in disrepair and do not monitor locations that need to be monitored. The monitors are located in the detention control room at a height where they are not monitored by the detention officers.
28. **Energy Usage and Conservation**  
There is no awareness of energy conservation at this facility. The facility still operates as it did 45 years ago.
29. **Fire Egress – Exterior and/or Secured Areas**  
Fire egress is poor. Inmates cannot be evacuated in three minutes to an exterior secured space in case of an emergency.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
There is a fire alarm system with smoke detectors and a fire alarm control panel located in the corridor. There are fire extinguishers. There is no sprinkler system. There is no formal routine testing for the system. The dates of the last test could not be determined.

31. **Building Access for Staff and Inmates**  
Staff and inmates use both the front entrance through the lobby and the side door. The side door opens directly into the corridor of the detention facility with the booking space located about 15 feet from this door.
32. **Hazardous Materials**  
The building was built at a time when the use of asbestos and lead paint was quite prevalent. No records were found for the abatement of asbestos or lead paint from the building.
33. **Handicap Access for Staff and Inmates**  
There are no provisions for the use of the facility by staff or inmates who are handicapped.
34. **Potentially Hazardous Elements**  
Inmates may use articles of clothing and worn-out blankets to hurt themselves. There are a wide number of locations and devices that the inmates may use to hurt themselves, such as drain holes on the steel pans for the bunks, corner posts of bunk beds, hard surfaces in the detoxification cells, unsecured chemicals in the kitchen, unsecured knives and other utensils in the kitchen, bars and steel cross members used as walls in all of the dormitories, electrical cords used for radios and circulating fans in the dormitories and kitchens.

## Section 1

**Background Information  
of the  
Fort Hall Reservation  
Served by the Fort Hall Detention Center**

**Fort Hall Reservation<sup>1</sup>**

Federal reservation  
Shoshone-Bannock Tribes of the Fort Hall Indian Reservation  
Bannock, Bingham, Caribou, and Power counties, Idaho

**Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho**

P.O. Box 306  
Pima Drive  
Fort Hall, ID 83203  
888-297-1378  
208-237-0797 Fax

Total area (BIA realty, 2004) 522,671.07 acres  
Total area (EPA) 547,570 acres  
Tribally owned (BIA realty, 2004) 271,775.42 acres  
Individually owned (BIA realty, 2004) 218,263.77 acres  
Federal trust (BIA realty, 2004) 32,632.88 acres

Population (2000 census) 5,762  
Tribal enrollment (Tribal source, 2003) 4,673

Total labor force (2000 census) 2,363  
High school graduate or higher (2000 census) 73.3%  
Bachelor's degree or higher (2000 census) 6.3%  
Unemployment rate (2000 census) 16.1%  
Per capita income (2000 census) \$11,309

**LOCATION AND LAND STATUS**

The Fort Hall Reservation is located in the eastern Snake River Plain of southeastern Idaho. It is comprised of two separate segments that lie north and west of the town of Pocatello. The Snake River, Blackfoot River, and the American Falls Reservoir border the reservation on the north and northwest.

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.



The reservation was established by an Executive Order under the terms of the Fort Bridger Treaty of 1868. It originally contained 1.8 million acres, an amount that was reduced to 1.2 million acres in 1872 as a result of a survey error. The reservation was further reduced to its present size through subsequent legislation and the allotment process.

#### PHYSICAL DESCRIPTION

Topography ranges from relatively lush river valleys to rugged foothills and mountains. Elevations vary from 4,400 feet at the American Falls Reservoir to nearly 9,000 feet in the southern mountain areas.

#### CLIMATE

The nearby town of Pocatello experiences summer temperatures ranging between 68°F and 88°F. The winter temperature often drops into the low teens. Average rainfall is 11.5 inches per year. The snowy season lasts from September through May with an average of 43.3 inches.

#### GOVERNMENT

The tribes are organized under the 1934 Indian Reorganization Act, and they operate under a constitution approved on April 30, 1936. The charter was ratified the following year.

The tribe is governed by the Fort Hall Business Council. The council includes seven members elected by the general membership to two-year terms. It maintains authority over all normal business procedures, including the development of lands and resources, and all matters of self-government.

The tribes operate numerous governmental departments and programs. They include the administration, credit energy, education, employment and training, election board, emergency management and response, enrollment, finance, property management, fire, fish and wildlife, Head Start and early childhood, land alliance, land use, transportation, tribal construction, health human services, T.E.R.O., tribal planning, utilities, and water resources departments, among others.

The tribes maintain their own judicial system with a Law and Order Commission providing oversight, a tribal courts system, an attorney's office, and a police department. The federal government maintains authority over crimes that fall under the Major Crimes Act. The tribes may share jurisdiction over such matters. The state of Idaho exercises jurisdiction, under P L 280, over civil and criminal matters on the reservation such as truancy, juvenile delinquency, child welfare, matters of mental illness, public assistance, domestic relations, and matters involving motor vehicles. The tribes maintain jurisdiction over issues of personal property, water rights, ownership of property, treaty rights, and tribal land rights. The tribes are in the process of developing a tribal justice center to house all branches of the judicial system.

**INFRASTRUCTURE**

Interstate 15 crosses the reservation north-south, while Highway 84/86 crosses in an east-west direction.

The reservation is also crossed by the main line of the Union Pacific Railroad and a north-south line connecting to Montana and Utah.

The Pocatello Airport, located on reservation land that was alienated under the World War Two Powers Act, provides an all-weather instrument-certified runway for large commercial aircraft.

Electricity – Electricity is provided to the reservation by the Idaho Power Company.

Fuel – Natural gas is supplied by the Intermountain Gas Company.

Water Supply – The Fort Hall Water and Sewer District supplies the reservation with water and sewer service in the form of a large lagoon located north of the Fort Hall town site. Because of agricultural chemical contamination of much of the reservation's groundwater, a domestic water supply system is being constructed to serve the core area of the reservation. Outlying residents rely on wells and septic tanks.

Transportation – The tribes have contracted with the BIA for their roads program, including planning, maintenance, and construction.

The tribes maintain a number of school buses to transport of students to schools within the tribal school district.

Commercial air service is available at the Pocatello Municipal Airport on the reservation. Commercial bus lines also serve the reservation directly, as do the Union Pacific Railroad and numerous truck lines.

Telecommunications – A site on Ferry Butte, north of Fort Hall, commanding a 50-mile radius, is leased out to communications service providers and is used for police, fire, and public safety communications.

**COMMUNITY FACILITIES AND SERVICES**

The tribes maintain a Human Resource Center, a Tribal Business Center, and a Multipurpose Center for various tribal activities and meetings.

Education – Students attend schools on the reservation that are operated under tribal school district no. 512. A new high school was built in 1992.

Health Care – The Indian Health Service runs a large health clinic at Fort Hall, while there are hospitals in Pocatello and Blackfoot.

The tribes acquired 6.6 million dollars to construct the Not-tsoo Gah-Nee Health Care Center. This federal clinic provides services to approximately 16,000 people, not only

to members of the Shoshone-Bannock tribes but also to other eligible federally recognized Indians in southeastern Idaho. The tribes now operate a variety of health programs including: a community health representatives program, counseling and family services programs, alcohol and drug programs for adults and youth, social services, (nutrition, education, preventative health, community health nursing, a contract health service program, and some medical, maternal and child health, and recreational programs.

Traditional healing medicines and ceremonies continue to be honored by many tribal members. Medicine persons are still consulted and often collaborate with Euro-American medical practitioners to treat Native patients.

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**Section 2****Program Review****April 7, 2006**

1. **Funding of Operations**  
BIA provides \$1.3 million through the PL 638 program, which is added to a contribution of \$0.9 million from the tribe, for total of \$2.2 million budget for the year for all law enforcement. Of these funds, Operations for Detention are allocated \$505,000 in addition to the direct and indirect costs for the O&M, operations and maintenance of the detention facility. The facility operates both an adult and juvenile detention program.
2. **Funding of Repairs and Maintenance of Facility Structure**  
The total funding for repairs and maintenance of the facility structure that includes police, dispatch and detention is \$96,134.
3. **Policies and Procedures**  
The facility uses policies and procedures from the BIA handbook. Additional procedures are added to accommodate local religious practices. Religious services are held in the courtroom. Local preachers participate in such services. A sweat lodge is operated through the chemical dependency program. Practices such as smudging with sage, cedar and sweetgrass are conducted at the facility.
4. **Staffing**  
Three certified and three non-certified detention officers serve at the facility. Two vacancies for the staff are being presently advertised. This staff is supported by one cook and two patrol officers.
5. **Programs**  
The facility conducts programs that include: 1) Counselors for family counseling services, 2) Schoolteachers educational program and 3) Tribal Youth Rehabilitation program.
6. **Staff Training**  
Staff training is provided at the facility. This includes 1) Weaponless defense classes, 2) O.C. – Pepper spray and handcuffing, 3) First aid – CPR, 4) FTO training as an instructor and 5) Intoxification – 5000 training.
7. **Space for Inmates On-Site**  
There is insufficient space for the inmates on-site. The detention facility consists of three cells for the juveniles, four cells for adults and two small dormitories. Routinely the space accommodates 30 individuals with a peak

of 43 inmates on April 5, 2006. On the day of the visit, 18 inmates were housed at this facility. The facility was built as an alcohol rehabilitation center but was never used in that manner, for the community had an excess of criminals and needed a place to house them. A portable cell addition was set up for the juveniles on a temporary basis, but this has continued as a permanent addition.

8. Space for Inmates Off-Site  
Inmates are not housed off-site.
9. Staffing Capacity for the Inmates On-Site  
There is a shortage of staff at the facility. This may be attributed to a lack of qualified individuals who are available and the low salaries offered to prospective officers. At present two vacancies for full-time officers are being advertised.
10. Staffing Capacity for Transportation and Escort for Inmates  
There is a shortage of staff to transport and escort inmates. Both patrol officers and detention officers assist in the transportation of inmates. Administration is reluctant to pay overtime charges and thus the same on-duty detention officer provides transportation for inmates. Very often this leaves only one detention officer in charge for an extended period of time – up to 35 inmates (in excess of 29 adults and in excess of 5 juveniles) at the detention facility.
11. Office Supplies for Staff  
Office supplies are sufficient at the present time.
12. IT Equipment for Office Use  
IT equipment is generally sufficient for the present time. Most of the computers are two-years old and are in good operating condition. There is an urgent need to procure jail management software such as the Spillman Management Software System that has been quoted for \$ 73,586 for one license.
13. IT Equipment for Communications Use  
The facility has procured a COPS grant and funding from Homeland Security for new 700 MHz equipment for 14 mobile and 14 hand-held radios. At the present time there is no additional request from the detention staff for 'panic alert and assistance warning' system.
14. Personal Supplies for Inmates  
Personal supplies for the inmates are generally supplied by the family. The facility provides such supplies, should there be no contribution from the family.

15. **Uniforms for Staff and Inmates**  
Uniforms for staff and inmates are adequate. Officers receive an allowance for uniforms up to twice a year or if a uniform is worn out. Depending on their status, inmates use red or yellow jumpsuit uniforms. The supply of inmate uniforms is adequate at this time.
16. **Linen for Inmates**  
There is a sufficient supply of sheets, blankets, pillows and mattresses at the facility.
17. **Furniture and Fixtures for Staff and Inmates**  
The tribe provides furniture for the staff from the surplus furniture storage warehouse except for chairs, which are purchased new. There is no 'detention furniture' for the inmates.
18. **Transportation Vehicles**  
There is no specific transportation vehicle for use by the detention facility. A van or patrol car is borrowed from the police for the transportation of inmates. The van is 27 years old, a 1979 model and is in disrepair and very unreliable. A courtroom is part of the detention facility. Court is held on all weekends and is staggered so that the facility does not have to have inmates waiting for court appearance on Mondays.
19. **Fuel for Vehicles**  
There is no funding for fuel.
20. **Utilities for Facility**  
Funding for utilities for the facility is adequate.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is sufficient hot and cold water for the kitchen, laundry and showers. A natural gas hot-water heater provides sufficient hot water for all of the needs at the facility.
22. **Adequate Lighting for Inmate and Staff Areas**  
There is insufficient lighting for the inmate and staff areas at the facility. All lighting at the facility is the original lighting that was installed in 1973. Fluorescent fixtures provide insufficient lighting since all lenses for these fixtures have yellowed out from age.
23. **Ongoing Repairs and Maintenance**  
Repairs and maintenance are not attended to in a routine matter. Funding for such items has fallen victim to the tribal procedures for the allocation of indirect costs for the facility.
24. **Deferred Repairs and Maintenance**  
There are a number of items that need repairs and maintenance. The seals need to be replaced for all walk-in freezers and coolers. All HVAC heating

and cooling equipment and associated ductwork need to be replaced. The aging backup generator is unreliable and needs to be replaced.

25. **Medical Response at the Facility**  
A first-aid kit is provided at the facility. There is no specific area to provide medical assistance at the facility. Inmates have to be transported to a medical facility for all of their healthcare needs.
26. **Booking Process at the Facility**  
There is no specific location for booking and intake at the facility. Booking is conducted in the corridor that extends from the makeshift Sally port. There are no cameras and all bookings are conducted in the open, which compromises the security of the officers.
27. **Food Service at the Facility**  
There is a small makeshift kitchen at the facility. Supporting food service areas and kitchen equipment are scattered in several makeshift locations. Dry storage for food products is set up behind the booking area and refrigerator/freezers are located outdoors. Kitchen knives and utensils are stored in unsecured countertop drawers in the kitchen.
28. **Kitchen and Dining Staff at the Facility**  
The facility employs the services of one full-time cook. Detention officers or trustees assist with kitchen duties in the absence of the cook.
29. **Housekeeping Staff at the Facility**  
The detention staff provides housekeeping for all of the office areas and the inmates provide housekeeping for the housing area.
30. **Repairs and Maintenance Staff at the Facility**  
The repairs and maintenance staff shares their time to provide services that are needed for the detention facility and all other tribal buildings.
31. **Inmate Services Provided at the Facility**  
There are no inmate services provided to the inmates other than basic counseling for rehabilitation. There is insufficient space for any additional services or programs.
32. **Healthcare Assistance in the Community**  
A community health nurse from the public health service checks inmates and administers medications.
33. **Other Support Agencies in the Community**  
The community provides mental health services, counselors for alcohol rehabilitation, Alcoholics Anonymous and 'Brown Baggers'.

34. **General Reasons for Detention**  
The general reason for apprehension and detention is the onset of drugs-related violent crime. There has been an influx of contraband drugs that has infiltrated because of the proximity to the interstate highways and the casinos. Supremacist groups, adult gangs and youth gangs operate in the community. Often these groups operate with the knowledge of circumventing law enforcement that result from the jurisdictional conflicts between law enforcement agencies. There is low income, high poverty and high unemployment in the community, all of which contribute to increased crime.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
Insufficient officers for supervision of suicide watch and a lack of cameras add to a constant threat of inmates harming themselves at the facility.
36. **Accountability and Reporting of Incidents**  
Tribal incident reports are prepared for all incidents and all serious incidents are reported to the BIA.

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### Section 3

#### Facility Review

April 7, 2006

The facility was built in 1971-73 as an alcohol rehabilitation center but was never used as such because of a need to house criminals. A temporary 'portable addition' was added to house the juveniles and has since become permanent. The tribe has owned the building since 1993. A new justice center consisting of 63,649 sq. ft. is in the planning stages. This facility will include a space of 18,848 sq. ft. for the courts, 15,908 sq. ft. for the police and 28,893 sq. ft. for the detention of 100 inmates.

1. Exterior Site Conditions  
Exterior site conditions are poor. The facility is located within 100 yards of a children's playground. The general public has access all around the facility.
2. Exterior Exercise/Recreation Areas  
The exterior exercise and recreation areas are insecure and are thus not used. The standby generator has been located in the male recreation yard. The chain-link fence for the recreation yards provides an easy access to pass contraband material from the publicly accessed exteriors. The handrails at the steps to the area provide an easy access to the roof. Thus both recreation yards have been shut down.
3. Exterior Perimeter Security  
Exterior perimeter security is poor. The general public has access to the facility from all directions.
4. Sally Port Security  
The facility does not have a Sally port, rather a covered shelter the patrol car could pull into. The roof of this covered shelter leaks.
5. Building Interior Security  
Interior security of the building is very poor. There are three cameras, one of which is broken, one monitors the hallway and the third camera monitors the exterior at the entrance. All of these cameras are old and installed by the detention officers. No cameras provide any recording. The black-and-white monitors have very poor resolution.
6. Building Structure  
The facility is of block-wall construction with brick veneer for the exterior walls and wood framing, with drywall and wood paneling for the interior walls. The original building was built in 1971 with additions in 1993.

7. **Building Roof**  
The building has a pitched wood-shingle roof with a mid-central flat-roofed HVAC equipment wells. The temporary modular for the juvenile section has a flat roof. The flat-roofed sections are tarred. The entire roof is in severe disrepair.
8. **Interior Ceilings**  
All interior ceilings are in severe disrepair. All ceilings show signs of attempted repairs after roof leaks. None of the repairs has been completed. Several areas of the ceiling are exposed to the electrical systems above, which in and of themselves are in severe disrepair. Past damage from inmate escapes through the interior ceilings have not been repaired at this time.
9. **Interior Walls**  
Most exterior and some interiors have CMU walls. The exterior walls have a brick veneer. The interior walls are painted tape and textured drywalls for wood-paneled.
10. **Interior Flooring**  
Interior flooring is linoleum tiles and sealed concrete. The flooring below in the control room chairs has been worn down to the gravel and mortar used in the slab. All the flooring is in severe disrepair.
11. **Interior Dormitory Cells**  
There is one adult male cell and one adult female dormitory cell.
12. **Interior Isolation Cells**  
There are no interior cells that provide isolation cells.
13. **Interior Detoxification Cells**  
There is one detoxification cell for male inmates and one detoxification cell for female inmates.
14. **Booking and Intake Area**  
The booking and intake area is unsafe and poorly arranged. The space is small and congested and there are no cameras.
15. **Visitation Area**  
The visitation area is poorly arranged and is in the hallway.
16. **Kitchen, Food Preparation and Pantry Area**  
The kitchen, food preparation and pantry area is small, poorly arranged and scattered in and outside the facility. The refrigerators and freezers are located outside the facility.

17. Dining Area  
There is no specific dining area for all of the inmates. Inmates eat in the common area immediately outside their cells.
18. Day Room Area  
There are no day rooms at the facility. A television set is provided in the mail dormitory and a television set is provided in one of the common areas outside the female dormitory cells.
19. Vocational Training Area  
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no area to provide first aid or an area to provide medical assistance to the inmates.
21. Toilets and Showers  
All toilets and showers are in very poor condition. Most of the shower stalls are sheet-steel enclosures that have rusted and rotted away. The combination toilet-sink fixtures are either baked enamel or ceramic. Most of these have chipped away and are in severe disrepair.
22. HVAC System  
The HVAC system – both the equipment and the ductwork – are in severe disrepair. The system is about 15 years old and breaks down often. Air distribution is insufficient and unevenly distributed. The HVAC system that feeds the juvenile section provides no ventilation and minimal cooling. The space is unbearable both for temperature and humidity.
23. Plumbing System  
The plumbing system is in severe disrepair sanitary drains are generally plugged up. The sanitary sewer lines within the building and from the building are small in capacity for the amount of waste that they are expected to handle. These sanitation lines flow into a very old plumbing system outside the building which is connected to the city sewer system. The system from the building to the city sewer system is in disrepair.
24. Lighting System  
The lighting levels are low in all spaces in this facility.
25. Electrical Power System  
The function of this building has changed over the years and electrical loads have been added to this building over the years. Thus the electrical system is insufficient to serve the present electrical load. The entire electrical distribution system is in disrepair. The mobile backup generator has not been tested and is unreliable. Exposed electrical wiring in multiple areas was noted in the ceiling plenum. Several electrical overload conditions were noted throughout the building. There is insufficient power distribution for

the amount of electronic equipment that is in use. Several exposed electrical outlets within the inmate areas were noticed and an electrical outlet in the office area behind the water cooler sparks on occasion.

26. IT System  
The IT system is adequate for the present time. Twenty dial-up lines are used for communications for the police, dispatch, detention and the courts.
27. Security System  
For all practical purposes there is no security system in the building. There have been several escapes. Only two of the three cameras work. The camera system was installed by one of the detention officers. There is only one combination lock for entry to the basement hallway which leads to the building interiors. Access to the building is compromised as a result of this arrangement. The security of the officers and the inmates is compromised. Detention officers use manual locks for all of the cells. The cells cannot be evacuated a timely manner in case of an emergency. The evacuated inmates cannot be staged in a secure enclosure once they have been evacuated as a result of an emergency.
28. Energy Usage and Conservation  
There is no attempt to provide energy conservation. Over the years the building has fallen into disrepair. The building itself, and all of the equipment that is used, does not attempt to conserve energy.
29. Fire Egress – Exterior and/or Secured Areas  
A basic arrangement has been made to evacuate and transport the inmates for housing at other facilities once they have been evacuated in case of an emergency.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
Fire extinguishers are provided but there is no fire alarm or fire sprinkler system in the building.
31. Building Access for Staff and Inmates  
The staff accesses the building through the main door up front while the inmates access through the covered entrance on the side of the building.
32. Hazardous Materials  
There was asbestos and lead paint in the building. An inspection was conducted at one time but it is unknown if such hazardous material was abated.
33. Handicap Access for Staff and Inmates  
The building does not provide access to staff or inmates who are handicapped.

## 34. Potentially Hazardous Elements

Hazardous elements that the inmates may use to harm themselves include: Exposed electrical wires at the outlets, electrical power cords used for television sets and coaxial cables used for TV antennas, ease of availability of the cleaning-supplies there are used for cleaning, horizontal and vertical bars at the cell, ventilation and security grilles within reach and corner of posts for the bunk beds.

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### Section 1

#### Background Information of the Nisqually Reservation Served by the Nisqually Police Department

##### **Nisqually Reservation<sup>1</sup>**

Federal reservation  
Nisqually  
Thurston County, Washington

##### **Nisqually Indian Tribe**

4820 She-Nah-Num Drive SE  
Olympia, WA 98513  
360-456-5221  
360-438-8618 Fax

Total area (BIA realty, 2004) 1,079.99 acres  
Tribeally owned (BIA realty, 2004) 346.04 acres  
Individually owned (BIA realty, 2004) 733.95 acres

Population (2000 census) 588  
Tribal enrollment (BIA labor report, 2001) 525

Total labor force (2000 census) 289  
Total labor force (BIA labor report, 2001) 5,719  
High school graduate or higher (2000 census) 81.8%  
Bachelor's degree or higher (2000 census) 9.4%  
Unemployment rate (2000 census) 11.4%  
Unemployment rate (BIA labor report, 2001) 68%  
Per capita income (2000 census) \$14,094

##### **LOCATION AND LAND STATUS**

The Nisqually Reservation is located in western Washington State, approximately 10 miles east of Olympia. The original reservation was established on 1,280 acres by the Medicine Creek Treaty of December 26, 1854. An Executive Order in 1856 increased the size to 4,717 acres. In 1884, acreage was divided into 30 family allotments. The parcels were located on either side of the Nisqually River, but they did not include the

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

river itself. In 1917, the U.S. Army reduced the size of the reservation by over 3,300 acres in order to establish the Fort Lewis Military Reserve.

#### GOVERNMENT

The tribe is governed by a tribal council of seven members and a general council that consists of all tribal members over the age of 18 years. The tribal council includes a chairman, a vice-chairman, a secretary, a treasurer, a fifth council member, and two nonvoting members-at-large. Each member is elected to two-year terms. The tribal constitution was approved on September 9, 1946. Tribal government committees include health, social services, natural resources, accounting, and planning.

The tribal fish commission, a five-member body elected to two-year terms, oversees tribal fishery issues. The tribe maintains a tribal court system.

#### BUSINESS CORPORATION

Nisqually Ventures is a federally chartered entity.

#### INFRASTRUCTURE

The reservation is eight miles east of I-5, on Washington State Highway 210. The Port of Olympia is approximately 13 miles to the west, and the City of Tacoma is 35 miles north.

Water Supply – A tribal water system serves 110 homes.

Transportation – The Seattle-Tacoma International Airport is 50 miles distant. Motor freight service is available on the reservation. A rail connection is 7 miles distant.

#### COMMUNITY FACILITIES AND SERVICES

The reservation has a tribal administration building and a multipurpose equipment maintenance shop. There is a tribal community center.

Education – Tribal children attend public school in Yelm, five miles distant. A branch campus of the Northwest Indian College began operations on the reservation in 1994. The primary purpose of the campus is to serve as a training site for tribal employees.

Health Care – There is a clinic with one doctor and one dentist to serve if needed.

**Section 2****Program Review  
March 23, 2006**

1. **Funding of Operations**  
The total funding for all operations for law enforcement is approximately \$1.5 million. This includes an annual contribution of \$350,000 through the PL 638 program. \$574,000 of additional appropriated funding for the Law Enforcement Program of the Nisqually tribe has not been received as of this time. This funding was confirmed in a letter dated September 6, 2002 by Director Robert D. Ecoffey, of the OLES, U.S. Department of the Interior, in his letter to Chairman John Simmons of the Nisqually Tribe.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Funding of repairs and maintenance of the facility structure could not be ascertained.
3. **Policies and Procedures**  
Policies and procedures for the facility have been developed using the BIA standards as a base and incorporating additional standards from several other agencies. These policies and procedures also incorporate sensitivities to the religious and cultural needs. A sweat lodge is being planned.
4. **Staffing**  
There are ten full-time detention officers, one cook and one full-time maintenance staff. Occasionally these officers are supported by eight full-time additional officers who conduct land patrol.
5. **Programs**  
A GED program is conducted at the facility. In addition, an alcohol treatment and rehabilitation program is conducted. Inmates have been treated both as inpatients and outpatients. The inpatient program extends for up to 90 days. An Alcoholics Anonymous program is also conducted.
6. **Staff Training**  
The facility staff meets or exceeds the training requirements of 40 hours per year. Staff also undergoes training required by the State of Washington.
7. **Space for Inmates On-Site**  
The present space at the facility meets the present demand of inmates. Approximately 120 sq. ft. of space is allocated to each inmate.



8. Space for Inmates Off-Site  
Inmates are not housed off-site.
9. Staffing Capacity for the Inmates On-Site  
There is a shortage of staff. On occasion there is only one detention officer for periods of four to six hours.
10. Staffing Capacity for Transportation and Escort for Inmates  
The detention officers provide transportation and escort services for the inmates. On occasion an inmate has to be transported for four hours each way in addition to the stay at a healthcare facility to maintain a 'hospital watch' for the duration of the treatment of the inmate. It has been a challenge to maintain sufficient officers on duty, as well as allocate appropriate officers for transportation and escort services.
11. Office Supplies for Staff  
There is insufficient funding to procure all office supplies that are needed for the staff.
12. IT Equipment for Office Use  
There is insufficient funding to procure all IT equipment for use at the office.
13. IT Equipment for Communications Use  
The facility needs 12 additional radios for the new frequency band. The facility also needs funding for \$1900 per month for cross-match fingerprint communications and \$35,000 per year for the NICIC access.
14. Personal Supplies for Inmates  
Personal supplies for the inmates are adequate at this time.
15. Uniforms for Staff and Inmates  
There is a need for three more sets of uniforms for each officer at this time. Uniforms for the inmates are adequate at this time.
16. Linen for Inmates  
Blankets and mattresses wear out fairly rapidly but they are adequate for the use of the inmates at this time.
17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff and inmates are adequate at this time. When procured, almost all furniture is 'used furniture' from other agencies.
18. Transportation Vehicles  
The detention facility does not have any transportation vehicles at this time. They depend on law enforcement for all of their transportation needs. Detention needs a transportation van and a cruiser to serve all of their needs.

19. Fuel for Vehicles  
There is sufficient funding for fuel for the vehicles at this time.
20. Utilities for Facility  
Electricity and propane serve the needs of heating, cooling and cooking. There is enough funding to pay for such utilities at this time. However, utility rates have been escalating at a faster pace than the appropriations that were scheduled for the utilities.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is insufficient hot water for the needs of the kitchen, laundry and showers. The present 60-gallon hot water tank is too small to serve all of the needs at the facility.
22. Adequate Lighting for Inmate and Staff Areas  
There is sufficient lighting for the inmate and staff areas. The battery-backed wall-pack lighting for emergency egress is insufficient for the facility. There is no backup generator to provide emergency lighting throughout the facility.
23. Ongoing Repairs and Maintenance  
Several work orders have been placed for outstanding repairs and maintenance at the facility. This includes a need for repair at the showers which leak badly and spray water outside the shower stalls. There is a need for six heavy-duty showerheads.
24. Deferred Repairs and Maintenance  
Outstanding deferred repairs and maintenance include: 1) Repairs of the dishwasher, 2) a backup sewage ejection sump pump, 3) condensate drains and heat exchanger repairs of the HVAC units, 4) rag picker screens at all cleanouts on the sanitation sewer lines, 5) eight security door units, each unit including the strikeout plate at the doorjamb, a doorjamb, a pop-lock, a control panel and the door itself and 6) two additional Conex storage boxes to consolidate scattered storage needs.
25. Medical Response at the Facility  
Twice a week an M.D. visits the facility to attend to the healthcare needs of the inmates. Agencies are back-billed for medications and services at the emergency room of the hospital. The detention facility has an exam room, a secured storage for medical supplies and a medical-emergency cart to serve the needs of the inmates.
26. Booking Process at the Facility  
The booking process is adequate at the facility.
27. Food Service at the Facility  
The food service at the facility is adequate. There is a small kitchen and a day room is used to feed the inmates.

28. Kitchen and Dining staff at the Facility  
A full-time cook serves five days a week. A trustee serves as the kitchen and dining staff over the weekend and during holidays when the cook is not available.
29. Housekeeping Staff at the Facility  
Trustees and inmates serve as the housekeeping staff at the facility.
30. Repairs and Maintenance Staff at the Facility  
A full-time individual serves five days a week for repairs and maintenance at the facility. This individual is backlogged with several minor projects at this time. The individual is unavailable if the plumbing system backs up at a time when he is off-duty.
31. Inmate Services Provided at the Facility  
Inmates are provided with services such as: 1) GED educational services, 2) life-building skills, 3) Alcoholics Anonymous, 4) drug and alcohol rehabilitation and treatment and 5) religious services.
32. Healthcare Assistance in the Community  
There is a tribal clinic that provides services such as x-rays, clinical laboratory work and dental work for the inmates.
33. Other Support Agencies in the Community  
There are other support agencies in the community but they do not provide any assistance to the inmates at the facility.
34. General Reasons for Detention  
The general reason for apprehension and detention is violent crime in the community.
35. Potentially Harmful Conditions and Behavior of Inmates  
Inmates can harm themselves with articles of clothing.
36. Accountability and Reporting of Incidents  
All incidents are reported internally and to the BIA.

**Section 3****Facility Review  
March 23, 2006**

The detention facility consists of an older detention facility, built in 2000 that was relocated to this site. A new addition for detention and a kitchen were added in 2003. The older section now provides office space for the Law Enforcement. The dispatch and detention control room are shared in the same space and is centrally located within the new section of the detention facility.

1. **Exterior Site Conditions**  
The exterior site conditions are poor. The site is located in the vicinity of a casino. There are other facilities with extensive unsorted storage strewn around. The general public has access to the facility all around.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area is created by a continuous chain link fence that surrounds the building on three sides. The chain-link fence is topped with barbed wire and razor wire. Razor wire is also installed on the rain gutter edge of the metal roof around the new section of the building. The exterior recreation area is accessible to the general public who are free to toss contraband material over the fence. The exercise/recreation area cannot be used as a secured area to evacuate inmates in an emergency.
3. **Exterior Perimeter Security**  
The exterior perimeter is not secure. There are several Conex boxes located nearby and a facility with scattered storage strewn around, that may serve as convenient places for an inmate to stage an escape. Cameras do monitor the perimeter but they are incapable of pan-tilt-zoom features. There are several blind spots that the cameras do not cover.
4. **Sally Port Security**  
The Sally port consists of a sheltered space behind an automatic rolling chain-link fenced gate. The gate does not close completely and provides an opportunity for an escape.
5. **Building Interior Security**  
Building interiors are secure and well monitored with multiple cameras.
6. **Building Structure**  
The building structure is wood framed. It has suffered moisture damage because of severe rainfall and constant high humidity in the area. The

- building is susceptible to mold and carpenter ants in the four-foot crawl space below the floor area.
7. **Building Roof**  
The building has a pitched plywood roof with a metal covering. There are no leaks.
  8. **Interior Ceilings**  
Interior ceilings are gypboard in the office areas and hardieboard in the detention and inmate housing area.
  9. **Interior Walls**  
All interior walls are wood-stud-framed walls with painted hardieboard sheeting.
  10. **Interior Flooring**  
Interior flooring is wood framed with sheet vinyl and carpeting in the offices.
  11. **Interior Dormitory Cells**  
There is a men's and women's dormitory as well as individual segregation cells at the facility. The dormitories provide daylight through two small windows.
  12. **Interior Isolation Cells**  
There are four segregation cells at the facility. The cells provide daylight through a small window in each cell.
  13. **Interior Detoxification Cells**  
There is a detoxification cell, one each for male and female inmates. Each of the detoxification cells has a small window that provides daylight.
  14. **Booking and Intake Area**  
The booking and intake area is adequate for the needs of the facility. However, there are no screened barriers between the inmate and the officers during the booking process.
  15. **Visitation Area**  
There is no appropriate visitation area at the facility.
  16. **Kitchen, Food Preparation and Pantry Area**  
There is a small kitchen and food preparation area. The electrical closet also serves as the pantry area. There is a need for a walk-in refrigerator and a walk-in freezer. There is a severe shortage of storage space at the facility. Food is also stored in one of the storage Conex boxes outside.

17. Dining Area  
A large day room also serves as a dining area for the inmates. The space is adequate for the needs of the facility.
18. Day Room Area  
A large day room is provided. Two large windows are provided in the day room. The windows do not have any specific security measures such as security bars or a security screen.
19. Vocational Training Area  
There is no specific vocational area at the facility.
20. First Aid and Medical Assistance Area  
There is a small medical exam room that provides first aid and medical assistance to the inmates.
21. Toilets and Showers  
The toilets and combination sink units are adequate. The shower stalls are unconventional and are not up to institutional standards. There is severe water leakage all around that has caused extensive water damage to the flooring around each shower stall and the wood sub-floor.
22. HVAC System  
HVAC units do not operate properly. Spaces are either too hot or too cold.
23. Plumbing System  
The plumbing system is often plugged up. There is a need for rag screens at each of the cleanouts of the sanitation sewer lines.
24. Lighting System  
Interior lighting is adequate for the staff and inmate areas. Emergency egress lighting is provided at the corridors. There is insufficient lighting around the perimeter and exercise/recreation yards.
25. Electrical Power System  
Electricity is served through a 200 amp overhead service. Electrical service is intermittent. There is no backup emergency generator at the facility.
26. IT System  
There are two computers in the detention control room and five computers are used by law enforcement in the older section of the facility. Two additional computer workstations are needed, one dedicated for the NICIC and one for the fingerprint cross-check communications.
27. Security System  
Cameras for the interior are adequate. A recording camera is needed at the booking and intake area and two exterior cameras are needed that have the capability of pan-tilt-zoom.

28. Energy Usage and Conservation  
The building is well-built with appropriate considerations for energy conservation.
29. Fire Egress – Exterior and/or Secured Areas  
Fire egress is appropriate within the building through six exits, but there is no secured staging area for the evacuated inmates once they are outside the building. Fire drills are conducted on a regular basis.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There is a conventional fire alarm and a sprinkler system at the facility. Fire extinguishers are available appropriately.
31. Building Access for Staff and Inmates  
There are six exits at the facility. The staff uses the front main entrance. The inmates are escorted through the Sally port.
32. Hazardous Materials  
There are no hazardous materials such as asbestos or lead paint at the facility. There is a potential for infestation with mold as a result of excessive moisture at the shower stalls, below the flooring and in the sub-floor.
33. Handicap Access for Staff and Inmates  
The facility has provisions for staff and inmates who are handicapped.
34. Potentially Hazardous Elements  
Inmates may use articles of clothing and corner posts of bunk beds to harm themselves.

## Section 1

**Background Information  
of the  
Puyallup Reservation  
Served by the Puyallup Detention Center**

**Puyallup Reservation<sup>1</sup>**

Federal reservation  
Puyallup  
Pierce County, Washington

**Puyallup Tribe of the Puyallup Reservation**

1850 Alexander Ave.  
Tacoma, WA 98404  
360-597-6200  
360-848-7341 Fax

Total area (BIA realty, 2004) 490.46 acres  
Tribally owned (BIA realty, 2004) 349.07 acres  
Individually owned (BIA realty, 2004) 141.39 acres

Population (2000 census) 41,335=  
Tribal enrollment (BIA labor report, 2001) 2,490

Total labor force (2000 census) 21,145  
Total labor force (BIA labor report, 2001) 8,969  
High school graduate or higher (2000 census) 85.1%  
Bachelor's degree or higher (2000 census) 23.1%  
Unemployment rate (2000 census) 5.7%  
Unemployment rate (BIA labor report, 2001) 75%  
Per capita income (2000 census) \$22,750

**LOCATION AND LAND STATUS**

The Puyallup Reservation is located south of Seattle near Tacoma, Washington. Puyallup is an urban reservation located within the city limits of Tacoma and on Commencement Bay, an international shipping area. It was established on 1,280 acres by the Medicine Creek Treaty of 1854, with an additional 18,062 acres added in January 1856. In 1890, the growth of the City of Tacoma instigated the sale of tracts of land within the reservation to Euro-American settlers. Over 9,000 acres of tribal lands were

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.



sold to the public. In 1935, the remaining land fell out of trust status. It regained that status, however, after the tribe brought suit against the federal government. A land settlement in 1988 restored four properties in the Tacoma tidal flats to the tribe. These properties are the Blair Backup Property, Blair Waterway Property, Upper Hylebos, and Inner Hylebos properties.

#### PHYSICAL DESCRIPTION

The reservation is located along the southern end of Puget Sound. Portions of the Puyallup River are located within tribal lands, as are wetlands, riparians, foothills, and cedar forests. It is, however, primarily an urban environment within Tacoma, Washington.

#### CLIMATE

The reservation experiences mid-latitude, west coast marine climate. Summers are dry and mild while winters tend to be rainy. The year-round average daily high temperature is 61.4°F. The year-round average daily low temperature is 44.6°F. The area receives approximately 39 inches of precipitation annually.

#### GOVERNMENT

The tribe organized under the provisions of the Indian Reorganization Act of 1934, and the Secretary of the Interior approved its constitution on May 13, 1936. The tribe is governed by a council consisting of seven elected members.

Tribal government programs include health, law enforcement, and tribal court. A nine-member committee appointed by the tribe's board of directors manages trust funds for the tribe's housing, elderly needs, burial and cemetery maintenance, education and cultural preservation, and social services programs.

The Puyallup Tribal Law Enforcement department includes the land enforcement division and the fish and wildlife division. The land enforcement division enforces tribal laws and operates a detention facility. Tribal police officers receive training at the Police Academy in Artesia, New Mexico, as well as at the Washington State Training Commissions Law Enforcement Equivalency Academy. The fish and wildlife division enforces tribal fishing regulations for the lower Puget Sound, the Puyallup River, and several other bodies of water. They also enforce shellfish regulations and the gaming code. The tribal court exercises jurisdiction over matters pertaining to the tribal code, both civil and criminal.

#### BUSINESS CORPORATION

Founded in 1989, Puyallup International serves as the economic development arm of the tribe. The corporation has established agreements and relationships with governing bodies and businesses to promote economic growth and beneficial business for all members of the area. In 1999, Puyallup International was the largest employer in the county and provided employment for almost 2,000 individuals. Puyallup International was a 1999 nominee for the Bradford Award.

Puyallup International manages the Emerald Queen Cascades Casino and Resort, the Emerald Queen Casino, the Chinook Landing Marina, and the Northwest Container

Supply company, as well as the tribe's seafood venture. Puyallup International assisted in securing legislation to authorize the International Services Development Zone in the Port of Tacoma. It also entered into a joint venture with Global Intermodal Systems to develop a port facility that provides long-term employment in a trucking, container storage, and servicing enterprise.

#### INFRASTRUCTURE

U.S. I-5 and I-705 serve the Tacoma area. The reservation is near the junction of I-705 (Exit 135) and State Highway 167.

Electricity – The Pierce County Public Utility District provides electricity.

Water Supply – The U.S. Public Health Service installed water and septic tanks before 1974.

Transportation – Residents of the reservation have access to all services available in the greater Tacoma area.

#### COMMUNITY FACILITIES AND SERVICES

The tribe's elderly needs program provides housekeeping, yard maintenance, shopping, and daily needs services for tribal elders. The tribe has established a language preservation program and operates a job training program as well. The tribe also operates a number of social programs that provide support services to parents, anti-gang prevention, and cultural awareness activities.

Education – The tribe operates the Chief Leschi School. Opened in 1975, the school serves students in preschool-12. The student body is comprised of over 1,200 youth from over 90 American tribes. The tribe owns the Medicine Creek Tribal College. The college provides a two-year, postsecondary academic program.

Health Care – The tribe operates the Takopid Health Center. It provides dental, medical, community health, pharmacy, optometry, and physical therapy programs. An alcohol and substance abuse center provides services for 30 patients, and the Kwawachee Center provides services for mental health patients. It also houses a "spirit house," which hosts cultural activities. Each facility employs both western medical practices and traditional tribal healing methods. The tribe's health program received the 1999 Honoring Contribution in the Governance of American Indian Nations Award.

**Section 2****Program Review  
March 23, 2006**

1. **Funding of Operations**  
The total budget for law enforcement is \$3,972,496. Of this amount approximately \$382,978 is contributed by the BIA through the PL 638 contract. Details of the funding could not be ascertained.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Details of the funding for the repairs and maintenance of the facility structure could not be ascertained.
3. **Policies and Procedures**  
Details of the policies and procedures for the detention facility could not be ascertained. Law Enforcement in general uses policies and procedures that are based on the BIA standards.
4. **Staffing**  
There are nine full-time detention/dispatch officers at this time. They are seeking two additional full-time officers with a total need for five additional officers. There is a total staff of 38 full-time officers which includes all law enforcement officers as well as detention/dispatch officers. These officers serve 3500 registered members as well as additional tribal nonmembers for about a total population of 10,000 individuals, including members of other tribes who live within the boundary of their jurisdiction. About 83,000 residents live in the area served by the facility.
5. **Programs**  
No educational or vocational programs are conducted at this facility.
6. **Staff Training**  
All officers are cross-commissioned officers with the County, the City of Tacoma and with the City of Fyfe through a 'memorandum of understanding'. They meet the federal and tribal standards required by the Police Academy and the Correctional Academy in Artesia New Mexico.
7. **Space for Inmates On-Site**  
There is a space for ten inmates on-site. Four females are housed in a dormitory-style unit and six males are housed in the dormitory-style unit. The facility also has a 'cage' that serves as the detoxification cell.

8. **Space for Inmates Off-Site**  
Adult inmates are sent off-site to the Nisqually Detention Center. Juveniles are also sent off-site. There are six juveniles housed off-site at this time. The facility contracts with the City of Tacoma, Pierce County Juvenile Detention Center and Remman Hall for Juveniles. The facility spends approximately \$70,000 per year with a mandatory payment of two beds per day at \$100 per bed per day for reserved contracted bed space.
9. **Staffing Capacity for the Inmates On-Site**  
Generally there are two correctional officers/dispatch officers per shift with three officers on the weekends. These officers also share the duties of corrections and dispatch officer at any given time.
10. **Staffing Capacity for Transportation and Escort for Inmates**  
The corrections/dispatch officers provide transportation. There is often insufficient staff to provide appropriate services for the inmates in detention as well as provide the services for the dispatch.
11. **Office Supplies for Staff**  
Generally office supplies are sufficient. There is a need for one additional copier.
12. **IT Equipment for Office Use**  
There is a need for more telephone equipment and a new server.
13. **IT Equipment for Communications Use**  
There is a need for more radios for communications.
14. **Personal Supplies for Inmates**  
Personal supplies for inmates are adequate at this time.
15. **Uniforms for Staff and Inmates**  
Uniforms for staff and inmates are adequate at this time.
16. **Linen for Inmates**  
Blankets and mattresses for the inmates are adequate at this time.
17. **Furniture and Fixtures for Staff and Inmates**  
Furniture and fixtures for staff and inmates are adequate at this time. Plumbing fixtures such as the toilets and shower stalls for the inmates are non-institutional type.
18. **Transportation Vehicles**  
The officers use a 1995 Caprice and borrow additional vehicles from Law Enforcement for the transportation of inmates.
19. **Fuel for Vehicles**  
There is sufficient funding for fuel for the vehicles.

20. Utilities for Facility  
There is not enough funding to pay for the utilities for the facility. There is a chronic budget deficit for the funding of utilities.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is sufficient hot and cold water for the laundry and showers. There is no kitchen.
22. Adequate Lighting for Inmate and Staff Areas  
There is adequate lighting for the inmates and staff areas.
23. Ongoing Repairs and Maintenance  
There is insufficient funding for ongoing repairs and maintenance at the facility.
24. Deferred Repairs and Maintenance  
There is insufficient funding for deferred repairs and maintenance at the facility. Being an inappropriate detention facility, inmates escape often. There is insufficient funding for proper repairs for damages to the facility from the past escapes.
25. Medical Response at the Facility  
There is minimal medical response at the facility. There is no testing of the inmates for TB, HIV or hepatitis.
26. Booking Process at the Facility  
The booking process is inadequate. The booking officer conducts the booking in the Control Center /Dispatch area. All data is recorded on an old computer. Fingerprinting is done manually and cannot be cross-checked with other law enforcement agencies. There is no funding to procure booking software.
27. Food Service at the Facility  
There is no kitchen at the facility. Meals are contracted with the Elders Program for lunch and dinner for weekdays – Monday through Friday. Frozen precooked meals are micro-waved for all breakfasts and all meals over the weekend.
28. Kitchen and Dining Staff at the Facility  
The detention/dispatch officer serves as the kitchen and dining staff at the facility.
29. Housekeeping Staff at the Facility  
The detention/dispatch officer serves as the housekeeping staff at the facility.

30. **Repairs and Maintenance Staff at the Facility**  
Two individuals provide minimal repairs and maintenance at the facility. These individuals share their time with other repairs and maintenance expected by the Department of Public Safety.
31. **Inmate Services Provided at the Facility**  
There are no inmate services provided at the facility.
32. **Healthcare Assistance in the Community**  
An Indian Health Services hospital serves the community. The hospital is about 10 minutes away from the detention facility.
33. **Other Support Agencies in the community**  
There are a few support agencies in the community.
34. **General Reasons for detention**  
The general reason for apprehension and detention is violent crime in the community. There has been a considerable increase in the use of heroin, cocaine and methamphetamine. Gang activity is on the rise beginning in 1988 – 1989. Criminals generally take advantage of the urban environment and the knowledge of disputed jurisdictions of tribal and non-tribal law enforcement as it relates to the scene of crime and the ethnic background of the criminal. The land mass of the Puyallup Nation lands is scattered over a large area and is not contiguous. Interstate 5 and other major highways crisscross the reservation. The Seattle-Tacoma deep water port is nearby. The land mass of the tribal land is located in a dense urban setting and does not stand out from any other non-tribal commercial and residential setting.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
The facility is a double-wide trailer that has been modified to serve as a detention facility. As such there are potentially harmful conditions that may be used by the inmates to harm themselves. The physical setting is that of a residence. Posts on the bunk-beds and ventilation grilles also provide a way for the inmates to harm themselves.
36. **Accountability and Reporting of Incidents**  
Major incidents are reported the BIA, while all others are reported internally.

**Section 3****Facility Review  
March 23, 2006**

The detention facility is a double-wide modular building. The prior permanent building that housed the detention facility was condemned after the Nisqually earthquake in February 2001. That building housed 30 beds and on average was filled to capacity every night. The building was torn down after being condemned and inmates were moved to this temporary facility and three other off-site facilities. This modular trailer was expected to be a temporary site for detention facility.

1. **Exterior Site Conditions**  
The exterior site conditions are poor. The site is accessible to the general public. The facility is located on a city street about four blocks away from the busy Interstate 5.
2. **Exterior Exercise/Recreation Area**  
There is a small exercise/recreation area, which is enclosed by a chain-link fence topped with barbed wire and razor wire. This enclosure cannot be used as a secured enclosure to evacuate inmates in case of an emergency.
3. **Exterior Perimeter Security**  
There is no perimeter security. The general public has access to the facility from two of the four exterior perimeter walls. One camera each monitors the two doors which are generally used as a general-purpose entrance/Sally port and the other camera as the entrance to the exercise/recreation area. There are large openings sufficient for an inmate to squeeze through, between the fencepost and the fencepost-gate of the exercise/recreation area. The third exterior door is posted as an exit door and is blocked by mattresses on the inside but leads on to a void with a 3-foot drop to grade. This door is not monitored. There have been several successful escapes at this facility.
4. **Sally Port Security**  
There is no Sally port. Inmates are escorted through the same main entrance as the remaining staff. A gated chain-link fence provides a barrier between the building and the parking lot. An intercom serves as a means of communication between the control center and someone at the gate. The camera monitors this front entrance.
5. **Building Interior Security**  
There is minimal security indoors. Only one camera at the corridor monitors activities occurring only in the corridor.

6. Building Structure  
The building is a double-wide mobile home trailer with wood framing and Masonite and T-111 siding.
7. Building Roof  
The building has a pitched roof covered with composite shingles. There have been a few leaks thus far.
8. Interior Ceilings  
Interior ceilings are that of a typical modular building. They consist of lay-in thin vinyl sheathing.
9. Interior Walls  
All interior walls are 3-inch wood framed with a plywood veneer paneling.
10. Interior Flooring  
All interior floors are vinyl tile on a thin Masonite sub-floor. Inmates have successfully cut through the flooring for an easy escape through the crawl space below the modular.
11. Interior Dormitory Cells  
There are two interior dormitory cells, one for the male and one for female inmates. There are six male and four female inmates who are housed on bunk beds in these dormitories.
12. Interior Isolation Cells  
There are no isolation cells at the facility.
13. Interior Detoxification Cells  
A locked metal cage with a mattress, off the central corridor, serves as the detoxification cell.
14. Booking and Intake Area  
There is no specific booking and intake area. Booking is conducted in the control/dispatch area on one of the side desks. There are no barriers between the officer and the inmate. There are no recording cameras.
15. Visitation Area  
There is no specific visitation area. One card table and two chairs are wedged in the entrance corridor near the main entrance door to serve as a visitation space for visitors for the inmates.
16. Kitchen, Food Preparation and Pantry Area  
There is no kitchen. A small section is set aside for three large refrigerators, cabinets for toiletries and office supplies. Frozen food is warmed in microwave ovens on one end of the of the control and dispatch area. This space also serves as the copy room and lunchroom for the officers.



17. Dining Area  
Inmates eat on a table with four benches set up in each of the dormitories.
18. Day Room Area  
There is no day room at the facility.
19. Vocational Training Area  
There is no space to serve as a vocational training area at the facility.
20. First Aid and Medical Assistance Area  
There is no specific space to serve as a first aid and medical assistance area at this facility. A first-aid kit is stored beneath the dispatcher's desk.
21. Toilets and Showers  
There are non-institutional, residential-style toilets and showers at the facility. They are in good repair.
22. HVAC System  
Two Bard unit heat pumps at either end of the modular provide adequate heating and cooling directly into the interior space.
23. Plumbing System  
The plumbing system is that of a modular unit. It is in good repair and adequate for the space.
24. Lighting System  
There is adequate lighting for the staff and inmates. The lighting fixtures in the dormitories are continuously vandalized.
25. Electrical Power System  
Electricity is served through an overhead electrical service sufficient for the modular unit. There is a severe shortage of electrical outlets for office use.
26. IT System  
An old computer system serves as the IT system for the facility. It is adequate for the present use.
27. Security System  
There is minimal security at the facility. Two cameras monitor the exterior areas and one camera monitors the interior corridor. There have been a number of successful escapes at this facility.
28. Energy Usage and Conservation  
There is no awareness for energy conservation at this facility. The modular unit is well insulated but the doors are often kept open losing the warmth or cooling from the interior space.

29. Fire Egress – Exterior and/or Secured Areas  
Fire egress is inadequate. Inmates cannot be evacuated into a secured area, sufficiently away from the building, in case of an emergency. One of the exit doors is locked and blocked with a mattress which opens into a void three feet below to the grade.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
There are fire extinguishers sufficiently spaced in the building. There is no fire alarm or a fire sprinkler system.
31. Building Access for Staff and Inmates  
Inmates and staff use the same front entrance for ingress and egress.
32. Hazardous Materials  
There is no asbestos or lead paint in the building.
33. Handicap Access for Staff and Inmates  
There are no provisions for the use of the facility by handicapped staff or handicapped inmates.
34. Potentially Hazardous Elements  
Inmates can harm themselves using their clothing and corner of the bedposts or ventilation grilles.

## Section 1

**Background Information  
of the  
Quinault Reservation  
Served by the Quinault Detention Center**

**QUINAULT RESERVATION<sup>1</sup>**

Federal reservation

Quinault, Queets, Quileute, Hoh, Chehalis, Chinook, and Cowlitz  
Grays Harbor and Jefferson counties, Washington**QUINAULT TRIBE OF THE QUINAULT RESERVATION**

1214 Aalis Dr.

P.O. Box 189

Taholah, WA 98587

360-276-8215 or 1-888-616-8211

360-276-4191 Fax

Website: [quinaultindiannation.com](http://quinaultindiannation.com)**DEMOGRAPHICS**

Total area (BIA realty, 2004) 184,404.49 acres

Tribally owned (BIA realty, 2004) 67,654.12 acres

Individually owned (BIA realty, 2004) 116,750.37 acres

Population (2000 census) 1,370

Tribal enrollment (BIA labor report, 2001) 2,454

Total labor force (2000 census) 564

Total labor force (BIA labor report, 2001) 1,736

High school graduate or higher (2000 census) 72.2%

Bachelor's degree or higher (2000 census) 11.5%

Unemployment rate (2000 census) 14.7%

Unemployment rate (BIA labor report, 2001) 50%

Per capita income (2000 census) \$9,621

**LOCATION AND LAND STATUS**

The Quinault Reservation sits in the southwestern corner of the Olympic Peninsula in extreme western Washington State. Twenty-three miles of rugged, spectacular Pacific

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

coastline comprise the reservation's western border. Private land holdings border the south and southeastern boundaries.

The reservation was created as a result of the Quinault River Treaty of 1855, wherein the tribes ceded about three million acres of land to the U.S. government in return for reservation trust status. It was not until 1873, however, that an executive order officially established boundaries for the reservation. The 1887 Allotment Act resulted in alienating a large percentage of reservation lands from Indian ownership. In the past decade, the Quinault Nation has actively purchased additional lands, expanding the reservation's boundaries to include 208,150 acres in 1994.

#### PHYSICAL DESCRIPTION

Surrounded as it is by the Olympic National Forest, much of the Quinault Reservation lands can be categorized as temperate rain forest. Topography is rolling, and portions of the acreage remains heavily timbered in areas, despite decades of intensive logging, with some of the largest Douglas fir, Sitka spruce, broadleaf maple, western red cedar, and western hemlock in existence.

A prominent water body, 3,729-acre Lake Quinault, in Olympic National Park, is fed by runoff and glaciers high in the Olympic Mountains. The lake serves as the headwaters for the Quinault River, which flows for 35 miles across reservation lands, draining approximately 264 square miles of watershed. The reservation enjoys 23 miles of pristine, transitional Pacific coastline. South of the reservation lands, the shores are characterized by sandy beaches, while to the north, they are dominated by craggy rocks and towering cliffs.

#### CLIMATE

The elevation at Taholah, Washington, is 14 to 80 feet above sea level, and the highest elevation on the reservation is about 300 feet above sea level. Weather patterns are typical of temperate rain forest environments: marked by seasonal variations, but with overall mild temperatures, summer fog, and drenching rains. The year-round average daily high temperature is 55.5°F. The year-round average daily low temperature is 42.6°F. The area receives approximately 88 inches of precipitation annually, less than 4 inches of which fall is snow.

#### GOVERNMENT

The tribe is governed by a duly elected tribal (general) council, which meets annually on the last Saturday of March and is made up of all voting members of the Nation. Bylaws were first adopted on August 24, 1922, and the tribal constitution was approved March 22, 1975. In the modern constitution, the cultural heritage of the other member tribes is honored. Anyone with one-quarter blood of the Quinault, Hoh, Queets, Quileute, Chehalis, Chinook, or Cowlitz tribes is permitted to claim membership in the Quinault Nation as long as they are not members of another tribe.

The 11-member Quinault business committee, consisting of four officers and seven councilmen, is entrusted with the tribe's business and legislative affairs. Members of the business committee serve staggered three-year terms.

After 150 years of misguided interference by the federal government into Indian affairs, the BIA opted to try a new means of tribal governance. In 1988 the Self Governance Act was passed and the BIA began a demonstration project to allow tribes to make their own decisions. In 1990 the Quinault, and six other tribes, brought self-rule back to their communities. In 1991 this law also began allowing these tribes to plan activities in the Indian Health Service.

Under PL 93-638, the tribe contracts with the BIA to administer key programs and services. Tribal government operations consist of the following areas: administration, natural resources, community services, education, self-governance, health and social services, economic development, Quinault Nation Enterprise Board, Quinault Beach Resort, gaming policy, and a housing authority. They also have their own police department and tribal court system. Administrative offices include the executive director and executive assistant, administrator, chief financial officer, legal, enrollment, planning, finance manager, personnel, grants development, legislative liaison, and council. The natural resources department oversees the cultural resources, environmental programs, fisheries, forestry, and resource protection offices. There is also a centralized communications department to coordinate resource protection officers; fire, police, public works, and other emergency-response personnel; youth services; and an elders program to provide senior services.

The mission of the Quinault housing authority is to develop partnerships between reservation communities and businesses, governmental entities, and residents, so safe, affordable housing is available for all eligible tribal members. The housing authority is a member of the Northwest Indian Housing Association. In 1998, the housing authority provided credit and mortgage counseling services, provided rental vouchers to college students, managed existing low-income housing units on the reservation, and offered a revolving loan program to assist homeowners rehabilitating older homes.

In 2003, the Quinault Nation updated the tribe's strategic plan, which guides future development separate core strategies were devised for each of the following elements of tribal life: sovereignty, treaty rights and governance, community services, capital facilities, administration, housing, social and health services, culture, education, employment, economic development, and environment.

#### INFRASTRUCTURE

The reservation is served by U.S. Highway 101, skirting the northern border, and State Highway 109, which runs north into the reservation as far as Taholah. Grays Harbor Transit Authority provides the region with bus service. Commercial truck lines serving the area include UPS and Peninsula Trucking. Aberdeen and Hoquiam, 40 miles from the reservation, have commercial airports. The Port of Grays Harbor, 40 miles south of Taholah, provides access to water transportation and shipping facilities.

**ELECTRICITY:** The Public Utility District of Grays Harbor provides electric power service. The tribe has formed its own utility company, which, once fully operational, will provide wind and other source-generated electricity to reservation homes and facilities.

**WATER SUPPLY:** The communities of Taholah and Queets and the Quinault Indian Nation Public Works Department provide water and sewage services. The privately owned Santiago Water System provides supplemental water service.

**TELECOMMUNICATIONS:** Quinault Cablevision offers cable television to reservation homes and facilities.

#### COMMUNITY FACILITIES AND SERVICES

The Quinault Nation maintains two community centers, one at Taholah and another at Queets. There are buildings for the Nation's two Head Start programs, which include daycare facilities. The Nation has a police station, a natural resources office, a tribal office building in Taholah from which most community and social services are operated, and a mental health office where the alcohol and substance abuse and behavioral health programs are operated. The Safe House, a shelter and transitional housing facility for victims of domestic abuse, has been completed since 2003. A modular building houses the courthouse and legal office. The newly renovated Old Quinault Post Office is home to the Lake Quinault Museum and Historical Society. A new Taholah Branch of the Bank of the Pacific opened December 15, 2004, at the Quinault Indian Nation Tribal Offices.

According to the 2003 Quinault Strategic Plan Update, the Nation plans to build a NW Indian Youth Camp. They also wanted to build a fish house in Queets and an assisted living and convalescent care home for elders and disabled members.

In 2004, the Nation was planning the following capital improvement projects: a new Taholah health clinic and social services offices, to be opened in 2005; a sewage treatment system for Taholah; and a new water system for Queets. Three older buildings on-site at the Roger Saux Health Clinic may be converted to other uses. There is a need for a drug and alcohol halfway house, and the Nation would like to build a cultural center.

**EDUCATION:** The Nation operates the Quinault Lake School District, maintaining its own public grade school, high school, and school board. Elements of traditional culture are infused throughout the curricula, with instruction in the Salishan language.

A special water quality project at the schools integrates water quality activities throughout core instructional areas. Students, depending upon grade level, engage in field activities geared toward preserving fishery habitats, such as testing water quality in regional rivers; raising coho, Chinook, and steelhead fingerlings in the classroom; conducting scientific laboratory experiments at the hatchery; attending special lectures and conferences; and dissecting fish. High school students participated in a tribal work study program during 2000 and 2001, engaging in many of these same activities as part of the STEP curriculum.

In 2002 and 2003, ALADIN college prep and STEP high school students were offered an Aviation Ground Course. The science teacher, a former pilot, linked core instruction to coursework in engines and thrust, a plane's anatomy, instrumentation, aerodynamics, navigation, weather, FAA regulations, and physiology, while integrating chemistry,

Quinault Detention Center	Quinault, Queets, Quileute, Hoh, Chehalis, Chinook, Cowlitz Tribes
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physics, biology, math, and citizenship. Students in the curriculum participated in a field trip to McCord Air Force Base, where speakers emphasized the value of higher education while conducting a tour of the high-tech aviation facility.

The school district operates a college program in cooperation with nearby institutions of higher education, including Northwest Indian College, Grays Harbor Community College, and the Evergreen State College Bridge Program.

**HEALTH CARE:** Health care services are provided by the Roger Saux Health Center, a facility operated by Quinault Nation Health Services under a PL 93-638, title III self-governance compact with Indian Health Service. The 5,379-square-foot facility provides comprehensive ambulatory, medical, and dental care, maternal and child health, and emergency medical services, a pharmacy, and a lab. The center employs two physicians, a family nurse practitioner, a dentist, a dental hygienist, four registered nurses, a licensed practical nurse, a pharmacist, a pharmacy aide, a medical technologist, a referral clerk, and several additional practitioners. It is JCAHO accredited. The Nation operates a remote health station in Queets also, along with an outpatient alcohol and substance abuse program facilitated by the tribal social services department. The nearest full-service hospital is located in Aberdeen.

Other tribally operated health programs include: health benefits, contracted health services, WIC, community health representatives, programs for seniors, public health nurses, mental health counseling, and nutrition information and counseling.

**Section 2****Program Review  
March 24, 2006****1. Funding of Operations**

Of the annual BIA funding of approximately \$ 8 million to the Quinault Nation, BIA provides approximately \$ 644,478.00 towards a common fund annually, for law enforcement. This common fund is used for all law enforcement programs including: a) Patrol, b) Dispatch, c) Communications and d) the Detention Facility for all the operations of all law enforcement programs. This funding was allocated for the 21 corrections officers for Patrol, Dispatch and Communications, but not for Detention. A request was made to augment funding for detention officers but no additional funds have been approved at this time. The tribe does not provide any augmentation.

**2. Funding of Repairs and Maintenance of Facility Structure**

A separate fund provides for the maintenance and operations of the facility. A facilities inspector from BIA Portland provides the coordination and assistance for major repairs and maintenance. All works over \$2000.00 are bid through the BIA Portland office. Works for less than \$2000.00 are funded through the local facility. BIA plans to spend over \$500,000.00 at this facility in the upcoming year for maintenance and operations.

**3. Policies and Procedures**

The policies and procedures are being worked on. The facility is incorporating new procedures. They follow the BIA manual. Inmates are provided with appropriate requests and with proper court order, participation in religious and cultural ceremonies. The facility has provided inmates with participation in funerals – which is of significant religious importance within the tribe. The facility has also provided inmates, through a Work Release Program, participation in fishing and clamming, which is of significant cultural importance to several tribes. There is no sweat lodge on the premises and none has been requested. The facility serves several tribes and cultures.

A formal policies and procedures manual need to establish appropriate standards that are acceptable and enforced.

**4. Staffing**

For all law enforcement, there are 3 full-time personnel for administrative functions and 14 full-time personnel in other law enforcement functions. The Chief of Police has advised that they are understaffed for the size of current operations.



5. Programs

For lack of staffing, there are no specific programs under way. They are working on getting a social worker for the detention facility.

6. Staff Training

The facility keeps up with the minimum requirement of 40 hours of annual training. They cannot afford the staffing that is needed if someone is out for training at the BIA facility in New Mexico. There is only one detention officer for every 12-hour shift.

7. Space for Inmates On-Site

There is not enough space on-site if they 'bust' a big party (e.g., 22 people). In such a case, they generally 'book them' and 'release them'. The individuals are released and out of the facility while the officer is still finishing writing the reports.

8. Space for Inmates Off-Site

This is not an issue so far. The only inmates who are sent off-site are juveniles who are sent to the Grace Harbor county facility. This department paid \$100 per day per juvenile for a total cost of approximately \$ 73,000.00 last year. This is a financial hardship to this facility.

9. Staffing Capacity for the Inmates On-Site

This is keeping up with the routine inmate load, unless there is a specific situation as that noted in item 7 above.

10. Staffing Capacity for Transportation and Escort for Inmates

This is difficult at best. They have only one detention officer on duty at any given time, who also serves as the dispatch officer. They have to 'pull' an off-duty officer or rely on patrol officers for transportation to a rehabilitation facility and/or escort to a healthcare facility. Often inmates take advantage of this circumstance and request healthcare assistance at off-hours and/or on weekends.

11. Office Supplies for Staff

There are sufficient office supplies for routine use for the staff.

12. IT Equipment for Office Use

There is sufficient IT equipment for routine use at the office.

13. IT Equipment for Communications Use

There is no 'radio service' in various pockets of the area served by law enforcement. The service area is approximately 226,000 acres or 55 square miles. Only 30% of this area has reliable coverage for communications. The other 70% of the area has sporadic coverage.

For additional coverage, there is a current need for two more 'Repeaters and Antenna Towers' using broadband frequencies. There is an additional need two years later, for two additional 'Repeaters and Antenna Towers' when the mandate for 'narrow band of frequencies' mandate takes effect. Each of these structures rises about 80 feet to 120 feet. Each structure has a capital cost of

approximately \$ 40,000.00 and an annual operations and maintenance cost of approximately \$ 3500.00 to \$ 5000.00.

14. Personal Supplies for Inmates  
Personal supplies for the inmates are sufficient.
15. Uniforms for Staff and Inmates  
These are sufficient for both the staff and the inmates.
16. Linen for Inmates  
There are sufficient blankets but they wear out fast. Currently there is a need to replace mattresses at approximately \$ 200.00 each, and pillows at approximately \$ 20.00 each.
17. Furniture and Fixtures for Staff and Inmates  
There are sufficient furniture and fixtures for the staff. It has been crammed in at every space that is available. However, there is a need for two workstations' space and furniture for two officers. The furniture and fixtures for inmates are sufficient. Inmate bunks have pulled off from the block wall and are supported using concrete blocks as one of the legs for the bunk.
18. Transportation Vehicles  
These are sufficient for the routine current use. However, there is a need for a transportation van in case of an emergency evacuation. There was a 'Tsunami Warning' on June 14, 2005. At that time, two vehicles were used to transport the inmates to higher ground. One van could have transported all inmates at one time. In future, there may not be sufficient time or vehicles to transport all inmates in two or three trips.  
It must be noted that the facility is essentially at sea-level and about a city-block away from the high-tide mark. The sound from the crashing waves is quite audible from the facility. There is only one paved route out from the facility for an emergency Tsunami Evacuation.
19. Fuel for Vehicles  
There is sufficient fuel for the vehicles. However, the budgeted funds may not fully account for the escalation of fuel prices in the community. Regular-grade fuel is sold at approximately \$2.60 per gallon on the retail market.
20. Utilities for the Facility  
BIA pays directly for all utilities. The facility is served with electricity for all uses except for a 30-KW emergency generator that uses propane from a propane tank that is installed at the site.
21. Hot and Cold Water for Kitchen, Laundry and Showers  
There is sufficient hot and cold water for the use at the kitchen, laundry, showers and the sinks. There have been no complaints of insufficient hot or cold water. The size and age of the hot water tank could not be determined.

22. Adequate Lighting for Inmate and Staff Areas

There is adequate lighting for the inmate and staff areas.

23. On-going Repairs and Maintenance

Minor repairs under \$2000.00 are performed locally. However, BIA performs all major repairs and maintenance. They are slow to respond because of the lengthy process for such work.

24. Deferred Repairs and Maintenance

The floor in the dayroom needs to be resurfaced. This floor still has the leftover dried-up carpet glue from when the carpeting was removed from the dayroom. The interiors need to be painted.

The process to install a new heat pump is under way. Of the five heat pumps that serve this facility, one was damaged last fall and could not be repaired. Part of the inmate section has been without heat since then and during the past winter. Efforts were made to increase the temperature of the surrounding spaces such that the temperature in the affected area did not fall below 69.2 degrees Fahrenheit. Eventually the temperature came up to 71 degrees Fahrenheit and was maintained.

It must be noted that at this facility, there is a constant cold, humid and salt-laden breeze at about 10 to 15 mph from the ocean. In contrast with other facilities that are further inland, this chilling effect of cold, humid and salt-laden breezes – with no wind-breaks – is a cause for a need for more intense maintenance at this facility.

25. Medical Response at the Facility

A public RN visits the facility every Friday. She monitors the routine health concerns of the inmates. She assures that vaccinations are current, and checks for pulse, blood pressure and tuberculosis. She provides adjustments to the medications used by the inmates. She is supported by a local health clinic, two dentists and two dental hygienists. Seven dispatchers at the facility are also trained as EMTs. The facility has a paramedic on staff. The first-aid supply kit is available.

Currently the facility lacks a BAC – Breath and Alcohol Content instrument. The cost of a new instrument is approximately \$ 5850.00.

26. Booking Process at the Facility

The booking room is vulnerable to the safety of the officer and adjustments need to be made to provide a space that conforms to correctional standards.

27. Food Service at the Facility

The facility purchases Department of Corrections (DOC) meals for the inmates at \$2.00 each. The meals are kept frozen until close to meal time. They are heated in the convection ovens in the kitchen. These meals are supplemented with apples, bananas, yoghurt and vegetables.

28. Kitchen and Dining Staff at the Facility  
There is no kitchen or dining staff. The dispatch officer heats and serves the meals. The inmates eat either in their cells or at the designated secured common area outside the cells.
29. Housekeeping Staff at the Facility  
The inmates do their own housekeeping. There is no designated staff for housekeeping. There is a part-time janitor who also serves as the 'maintenance man'.
30. Repairs and Maintenance Staff at the Facility  
The part-time janitor also serves as the 'maintenance man'. This individual also maintains the officer vehicles.
31. Inmate Services Provided at the Facility  
No specific services for rehabilitation of inmates are provided at the facility. They are working on procuring the services of a social worker.
32. Healthcare Assistance in the Community  
The inmates have access to the local healthcare facility in the community. As an inmate they also have access to and use the community-provided rehabilitation programs that include: 1) mental health assessment, 2) drugs assessment, 3) alcohol assessment and 4) abuse of prescription pills – pain management. Such rehabilitation would have to be paid for through personal funds if the individual were not an inmate at this facility.
33. Other Support Agencies in the Community  
To an inmate the community also provides 1) parenting classes and 2) an anger management program. Such rehabilitation would have to be paid for through personal funds if the individual were not an inmate at this facility.
34. General Reasons for Detention  
The general reason for apprehension and detention is the onset of drugs- related violent crime.
35. Potentially Harmful Conditions and Behavior of Inmates  
No inmate has attempted to commit suicide in the last 14 years at this facility. An attempt was made in 1992 when the inmate was found to have had a small knife.
36. Accountability and Reporting of Incidents  
A comprehensive crime reporting system has been set up and is in use at this facility.

**Section 3****Facility Review  
March 24, 2006**

1.     **Exterior Site Conditions**  
The exterior conditions of the facility are fairly poor. Rainfall in this area exceeds 100 inches per year. In addition to the rain, a marine layer sets in with 100% humidity, which has a detrimental effect on all wood construction.
2.     **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area is a chain-link enclosure with a thin galvanized steel wind barrier about 7 feet high. The general public has access to this area. The area is too close to the building to serve as a secured area for emergency evacuation of the inmates.
3.     **Exterior Perimeter Security**  
Exterior perimeter security is poor. There are insufficient cameras or lighting around the perimeter. All exterior walls of the facility are approachable by the general public.
4.     **Sally Port Security**  
The Sally port security is poor. The Sally port is set back within a fenced area. There is no turnaround for the patrol car.
5.     **Building Interior Security**  
Existing interior security the building is poor. The facility is served by a 16-unit camera system that is antiquated and does not provide coverage to all areas.
6.     **Building Structure**  
Both the old and the new sections of the building are of block-wall construction. The old section is 30 years old and the new section is 20 years old. The building has not been kept in good repair and does take an excess of wearing out because of the proximity to the Pacific Ocean and the extreme wet and salt-laden conditions. The building suffered minor damage from the Nisqually earthquake on February 28, 2001. The building is affected by tidal action.
7.     **Building Roof**  
The facility has a pitched metal roof. No leaks have been reported. However, all rain gutters are rusted out.
8.     **Interior Ceilings**  
The interior ceilings are in appropriate condition for the age of the building.

9. Interior Walls  
The interior walls are in appropriate condition for the age of the building.
10. Interior Flooring  
All interior flooring is in disrepair. The facility needs refinishing of all hard surface concrete flooring, resurfacing of leftover glue in the day room and new vinyl floor tiles and all remaining areas.
11. Interior Dormitory Cells  
There are eight beds in four cells for the male inmates and six beds in two cells for the female inmates. The six cells are in appropriate condition for the age of the building.
12. Interior Isolation Cells  
There is one interior isolation cell.
13. Interior Detoxification Cells  
There is one detoxification cell at the facility. The cell has hard surfaces and is inappropriate for its use.
14. Booking and Intake Area  
The booking and intake area is appropriate.
15. Visitation Area  
The visitation area is secure and appropriate for its use. A glass barrier and an acoustic metal screen provide minimal communication. The space echoes during a conversation.
16. Kitchen, Food Preparation and Pantry Area  
A small kitchen food preparation and pantry area is provided at the facility. Utensils are not secured and kitchen knives were noted in unsecured kitchen countertop drawers.
17. Dining Area  
The dining area is appropriate for the facility.
18. Day Room Area  
A minimal day room serves the facility. A television set is provided for inmates.
19. Vocational Training Area  
There is no vocational training area at this facility.
20. First Aid and Medical Assistance Area  
A minimal first aid and medical assistance area serves the facility.

21. Toilets and Showers  
The toilets and showers are adequate. They are not set up for privacy. There are no curtains and half-height stalls are set up in common areas.
22. HVAC System  
One of the five heat pumps failed about eight months ago and has not been repaired as yet. Areas served by this failed heat pump do not have heating or cooling. The officers open doors as needed to provide some ventilation, heating and cooling from other spaces to serve this space. The HVAC ductwork was cleaned out two years ago.
23. Plumbing System  
The plumbing system is in disrepair. The system does not have sufficient pressure and is often clogged up. Potable water is distasteful for drinking. Coffee and pitchers of ice-water are provided to the inmates.
24. Lighting System  
The lighting system is adequate for the facility.
25. Electrical Power System  
Electrical service is served through a 600 amp, 208 Y/120 V, three-phase four wire system. A 30 KW propane generator serves as a standby emergency power source. All electrical service and electrical distribution in the dispatch area was upgraded two years ago. The electrical system is adequate for the facility.
26. IT System  
The IT system is adequate for the facility.
27. Security System  
The interior security system is inadequate. A new camera system with high-resolution monitors and additional cameras is needed to provide sufficient coverage for all areas at the facility.
28. Energy Usage and Conservation  
Energy usage and conservation is fair to poor at this facility. No specific attempt is made to conserve energy. The staff reported that utility costs have been escalating at a high rate in this area.
29. Fire Egress – Exterior and/or Secured Areas  
The facility needs appropriate evacuation plans. The staff conducts routine fire drills. One panic button opens all cell doors and the inmates are led to a secure area.
30. Fire Alarm, Fire Extinguishers and Sprinkler System  
The facility has smoke detectors, a fire alarm system and a sprinkler system. Fire extinguishers are placed appropriately. All systems are tested annually by A1 Fire Safety services from the nearby town of Aberdeen.

31. **Building Access for Staff and Inmates**  
The staff accesses the building from the front door. Inmates use the Sally port for ingress and egress from the facility.
32. **Hazardous Materials**  
There are no known hazardous materials such as asbestos, lead paint or mold at this facility.
33. **Handicap Access for Staff and Inmates**  
Handicap ramp access is provided at the facility. There no inmates cells with provisions for handicapped inmates.
34. **Potentially Hazardous Elements**  
The metal pans for the bunk beds have drain holes that could be used by the inmates to harm themselves.

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## Section 1

**Background Information  
of the  
Spokane Reservation  
Served by the Spokane Law Enforcement Center**

**Spokane Reservation<sup>1</sup>**

Federal reservation  
Spokane  
Stevens County, Washington

**Spokane Tribe of Indians**

Alfred E. McCoy Memorial Building  
6195 Ford/Wellpinit Road  
P.O. Box 100  
Wellpinit, WA 99040  
509-458-6500  
509-458-6575 Fax  
Web site: spokaneTribe.com

Total area (BIA realty, 2004) 133,864.68 acres  
Federal trust (BIA realty, 2004) 77.47 acres  
Tribally owned (BIA realty, 2004) 108,404.10 acres  
Government-owned (BIA realty, 2004) 77.47 acres  
Individually owned (BIA realty, 2004) 25,383.11 acres

Population (2000 census) 2,004  
Tribal enrollment (BIA labor market report, 2001) 2,305

Total labor force (2000 census) 746  
Total labor force (BIA labor report, 2001) 1,658  
High school graduate or higher (2000 census) 74.6%  
Bachelor's degree or higher (2000 census) 7.9%  
Unemployment rate (2000 census) 19.8%  
Unemployment rate (BIA labor report, 2001) 78%  
Per capita income (2000 census) \$10,151

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

**LOCATION AND LAND STATUS**

The Spokane Reservation spans approximately 155,000 acres in northeastern Washington. The reservation was established by Executive Order on January 18, 1881, in response to more than 30 years of increasing encroachment upon Spokane lands, a trend initiated by the 1850 Land Donation Act. The tribe went to war with U.S. government forces in 1858 over unbridled Euro-American settlement, and it was defeated in the Battle of Four Lakes later that year. In 1907 the BIA granted full agency status to the 600 Spokanes, after which the BIA and tribal headquarters were established in Wellpinit. The tribe purchased 160 acres, referred to as the Misteqa property, from allottee heirs at Chewelah, 36 miles north of the reservation. The Spokane Indian Tribe has ownership of the Spokane River's bed and banks to the western shore of the Columbia River, as confirmed by Executive Order.

**PHYSICAL DESCRIPTION**

The reservation's southern and western boundaries are marked by the Spokane and Columbia rivers and the Coulee Dam Recreation Area. The land is rolling to mountainous in places and fairly heavily timbered.

**CLIMATE**

The elevation at Wellpinit, Washington, the location of tribal headquarters, is 2,450 feet above sea level. The year-round average daily high temperature is 57.3°F. The year-round average daily low temperature is 36.1°F. The area receives approximately 19.4 inches of precipitation annually, with almost 50 inches falling as snow.

**GOVERNMENT**

The tribe operates under a constitution approved by its members in May 1951. On August 10, 1972, the constitution was amended and a governing body established which consists of a five-person business council whose members are popularly elected to one-, two-, and three-year terms. The Spokane Business Council oversees dozens of tribal committees, commissions, boards, and enterprises with assistance from an executive director and an administrative director for tribal operations. The administrative director manages all personnel associated with the culture, community services, human resource development, finance, administrative, health and human services, and natural resource departments. Under PL-638, the business council contracts with the BIA to administer key programs and services, including their own law enforcement and tribal courts, fire management, and a housing authority that manages a total of 701 housing units on the reservation.

**BUSINESS CORPORATION**

Tribal business is conducted by the tribal business council.

**INFRASTRUCTURE**

State Highway 25 runs north-south through the reservation, connecting with U.S. 2 at Reardan, 22 miles to the south. The reservation is also accessible by State Route 231. I-395 runs near the property, as does Burlington Railroad.

Electricity – The Western Washington Power Company and the Rural Electrification Administration provide electricity.

Fuel – Independent propane distributors are available to reservation residents and facilities.

Water Supply – The U.S. Public Health Service installed five community water systems, including two for Wellpinit residents and tribal offices. The tribe built its own 350,000-gallon water system to serve the Two Rivers Casino and Resort and the recreational area. There are several municipal users of the Wellpinit sewer system, including the U.S. Postal Service, the BIA, and the Indian Health Service.

Transportation – The senior center has two vans; several individuals own heavy logging equipment; and the tribe owns numerous cars, vans, trucks, wood skidders, loaders, and small Cats. Train and bus services are available in Reardan. Commercial truck lines serve the reservation directly. Commercial air service is available in Spokane, 40 miles from the reservation.

Telecommunications – Pacific Telesis installed fiber optic cable to the Two Rivers Casino and Resort.

#### COMMUNITY FACILITIES AND SERVICES

The community center, built in 1975, houses tribal offices, the tribal museum, a basketball court, and many offices of the department of social services. The department operates programs to assist members with applications for Social Security benefits, foster home licensing and payment, family violence intervention, Birth-to-three early identification and referrals, adult development disabilities employment, and limited financial assistance for child care.

The tribal social services department is licensed as a private child placing agency with the State of Washington and implements the Indian Child Welfare Act. The tribe operates Children of the Sun Head Start, an adult developmental disability program, substance abuse programs, child care development that provides daycare for children in their own homes, a mental health department, and the WIC nutritional program.

The community services department oversees a children's hospital alternative program, provides basic education on fetal alcohol syndrome and alcohol-related neurodevelopmental delays and disorders, and operates a department of children and family services and a low-income housing energy assistance program. The tribal business council also assists tribal members with transportation to medically related appointments and a few other social service appointments, offers some emergency financial energy assistance, and a food distribution program including commodities, emergency food vouchers and an emergency food bank. There is a community health representative to provide health education and outreach services, and a drug elimination youth program. For those requiring treatment, there are both adult and youth holistic substance abuse programs.

Education – Students attend the area's public schools. In June 1994, the tribal council chartered Spokane Tribal College, located in Wellpinit, which is a branch campus of Salish Kootenai College. Language lab facilities and staff at the tribal college assist

with preserving, maintaining, and promoting the Spokane language and cultural practices. The schools have Internet access.

Health Care – The David C. Wyncoop Memorial Clinic, a 7,700-square-foot Indian Health Services facility, provides comprehensive ambulatory health care in Wellpinit. The JCAHO-accredited clinic also houses the contract health services program serving Ferry, Lincoln, and Stevens counties. In addition to the clinic, the Spokane Tribe operates several health programs under Indian Health Service funded PL-93-638, title I contracts, including the community health representative program, emergency medical services, alcohol and substance abuse, and mental health. Regional health care options include an Indian Health Service Spokane Urban Clinic and hospitals.

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## Section 2

Program Review  
March 31, 2006

1. **Funding of Operations**  
All funding is provided by the BIA. Approximately \$1.9 million per year is expended on this facility of which about \$100,000 per year is expended on utilities. There are no tribal contributions.
2. **Funding of Repairs and Maintenance of Facility Structure**  
Funding for the repairs and maintenance of the facility are provided by BIA.
3. **Policies and Procedures**  
The facility has been working on policies and procedures for the past six years. They have incorporated the BIA standards and are presently incorporating the facility practices for the past three years. The facility reported that there are inconsistent policies between posts. There are several contradictions from the directions from the district on policies such as the use of force and regarding physical security. There is confusion on individual specific policies such as that on pepper spray, expandable batons and stab vests. The facility reported that they experience micromanagement from the senior management at the district level. A continuous stream of memos from the district level prevents them having a cohesive set of policies and procedures that they could abide by and train their officers to.
4. **Staffing**  
Presently there is a staff of five full-time detention officers. These officers share eight-hour shifts except when one individual may be on leave or is sick. Officers routinely work 16 hours of overtime in an eighty-hour pay period.
5. **Programs**  
There are no specific programs that are practiced at this facility. Inmates are sent off-site to treatment centers.
6. **Staff Training**  
There is no additional staff training once the officers have graduated from the Academy. The officers reported that they do submit IDP's (individual development program forms) but to no avail. One officer reported that he has had one 8-hour session of CO training in the last five years. Another officer reported that in the last nine years he has received one 8-hour, one 4-hour, one 16-hour and one 28-hour training. Another officer reported that he has received a 16-hour and a 4-hour session of training in the last six years.

7. Space for Inmates On-Site  
There is insufficient space for the number of inmates that are to be incarcerated. The lead detention officer is constantly balancing the available space with the courts and the prosecutor. The lead detention officer is constantly under pressure from the 'Spokane Agency' to keep the inmate population at a low level.
8. Space for Inmates Off-Site  
Presently there are no inmates housed off-site.
9. Staffing Capacity for the Inmates On-Site  
There is a shortage of staff on-site. Staff is constantly reassigned between Dispatch and Detention.
10. Staffing Capacity for Transportation and Escort for Inmates  
The detention officers provide transportation of the inmates as needed. Often the detention officer is called out of bed in the middle of night to serve for six hours.
11. Office Supplies for Staff  
There are insufficient funds to provide office supplies for staff and the detention facility. Most often they 'borrow' supplies from Patrol. Individuals also use their own funds – up to \$300 to purchase a printer, ink cartridges and paper supplies for the printer.
12. IT Equipment for Office Use  
There is sufficient IT equipment for office use at the present time.
13. IT Equipment for Communications Use  
There is one radio for communications at the present time.
14. Personal Supplies for Inmates  
There is sufficient funding for personal supplies for the inmates at the present time.
15. Uniforms for Staff and Inmates  
There is no funding for uniforms for the staff at this time. The staff reported that they received the one allowance for the last nine years to purchase their uniform. Another officer reported that he received one allowance for a uniform for the past six years. Uniforms for the inmates are adequate at the present time.
16. Linen for Inmates  
Linen for the inmates consists of blankets only. The blankets are replaced when they are worn down to two or more holes. The supply for such blankets is sufficient at this time.
17. Furniture and Fixtures for Staff and Inmates  
Furniture and fixtures for the staff are worn down from years of use. Furniture and fixtures for the inmates are adequate at this time.

18. **Transportation Vehicles**  
There are no transportation vehicles for the use of transportation of inmates at this time. For the terrain and constant rain in this area a four-wheel-drive vehicle is needed rather than a van.
19. **Fuel for Vehicles**  
No fuel is charged for the use of transportation borrowed from other departments.
20. **Utilities for Facility**  
Utilities for the facility are paid through the maintenance budget. The cost of propane is about \$100 per day. The overall cost for all utilities is approximately \$100 per year.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**  
There is sufficient hot and cold water for the kitchen, laundry and showers.
22. **Adequate Lighting for Inmate and Staff Areas**  
There is adequate lighting for the inmate and staff areas at the facility.
23. **Ongoing Repairs and Maintenance**  
There are some minor repair and maintenance projects that are underway.
24. **Deferred Repairs and Maintenance**  
There is a need for a new roof over the new section. There is a need to provide asphalt paving over 20' x 60' section.
25. **Medical Response at the Facility**  
The only medical response at the facility is a 'first responder bag' and a 'first-aid kit'. One of the detention officers uses his personal first responder bag and training as an EMT to provide such services when he is on duty.
26. **Booking Process at the Facility**  
The booking process is adequate for the facility at this time. The officers feel secure and there are always two officers during a booking. A restraint chair is available and there is sufficient equipment as needed for the booking process.
27. **Food Service at the Facility**  
There is a kitchen at the facility. Two weeks' worth of food is normally purchased and is stored in freezers located in other buildings.
28. **Kitchen and Dining Staff at the Facility**  
The detention officers serve as the kitchen and dining staff at the facility.
29. **Housekeeping Staff at the Facility**  
Inmates provide housekeeping for their own areas. Detention officers provide housekeeping for the staff areas. They are assisted by a custodian who maintains the exterior areas.

30. **Repairs and Maintenance Staff at the Facility**  
There two full-time individuals who provide repairs and maintenance for this facility and six other buildings maintained by the BIA.
31. **Inmate Services Provided at the Facility**  
The only inmate services are provided by the Health and Human Services in the community. No religious services are provided. Inmates have requested a sweat lodge but none has been provided for lack of space in the area. Clergy do not visit the site.
32. **Healthcare Assistance in the Community**  
Indian Health Services provides healthcare assistance to the inmates. However, the inmate has to be transported and is escorted by a detention officer for up to four hours while the inmate is at the healthcare service.
33. **Other Support Agencies in the Community**  
There are other support agencies within the communities such as: Classes for Domestic Violence, Talking Circle and Alcoholics Anonymous.
34. **General Reasons for Detention**  
The general reason for apprehension and detention is the onset of drugs-related violent crime. The crime rate for this community is 1133, 1600 and 26,700 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**  
A mental health services counselor visits occasionally to evaluate and process inmates who exhibit suicidal behavior.
36. **Accountability and Reporting of Incidents**  
Monthly reports for all incidents are provided to the BIA.



**Section 3****Facility Review  
March 31, 2006**

1. **Exterior Site Conditions**  
The exterior conditions of the building are fair to poor. The building is located within a cluster of other governmental buildings. Recent additions have allowed this building to have some separation and distance. However, it is still within easy reach of the general public.
2. **Exterior Exercise/Recreation Area**  
The exterior exercise/recreation area has been added and expanded recently. This area has been secured with a chain-link fence, razor wire and cameras.
3. **Exterior Perimeter Security**  
The building houses the Police Department as well as the detention facility. The exterior perimeter security is poor at best. The building is secured by both stationary and moving cameras and all angles are covered. The general public has access to the interior of the building that serves the Police Department. The perimeter for the detention facility as such is insecure.
4. **Sally Port Security**  
There is no Sally port. Patrol cars are parked in the normal parking lot in the front of the building and inmates enter the building through a side entrance.
5. **Building Interior Security**  
The building interior security is fair. The new cameras provide extensive coverage and there are electronic locks at every door. These electronic locks can be overridden by a mechanical key. The detention officer carries this one single master key in his pocket. Security can be compromised should this officer be overwhelmed by an inmate.
6. **Building Structure**  
The building structure is in good repair. All building walls of the old and the new sections are of block-wall construction. The old section of the building was built in 1969 and the new section was added in 1997.
7. **Building Roof**  
A metal roof was installed over the old section in 2005. This roof is in good repair. A flat roof with a tar covering is provided over the new section. This roof is in disrepair and in need of replacement.
8. **Interior Ceilings**  
Interiors consist of hard ceiling and drop ceilings. All of the interior ceilings are in good repair.

9. Interior Walls  
All of the interior walls are block-wall construction. Walls in the new section have been recently painted. Walls in the old section need to be painted.
10. Interior Flooring  
The new section consists of sealed concrete for interior flooring. The control room and parts of the offices in the old section need new vinyl tile and new carpeting.
11. Interior Dormitory Cells  
The interior dormitory cells are in good repair.
12. Interior Isolation Cells  
The interior isolation cell is in good repair.
13. Interior Detoxification Cells  
There is no specific detoxification cell. The interior holding cell also serves as a detoxification cell. The cell has hard surfaces and inmates are prone to hurt themselves when intoxicated.
14. Booking and Intake Area  
Booking and intake area is adequate. A fingerprint machine and a BAC machine are provided at the booking area.
15. Visitation Area  
There is only one station for visitation. There is a glass barrier and a telephone/intercom is provided for the use of the inmate and the visitor.
16. Kitchen, Food Preparation and Pantry Area  
There is a basic kitchen food prep and pantry area. Kitchen utensils are stored in unsecured kitchen drawers. The facility needs to provide secure cabinets for all utensils and knives.
17. Dining Area  
There is no separate dining area for the facility. Inmates use a common area around the cells. This area has a TV set for the inmates.
18. Day Room Area  
There is no specific day room at this facility.
19. Vocational Training Area  
There is no specific vocational training area at this facility.
20. First Aid and Medical Assistance Area  
There is no specific area to provide first aid or medical assistance to the inmates at this facility. Officer Cliff Matterly serves as an EMT during his shift; otherwise all inmates are referred to an EMT from the local Indian Health Service.

21. **Toilets and Showers**  
The toilets are operational; however, all tile at the showers need to be replaced.
22. **HVAC System**  
The HVAC system in the old section of the facility was replaced in 2005. The HVAC system in the new facility was installed in 1997. Both systems are in good operating condition. There is one cell that has two exterior walls. This cell gets either too warm or too cold. An independent duct and temperature control needs to be added to this cell to provide adequate cooling and heating.
23. **Plumbing System**  
The plumbing system is generally adequate except it gets plugged up when inmates flush incompatible objects through the toilet. Screens need to be provided at all cleanouts.
24. **Lighting System**  
The lighting system is generally adequate for the staff and inmates at the facility. The facility needs to change two LED exit lights which are not operational at present. Presently lighting in the common hallway has to be switched off to permit adequate viewing of the camera monitors in the control room. The control room requires low-level lighting the manual controls to permit viewing of the camera monitors and the inmates across the control room.
25. **Electrical Power System**  
The electrical power system is a new upgraded three-phase service at 208 Y/120 volts.
26. **IT System**  
The IT system is adequate. A new standard computer, a new camera system and new camera monitors were recently provided.
27. **Security System**  
A new security camera system was installed in 2005. All exterior lighting is operated through a photocell to provide lighting all night long.
28. **Energy Usage and Conservation**  
Several energy conservation features are installed at this facility. These include: 1) All attics and hallways are insulated; 2) A reflective aluminum coating is provided on the roof; 3) The thermostat is set at 70°F; 4) T8 lamps are used for all lighting fixtures; 5) Cold and hot water pipes are all insulated and 6) The old inefficient boiler was replaced with a new efficient boiler system.
29. **Fire Egress – Exterior and/or Secured Areas**  
Fire evacuation plans are posted along the route of the fire escape. A new exterior secured area was provided in 2005 to evacuate all inmates during an emergency.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**  
The facility has both a fire alarm system and a sprinkler system. However, the facility needs a dry system in the control room to prevent all security systems from water damage, should the sprinkler system be activated during an emergency.

31. **Building Access for Staff and Inmates**  
There are two access doors for the inmates. The building staff enters and exits the building through the front door which is also used by the general public.
32. **Hazardous Materials**  
The building was abated for all asbestos and lead paint in the boiler room. There are no asbestos or lead paint at the facility at this time.
33. **Handicap Access for Staff and Inmates**  
The building meets the requirements for handicap access and is in compliance with the ADA standards. One male and one female cell at the facility provide access for handicapped inmates.
34. **Potentially Hazardous Elements**  
Grab bars and corners of bunk beds provide a way for the inmates to commit suicide. Two such unsuccessful attempts were made at the facility.

DRAFT

**Section 1**

**Background Information  
of the  
Warm Springs Reservation  
Served by the Warm Springs Detention Center**

**Warm Springs Reservation<sup>1</sup>**

Federal reservation  
Ichishkiin, Kiksht, Numu  
Jefferson, Wasco, Linn, Marion, and Clackamas counties, Oregon  
Warm Springs Reservation  
1233 Veteran Street  
P.O. Box C  
Warm Springs, OR 97761  
541-553-3468  
541-553-3435 Fax  
Website: ctws.com

Total area (BIA realty, 2004) 652,993.95 acres  
Federal trust (BIA realty, 2004) 16.02 acres  
Tribally owned (BIA realty, 2004) 610,323.73 acres  
Individually owned (BIA realty, 2004) 42,745.20 acres

Population (2000 census) 3,311  
Population (Tribal source, 2004) 4,000  
Tribal enrollment (Tribal source, 2004) 4,248

Total labor force (2000 census) 1,373  
High school graduate or higher (2000 census) 73.8%  
Bachelor's degree or higher (2000 census) 4.8%  
Unemployment rate (2000 census) 19.6%

Total labor force (BIA, 2003) 1,908  
High school graduate or higher (2000 census) 73.8%  
Bachelor's degree or higher (2000 census) 4.8%  
Unemployment rate (Tribal census, 2003) 37%  
Per capita income (2000 census) \$9,136

<sup>1</sup> Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.