

# LAW ENFORCEMENT IN INDIAN COUNTRY

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## HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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MAY 17, 2007  
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Printed for the use of the Committee on Indian Affairs



U.S. GOVERNMENT PRINTING OFFICE

35-498 PDF

WASHINGTON : 2007

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## **LAW ENFORCEMENT IN INDIAN COUNTRY**

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**THURSDAY, MAY 17, 2007**

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 9:30 a.m. in room 485, Senate Russell Office Building, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

### **STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. We will call the hearing to order this morning. This is a hearing of the Indian Affairs Committee. We will be discussing this morning the issue of law enforcement, law enforcement in Indian country, more specifically.

My experience from listening sessions around the Country and my experience with the North Dakota tribal leaders tells me that there is a substantial need for additional resources dealing with law enforcement in Indian Country. We have a chart that will show the jurisdictional issues with respect to law enforcement in Indian Country. It is a web of complexity and difficulty. My own experience, as I have indicated, is that in virtually every area of law enforcement, there are so few resources for such a great need. We are trying to work through that.

[The information referred to follows:]

### Jurisdictional Summary 1

*Where jurisdiction has not been conferred on the state*

Offender	Victim	Jurisdiction
Non-Indian	Non-Indian	State jurisdiction is exclusive of federal and tribal jurisdiction.
Non-Indian	Indian	Federal jurisdiction under 18 U.S.C. § 1152 is exclusive of state and tribal jurisdiction.
Indian	Non-Indian	If listed in 18 U.S.C. § 1153, there is federal jurisdiction, exclusive of the state, but probably not of the tribe. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is assimilated. If not listed in 18 U.S.C. § 1153, there is federal jurisdiction, exclusive of the state, but not of the tribe, under 18 U.S.C. § 1152. If the offense is not defined and punished by a statute applicable within the special maritime and territorial jurisdiction of the United States, state law is assimilated under 18 U.S.C. § 13.
Indian	Indian	If the offense is listed in 18 U.S.C. § 1153, there is federal jurisdiction, exclusive of the state, but probably not of the tribe. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is assimilated. See section 1153(b). If not listed in 18 U.S.C. § 1153, tribal jurisdiction is exclusive.
Non-Indian	Victimless	State jurisdiction is exclusive, although federal jurisdiction may attach if an impact on individual Indian or tribal interest is clear.
Indian	Victimless	There may be both federal and tribal jurisdiction. Under the Indian Gaming Regulatory Act, all state gaming laws, regulatory as well as criminal, are assimilated into federal law and exclusive jurisdiction is vested in the United States.

### Jurisdictional Summary 2

*Where jurisdiction has been conferred by Public Law 280, 18 U.S.C. § 1162*

Offender	Victim	Jurisdiction
Non-Indian	Non-Indian	State jurisdiction is exclusive of federal and tribal jurisdiction.
Non-Indian	Indian	"Mandatory" state has jurisdiction exclusive of federal and tribal jurisdiction. "Option" state and federal government have jurisdiction. There is no tribal jurisdiction.
Indian	Non-Indian	"Mandatory" state has jurisdiction exclusive of federal government but not necessarily of the tribe. "Option" state has concurrent jurisdiction with the federal courts.
Indian	Indian	"Mandatory" state has jurisdiction exclusive of federal government but not necessarily of the tribe. "Option" state has concurrent jurisdiction with tribal courts for all offenses, and concurrent jurisdiction with the federal courts for those listed in 18 U.S.C. § 1153.
Non-Indian	Victimless	State jurisdiction is exclusive, although federal jurisdiction may attach in an option state if impact on individual Indian or tribal interest is clear.
Indian	Victimless	There may be concurrent state, tribal, and in an option state, federal jurisdiction. There is no state regulatory jurisdiction.

### Jurisdictional Summary 3

*Where jurisdiction has been conferred by another statute*

Offender	Victim	Jurisdiction
Non-Indian	Non-Indian	State jurisdiction is exclusive of federal and tribal jurisdiction.
Non-Indian	Indian	Unless otherwise expressly provided, there is concurrent federal and state jurisdiction exclusive of tribal jurisdiction.
Indian	Non-Indian	Unless otherwise expressly provided, state has concurrent jurisdiction with federal and tribal courts.
Indian	Indian	State has concurrent jurisdiction with tribal courts for all offenses, and concurrent jurisdiction with the federal courts for those listed in 18 U.S.C. § 1153.
Non-Indian	Victimless	State jurisdiction is exclusive, although federal jurisdiction may attach if impact on individual Indian or tribal interest is clear.
Indian	Victimless	There may be concurrent state, federal and tribal jurisdiction. There is no state regulatory jurisdiction.

October 1997 – U.S. Attorneys' Manual, Title 9, Criminal Resource Manual 689

We have had hearings with respect to methamphetamine. We have had hearings with respect to—and you can take the chart down again, if you would—with respect to family abuse, child abuse and so on. We, as you know, have just received a report from

Amnesty International entitled *The Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence*. American Indian and Native Alaskan women are two and a half times more likely to be raped or sexually assaulted.

There is such a dramatic amount of evidence out there that exists with respect to the problem of violence, of substance abuse and other related issues, and the lack of law enforcement resources to deal with it.

I have toured detention facilities that were in desperate condition. I have seen young teenage boys lying on a cement floor of a detention facility, dead drunk and asleep in a facility where the persons should not have been incarcerated. We have all witnessed this in these tours that we have.

The question is, what do we do about that? What do we do about the fact that there is nearly a 50 percent gap of the number of law enforcement officials that would be needed with respect to the areas that need to be patrolled, that need to be provided with police protection, versus the resources that are available. The same is true with respect to those that are dealing with facilities of incarceration with respect to guards and others.

So we just have such a dramatic difficulty in providing adequate staffing, adequate training, adequate coverage to deal with all of these issues.

We are having a hearing today in which we will hear from the Bureau of Indian Affairs, Mr. Pat Ragsdale. He will be accompanied by Mr. Christopher Chaney. Mr. Chaney was in North Dakota recently at a listening session on methamphetamine. I appreciate very much your traveling there, Mr. Chaney.

Matthew Mead is the U.S. Attorney in Wyoming. Mr. Mead, we appreciate your traveling to Washington today to be with us. Regina Schofield is the Assistant Attorney General in the Office of Justice Programs at the U.S. Department of Justice, and the Honorable Scott Burns is Deputy Director for State and Local Affairs in the Office of National Drug Control Policy. Mr. Burns, thank you, and Ms. Schofield, thank you for being with us.

It turns out we have a vote in about an hour and 15 minutes. My hope is that we will be able to complete the hearing, or be close to completing the hearing, so we won't have to have a lengthy recess. But let me call on my colleague, Senator Thomas, who was instrumental in helping us get the right witnesses for this hearing.

Senator Thomas?

**STATEMENT OF HON. CRAIG THOMAS,  
U.S. SENATOR FROM WYOMING**

Senator THOMAS. Thank you, Mr. Chairman. You mentioned the vote before my comments, so I will try and keep it short.

[Laughter.]

Senator THOMAS. Thank you very much for being here. And thank you, Mr. Chairman, for having this meeting.

I think it is really quite important. Let me just share a Bureau of Justice Statistics estimate on violent crime rates in Indian Country, 101 per thousand. The national average is 41 per thousand. Indian Country has 2,555 enforcement officers, but needs 4,400, an unmet staff gap certainly exists.

BIA law enforcement provides 25 percent of the total law enforcement in Indian Country. The tribes provide 75 percent.

So in any event, I want to welcome U.S. Attorney Matt Mead here from Wyoming. I appreciate that. He has taken a great deal of time and has taken time from his conference here to be with us. The Wind River Indian Reservation in Wyoming is one of the largest in the Country. We have only seven officers to patrol during the week, similar to many other reservations of that kind.

So consequently, the average coalition of the law enforcement agencies and prosecutors is increasingly important. Mr. Mead has worked in that. In fact, he has been a key part of breaking up criminal organizations on the reservation, so we are delighted he is here.

So Mr. Chairman, thank you for holding this hearing, and I am anxious to hear from the witnesses.

The CHAIRMAN. Senator Thomas, thank you very much.

What we will ask is that, as we traditionally do, ask witnesses to summarize their statements in about 5 minutes. Your entire statement will be a part of the permanent record. And then we would like, of course, to expand on your statements through questions and answers.

Mr. Ragsdale, thank you for being with us. Mr. Ragsdale is the Director of the Bureau of Indian Affairs in the U.S. Department of the Interior. As I indicated, he is accompanied by Chris Chaney. Christopher Chaney is the Deputy Bureau Director of the Bureau of Indian Affairs Office of Justice Services.

Mr. Ragsdale, you may proceed.

**STATEMENT OF W. PATRICK RAGSDALE, DIRECTOR, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CHRISTOPHER P. CHANEY, DEPUTY BUREAU DIRECTOR, BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES, DEPARTMENT OF THE INTERIOR**

Mr. RAGSDALE. Thank you, Mr. Chairman, Mr. Vice Chairman. Thank you for the opportunity to have this discussion about law enforcement in Indian Country.

I was the director of Cherokee Nation's law enforcement services for about 7 years. Mr. Chaney is a former tribal prosecutor, Assistant United States Attorney, staff officer at the Department of Justice, our former Associate Solicitor for Indian Affairs for the Department of the Interior, and for the past 2 years, he has been our Director of Law Enforcement.

During the past 2 years, we have endeavored to provide leadership to the law enforcement, detention and tribal courts functions that the Bureau supports in the administration of criminal justice in Indian Country. Policing in Indian Country is as old as our tribal societies, we say since time immemorial.

Traditionally, Indian tribes have designated individuals to protect their societies and ensure order. By the 1820s, certain tribes organized light horsemen to suppress liquor trafficking and enforce tribal law. By the 1870s, Congress had appropriated funds for policing, and by 1883—and this is a significant bit of historical footnote—Congress had authorized over 1,000 police positions for 48



agencies of the 68 agencies scattered on reservations throughout the United States.

Currently, the BIA supports 191 law enforcement programs with 42 BIA-operated programs and 149 tribal-operated programs. As Senator Thomas said, about 78 percent of the total law enforcement service is tribal in nature. The BIA provides a wide range of services, which includes criminal investigations, police patrolling, detention facilities, tribal courts, and police officer training at the Indian Police Academy in Artesia, New Mexico, the Federal Law Enforcement Training Center in Glencoe, Georgia, and the National FBI Academy at Quantico, Virginia.

In 2007, the total Justice Service budget for BIA for law enforcement, detention and training and tribal courts is \$217.6 million. In 2008, the President's total request is \$233.8 million, an approximately \$16 million increase. To his great credit, Secretary Kempthorne has responded to these concerns. He has heard from tribal leaders throughout the Country and has elected to personally get engaged in this particular law enforcement initiative.

He has also worked to provide publicity and public service campaigns to make Indian Country more aware of the problems of drugs in Indian Country. Mr. Burns, I noted in his testimony, will address this a little bit later.

The BIA coordinates and works with other Federal agencies, including the Departments of Justice, Health and Human Services, Homeland Security, and their respective bureaus and offices such as the FBI, ATF, United States Attorneys, Indian Health Service, Substance Abuse and Mental Health Services Administration, and so on.

Day to day coordination and cooperative relationships are sought with tribal and State law enforcement officers nationwide. I also emphasize the importance of our working relationships with United States Attorneys throughout the United States.

Life in Indian Country has become more violent for a variety of reasons. In the past year, we conducted an analysis that included the service populations of each tribe that had a law enforcement program to determine appropriate high crime and high priority fund distributions. The analysis helped us to pinpoint the law enforcement programs with the greatest needs. Mr. Chaney may elaborate on the survey. However, the results confirm the most dire public safety situations with the most unacceptable crime rates.

Of course, other social conditions contribute to these problems affecting public safety. Mr. Chaney's office has also worked with others to ascertain the resources needed. This analysis relied on qualitative and quantitative factors to help focus management's attention on the gap between what is and what should be in law enforcement and detention staffing for BIA.

In short, we found that we have about one third to one half as many law enforcement personnel as compared to rural law enforcement in America. Secretary Kempthorne's Safe Indian Communities Initiative starts to address the need by providing for the hiring of 51 new law enforcement officers and 91 new corrections officers for Indian Country. This is a positive step in the effort to get needed public safety resources to our tribal communities, and we

appreciate the additional resources provided by DOJ, HHS, and DHS, as well as the Office of National Drug Control Policy.

There is, in my opinion, greater collaboration and cooperation between and among various tribal, State and Federal agencies than I have ever seen. Last Friday night, I attended a law enforcement awards banquet back in my home country, the Cherokee Nation, where the United States Attorney awarded awards to three Cherokee Nation marshals who had been involved in the drug conspiracy investigation which ultimately resulted in the highest sentence ever awarded in the Eastern Oklahoma District.

That has been replicated during the Wind River situation that we will talk about a little bit later. I noted that within the last few weeks, that we served 42 warrants in North Dakota and South Dakota in a drug conspiracy case. So we are having a lot of those cases evolve throughout the Country in the most recent years.

On many reservations, there is no 24-hour police coverage. Police officers often patrol alone and respond alone to both misdemeanor and felony calls. Our police officers are placed in great danger because backup is sometimes miles and hours away, if available at all.

Today, there are 191 tribal and BIA law enforcement programs supported through congressional appropriations through the BIA. Under Public Law 280 and similar legislation that is specific to certain States, the remaining tribes rely on State and local law enforcement for enforcement of applicable criminal law. Jurisdiction in Indian Country is complex. The various statutes and provisions of case law make jurisdictional determinations difficult. The BIA encourages cooperative law enforcement and cross-commissioning so that Federal, tribal and State authorities can make arrests for each jurisdiction.

Tribes also face a mounting drug problem. Tribal leaders describe a methamphetamine crisis that has the potential to destroy an entire generation if action is not taken. Some tribal leaders refer to the prevalence and use and access to the drug as the second smallpox epidemic and rank it as the number one public safety problem on their reservations.

Organized crime, gangs, and drug cartels have taken advantage of the limited law enforcement presence on tribal lands to produce and distribute the drug, contributing to a violent crime rate in some communities that is 10 to 20 times the national average.

This Committee held a hearing on methamphetamine in Indian Country last April. One of the witnesses stated that an estimated 25 percent of the babies born on her reservation are addicted to methamphetamine.

Gang activity is also prevalent in too many of our communities, and domestic violence, child abuse and sexual crimes appear to be on the rise. We are committed to helping Indian Country remove this scourge from its midst.

There are 82 detention facilities in Indian Country, some holding one to two cell facilities located on 57 reservations. The BIA and the tribes operate these facilities. Most of these facilities were built in the 1960s and 1970s. Many of these facilities were designed to hold only 10 to 30 adult inmates. We have also contracted for an

independent study of detention requirements to determine specific things that we need to do to address this problem.

Back to the Safe Indian Communities Initiative, which I talked about a little bit earlier, it includes \$5 million to fund and staff tribal detention facilities in 2008. This will aid BIA in continuing to implement the recommendations of the 2004 report by the Department's Inspector General. These funds will provide for the hiring of 91 additional correction officers in Indian Country.

Last, let me talk just a little bit about the training that is essential to police operations. BIA operates an Indian Police Academy, which provides a basic 16-week course of police training and a variety of other police, jail, and radio dispatch courses for tribal and BIA law enforcement. The Academy is located with the Department of Homeland Security's Federal Law Enforcement Training Center at Artesia, New Mexico.

BIA and tribal criminal investigators also receive specialized training at the main FLETC Academy in Glencoe, Georgia. Select BIA and tribal law enforcement managers also participate in the FBI's National Academy in Quantico, Virginia.

In closing, I believe everyone who is seriously trying to address these public safety issues in Indian Country will agree that policing alone will not solve this problem. Communities and all the providers from all fields of endeavor must unite to assure the protection and health of their citizens.

Mr. Chairman, we want to thank you for holding this hearing on such an important subject for Indian Country. We will continue to work closely with you and your staff, tribal leaders, and our Federal partners to improve the safety of our people who reside on Indian lands.

We will be happy to answer your questions. Thank you.  
[The prepared statement of Mr. Ragsdale follows:]

PREPARED STATEMENT OF W. PATRICK RAGSDALE, DIRECTOR, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CHRISTOPHER P. CHANEY, DEPUTY BUREAU DIRECTOR, BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES, DEPARTMENT OF THE INTERIOR

Mr. Chairman, Mr. Vice Chairman, and Members of the Committee, I am pleased to provide a statement on behalf of the Department of the Interior regarding law enforcement in Indian Country. With me today is Christopher Chaney, Deputy Director, Office of Justice Services (OJS) for the Bureau of Indian Affairs (BIA). We thank you for inviting us to provide testimony on an issue that significantly impacts the welfare of our American Indian and Alaska Native communities.

The BIA has a service population of about 1.6 million American Indians and Alaska Natives who belong to 561 federally recognized tribes. The BIA supports 191 law enforcement programs with 42 BIA-operated programs and 149 tribally-operated programs. Approximately 78 percent of the total BIA OJS programs are outsourced to Tribes.

OJS provides a wide range of law enforcement services to Indian country, including police services, criminal investigation, detention facilities, tribal courts, and officer training by the Indian Police Academy.

Indian Country law enforcement provides services to a population that is predominantly under the age of 25, experiences high unemployment rates, and lacks municipal infrastructure. Indian lands range from remote wilderness to urban settings. The close proximity of a number of reservations to the international borders of Mexico and Canada make these locations the perfect targets for drug trafficking and other smuggling operations. Recent reports and news articles outline the extreme shortcomings of the criminal justice systems in Indian Country. Crime rates on most reservations are unacceptably high.

Earlier this year, Secretary Kempthorne echoed the concern he heard from tribal leaders about the serious increase in violent crimes on their homelands, when he announced his Safe Indian Communities Initiative, which will increase law enforcement services where they are most needed in Indian country. The Initiative is part of the President's FY 2008 budget request. It includes a \$16 million increase in funding to strengthen law enforcement capabilities on tribal lands by providing \$5 million to hire additional law enforcement officers; \$5 million to increase staff at Indian detention facilities; and \$6 million to provide specialized drug enforcement training for officers and public awareness campaigns about the dangers of methamphetamine use. The Initiative will bring the total funding for BIA law enforcement to \$233.8 million.

The BIA coordinates with Department of Justice (DOJ) in many areas: coordination regarding funding for Law Enforcement police staffing, consultation regarding construction of detention facilities, and day-to-day coordination with the FBI and United States Attorneys offices. The BIA is working in collaboration with DOJ on implementing the Amber Alert program in Indian Country and on developing effective means of sharing criminal justice information. In addition, the BIA is working with private industry to explore ways to bring new technology to Indian Country law enforcement.

For many of the 1.6 million Indian citizens who live on or near Indian reservations, life has become much more violent. In the past year we conducted an analysis that included the service populations of each tribe that had a law enforcement program (including BIA direct service programs and tribal programs that were at least partially funded by the BIA through either a Public Law 93-638 contract or a "self-governance" compact) to determine appropriate High Crime and High Priority fund distributions. The distribution is based upon the comparison of individual tribal violent crime rates with the national crime rate. In addition we looked at the number of officers that serve each reservation as compared to the national average and compared that figure for each tribe. This analysis helped us to pinpoint the law enforcement programs with the greatest need.

Further, we contracted to have a Gap Analysis conducted, which was completed in 2006. The Gap Analysis measured current organizational functions and practices against a standard or benchmark, such as industry best practices, and examined organizational strategic goals. This analysis relied on quantitative and qualitative factors to help focus management's attention on the "gap" between "what is" and "what should be". This, in turn, required management to ask "How do we get there?"

Part of what the Gap Analysis found was the need to hire additional law enforcement officers in Indian Country. The Safe Indian Communities Initiative would provide for the hiring of 51 new law enforcement officers and 91 new corrections officers for Indian country. This is a positive step in our efforts to get needed public safety resources to our tribal communities.

As of the 2nd quarter of FY 2007, 48 percent of BIA funded law enforcement agencies were staffed to the national average of 2.6 officers per 100,000 inhabitants in non-metropolitan communities. Of the agencies that are at the national average of staffing, 5 percent are BIA operated law enforcement agencies and 43 percent are tribally operated agencies under Public Law 93-638 contracts or Self-Governance compacts. On many reservations there is no 24-hour police coverage. Police officers often patrol alone and respond alone to both misdemeanor and felony calls. Our police officers are placed in great danger because back up is sometimes miles and hours away, if available at all.

Today, there are 191 tribal/BIA law enforcement programs supported through Congressional appropriations to the BIA. One hundred eight tribes have Public Law 93-638 contracts (57 percent), 41 have self-governance compacts (21 percent), and 42 tribes have BIA police (22 percent). Additionally, many tribes supplement BIA funding with funding from the tribal treasury, grants from DOJ or other sources. Under Public Law 83-280 and similar legislation, the remaining tribes rely on state and local law enforcement for major crimes. In addition, there are three legal avenues for prosecuting felonies involving Indians on Indian lands: the Federal criminal justice system; Public Law 83-280; and other authorized state and local criminal justice systems.

Various statutes and provisions of case law make jurisdictional determinations extremely difficult. The BIA encourages cross-commissioning so that federal, tribal, and state authorities can make arrests for each jurisdiction. For instance, BIA offers qualified tribal and state officers Federal Special Law Enforcement Commissions so they can enforce Federal law. This closes loopholes and allows police to focus on investigating the crime instead of sorting out jurisdictional details, which can be done later with the assistance of legal counsel.

Another part of the problem is the state of equipment such as vehicles, weapons, and radio communications equipment. Higher quality and better maintained equipment would help police officers in their response to crime in Indian country.

Since FY 2001, we have requested and Congress has appropriated funds to implement the conversion from existing telecommunications equipment to the narrowband radio system to address the National Telecommunications and Information spectrum efficiency mandate. The mandate required that all Federal agencies convert to narrowband land mobile radio operations. Outdated radios and insufficient radio coverage place officers at risk and have led to a loss of lives in Indian country due to the inability of officers to radio for assistance. Reliable land mobile radio communication systems are vital in supporting program functions and improving public safety within Indian country. Land mobile radio is one of the most critical infrastructure components for tribal community safety and is the basis for wireless communication affecting public safety, education, public works, wildfire, and tribal communities.

Tribes also face a mounting drug problem. Tribal leaders describe a methamphetamine crisis that has the potential to destroy an entire generation if action isn't taken. Some tribal leaders refer to the prevalence of the use and access to the drug as the second smallpox epidemic and rank it as the number one public safety problem on their reservations. On many reservations organized crime and drug cartels are producing and distributing the drug and are contributing to increased criminal activity in those communities.

This Committee held a hearing on methamphetamine (meth) in Indian Country last April, in which one tribal chairwoman stated that an estimated 25 percent of the babies born on her reservation are addicted to methamphetamine. We are committed to helping Indian Country remove this scourge from its midst.

In April 2006, the OJS published the results of the *National Methamphetamine Initiative Survey*. The survey consisted of 20 questions and was responded to by 96 agencies. Seventy-four percent of all respondents indicated that methamphetamine poses the greatest drug threat to the communities they serve. This is followed by marijuana at 11 percent; Crack cocaine and powder cocaine followed at 6 percent. Five percent of responding agencies indicated powder cocaine as their primary drug problem. Heroin and pharmaceutical drugs rounded out the responses with 3 percent and 1 percent respectively.

In response to the meth crisis, the BIA currently has eight certified drug enforcement officers to cover all of Indian country. The Safe Indian Communities Initiative will help combat the highly visible drug problem by enabling the development and provision of specialized drug enforcement training for BIA and tribal officers. As a result of the Initiative, more officers on patrol will have the essential knowledge and tools to break up drug trafficking, disrupt the activities and organization of crime groups, and seize controlled substances. This will lead to positive outcomes such as increased drug seizures and a substantial reduction in drug trafficking. Additionally, Initiative funding will allow the program to develop a meth public awareness campaign to educate Indian country on the dangers of the drug and how to combat those dangers. By certifying officers and educating the public about the dangers of meth, the BIA is taking proactive measures against meth and other drugs in Indian country to provide for safe and healthy Indian communities.

As for detention centers, there are 82 detention facilities in Indian Country, some holding (one to two cells) facilities located on 57 reservations. Of the 82 detention facilities, 27 are used to detain juveniles. Twenty jails are operated by the BIA and 62 by individual tribes. Most of these facilities were built in the 1960s and 1970s. Many of these facilities were designed to hold only 10–30 adult inmates.

In September 2004, the Department's Office of the Inspector General (OIG) published a report, titled "Neither Safe Nor Secure: an Assessment of Indian Detention Facilities," that highlighted the problems with Indian Country Detention facilities. The OIG found that serious safety, security, and maintenance deficiencies exist at the majority of BIA and tribal detention centers, and pose a hazard to inmates, staff, and the public. Out of this report came 25 recommendations. As a result, a corrective action plan was developed to satisfy those recommendations and, to date, we have addressed 16 of the 25 recommendations; the remaining 9 require additional resources to be fully resolved.

One of the primary recommendations the OIG made was with regard to staffing shortages. Determining appropriate staffing levels for the detention facilities requires careful analysis of facility needs. To correct this safety deficiency, Corrections Division staff has calculated the "Standard Space Staffing Requirement" for each facility throughout Indian country. This study was careful to differentiate the size and layout of the facility according to a standard consistent with the standards of the National Institute of Corrections and Bureau of Prisons.

As I mentioned above, the Safe Indian Communities Initiative includes \$5 million in additional funding to staff, operate, and maintain BIA and tribal detention facilities for FY 2008. This will aid BIA in continuing to implement the recommendations of the 2004 report by the Department's OIG. These funds will provide for the hiring of 91 additional corrections officers in Indian country.

The detention center funding will be distributed to detention centers based on the results of the application of the staffing model. The additional funding will enable BIA to increase the percent of detention centers staffed to minimal safety standards, thereby helping to reduce the types of serious incidents identified in the IG report. The 2008 budget continues to aggressively confront construction and repair issues at detention centers by requesting \$8.1 million for four major Facilities Improvement and Repair projects and several smaller projects designed to help bring Indian detention centers up to national standards.

Some tribal leaders have approached us about regional and multi-tribal use facilities. We recognize that "regionalization" will likely not work everywhere due to the size and remoteness of many reservations. However, we support the idea and are working with some tribes in regions where these facilities will benefit a number of communities located on or near Indian lands.

BIA also operates the Indian Police Academy, which provides basic police training (16 weeks) and a variety of other police, jail and radio dispatch courses for tribal and BIA law enforcement and corrections officers. The Academy is co-located with the Department of Homeland Security's Federal Law Enforcement Training Center (FLETC) at Artesia, New Mexico. Academy staff provide basic police, criminal investigation, and detention coursework. In addition, the Academy offers numerous advanced training courses such as child abuse investigation procedures, community policing, drug investigation, use of force, firearms instruction, archeological resource protection, police management and supervision, crime scene processing, detention, and dispatcher training.

Our training partnership has proven to be very cost effective because we share trainers and facilities. BIA and tribal criminal investigators receive specialized advanced training at the main FLETC facility in Glynco, Georgia. Select BIA and tribal law enforcement managers also participate in the FBI's National Academy in Quantico, Virginia. Many tribal communities choose to use respective state Peace Officers Standards and Training courses to supplement training of their police.

Mr. Chairman, we want to thank you for holding this hearing on such an important subject for Indian Country. We will continue to work closely with you and your staff, tribal leaders, and our Federal partners to improve the safety of our people who reside on Indian lands.

We will be happy to answer any questions you may have.

The CHAIRMAN. Mr. Ragsdale, thank you very much.

Next, we will hear from Ms. Schofield, who is the Assistant Attorney General in the Office of Justice Programs. Ms. Schofield, you may proceed.

**STATEMENT OF REGINA B. SCHOFIELD, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE**

Ms. SCHOFIELD. Mr. Chairman, Vice Chairman Thomas, I am Regina Schofield. Thank you for inviting me to testify today. I am very happy to represent the Department of Justice and Attorney General Gonzales to talk about OJP's efforts in law enforcement in Indian Country.

In my testimony at the Committee's February 15 hearing, I described the department's Fiscal Year 2008 budget priorities. That information is also in my written statement which I am submitting for the record.

Today, I would like to discuss OJP's efforts to improve outreach to tribal law enforcement. As you are aware, one of my primary goals at OJP is strengthening communications with tribes. Too often, tribal law enforcement can find it difficult to locate information about grants, training and other types of assistance. We want

to find out how we can better serve tribal law enforcement, how we can get that information to them more quickly, how we can provide them with better training, and how we can make sure our funding resources respond to their actual needs.

In February, I highlighted the Department of Justice's new website which was created specifically for Indian Country. That website features information on grants, training, technical assistance, publications, and conferences that can help tribal law enforcement. This new website is one of the many areas in which DOJ is reaching out to tribal law enforcement.

In 2005, I established the Office of Justice Program's Council on Native American Affairs. This council coordinates OJP's efforts on behalf of tribes and serves as a liaison with other Department of Justice components on tribal issues. I am very happy to say that many of components within the Department of Justice have joined that council and are very active and energized.

In addition, as the National AMBER Alert Coordinator, I am exploring ways to raise awareness about this program for residents in Indian country.

We have placed an especially high priority on informing tribes this year about the Adam Walsh Child Protection and Safety Act. OJP has sent a series of targeted mailings to tribes regarding the Act. Our staff has traveled to many conferences and meetings to discuss the Adam Walsh Act with tribal representatives. We will continue to keep tribes and national tribal organizations informed of these new requirements and available resources as they become available.

The Adam Walsh Act was one of just many topics that we covered at our four national Tribal Justice Training Safety sessions. These sessions have featured consultations and have brought together tribal leaders with government leaders to discuss local concerns and address Federal policies that impact tribes. We have completed two of these sessions, and I think the feedback has been very encouraging. Our next session is actually June 4 in Shelton, Washington.

This training and technical assistance session also addresses another key challenge that we have that Indian tribes face. That is building their capacity to strengthen their law enforcement and criminal justice systems. We have invited other Federal agencies to participate in these sessions. It has created a very unique opportunity to address issues in collaboration, and I must say that the feedback that we have been receiving from the tribes has been very encouraging.

Today, it is the Department of Justice, the Department of Interior's Bureau of Indian Affairs, the Department of Health and Human Services' SAMHSA has stepped up to the table. We have all been working together to develop collective solutions for tribes in addressing issues such as meth abuse. We will continue to invite other Federal agencies to join us in these efforts. We have an open door.

Mr. Ragsdale just mentioned meth abuse. I know the Committee is aware that this is a growing problem in tribal communities. Last year, OJP developed a new meth investigation training specifically tailored to tribal law enforcement. We expect that several hundred

tribal law enforcement officers will receive training through this initiative.

This year, we are also supporting the Search Tribal Violence Prevention Technology Assistance Program. Through this program, Search will help tribes improve their criminal history records and strengthen information sharing. To that end, we will also be sponsoring the 2007 Tribal Crime Data and Information Sharing Conference this August in Phoenix, Arizona.

I mentioned this before to the Committee, and I hope you know that my door is open to tribal leaders. I will continue meeting together with them. I will continue working to address their priorities. I will continue traveling in Indian Country to learn about their public safety needs first-hand.

I would like to wrap up by saying that the Attorney General has pledged to work with sovereign Indian nations on a government-to-government basis. The Attorney General and the entire Department of Justice will honor our commitments and we will continue to assist tribal law enforcement in their efforts to promote safer communities.

I welcome the opportunity to answer any questions you may have. Thank you.

[The prepared statement of Ms. Schofield follows:]

PREPARED STATEMENT OF REGINA B. SCHOFIELD ASSISTANT ATTORNEY GENERAL,  
OFFICE OF JUSTICE PROGRAMS

Chairman Dorgan, Vice-Chairman Thomas, and Members of the Committee: The Department of Justice appreciates the opportunity to testify before the Committee regarding the Department's support for law enforcement in Indian country. As the Committee is aware, and as we at the Justice Department know as well, the needs of Indian tribal governments in combating crime and violence continue to be great. The President and the Attorney General remain committed to addressing the most serious law enforcement problems in Indian country, including substance abuse, domestic violence, and other violent crimes, and to ensuring that federally recognized Indian tribes are full partners in this effort.

My name is Regina B. Schofield, and I am the Assistant Attorney General for the Office of Justice Programs (OJP). One of my highest priorities is strengthening the relationship between tribes and the Federal Government. It's an opportunity that I am privileged to have, because OJP plays a critical role in combating crime in Indian country.

OJP, the Department of Justice's Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) continue to be the Department's primary resources for funding and other assistance in Indian country. Through these offices, the Department identifies emerging criminal and juvenile justice system issues, develops new ideas and tests promising approaches, evaluates program results, collects statistics, and disseminates these findings and other information to Federal, state, and local units of government, tribal communities, and criminal justice professionals. DOJ works to prevent and control crime and help crime victims by providing funding to and assisting federally recognized Indian tribes, state and local governments, law enforcement, prosecutors, courts, corrections, and other service providers. OJP, OVW, and COPS continue their specific support to federally recognized Indian Tribes and Alaskan Native Villages and Corporations by providing grants to support innovative approaches to breaking the cycle of drugs, delinquency, crime and violence, and through technical assistance and training to provide tribal leaders with the knowledge and skills required to address these issues.

One of my primary goals at OJP is strengthening communication with tribes. Too often tribal government officials, law enforcement and others who work on criminal justice issues find it difficult to locate information about grants, training, and other types of assistance that may be available to them.

Last November the Department of Justice launched a new Website created specifically for Indian country—[www.tribaljusticeandsafety.gov](http://www.tribaljusticeandsafety.gov). The Website serves as a



comprehensive resource, featuring information on law enforcement, corrections, crime victim issues, juvenile justice, and civil rights. It also provides information on grants, training, technical assistance and conferences that can be of help to tribal communities, Federal agencies and the general public.

The new Website is one of many areas in which DOJ is reaching out to tribal governments. In 2005, I established a Justice Programs Council on Native American Affairs. The council coordinates OJP's efforts on behalf of tribes and serves as a liaison with other Department of Justice components on tribal issues. We want to find out how we can better serve tribal communities, how we can get information to them more quickly, how we can provide them with better training, and how we can make sure our funding resources respond to their needs. Last month I expanded the Council membership to include all senior level OJP leadership and representatives from other Department of Justice offices and agencies. During our most recent meeting held January 29, 2007, we established several workgroups to respond to OJP's Strategic Plan for 2007–2012 and tribal leaders' priorities:

- 1) Tribal Justice & Safety Web Team/Tribal Education & Outreach Workgroup
- 2) IT Capacity Building/Information Sharing Workgroup
- 3) Tribal Grants Policy Workgroup
- 4) Tribal Youth Initiatives Workgroup
- 5) Tribal Economic/Codes Development Workgroup
- 6) OJP Federal Workforce Education Program on American Indian and Alaska Natives Workgroup

These workgroups are increasing our responsiveness to tribal concerns by improving management and efficiency.

I have met with numerous tribal delegations to hear tribal leader concerns and issues, expand existing relationships to OJP, and create new partnerships with tribal leaders on tribal justice and safety issues for Native communities. In October 2006, I convened a tribal leader roundtable meeting in conjunction with the National Congress of American Indians, and again in February 2007 to listen to their concerns. I will continue to meet with tribal leaders and visit tribal communities. It is essential that they know that my door is always open.

One of the many challenges that federally recognized Indian Tribes and Alaskan Native Villages and Corporations face is building their capacity to strengthen their law enforcement and criminal justice systems. As the Committee is aware, methamphetamine abuse is a growing problem in tribal communities. With the proximity of some tribal lands to international borders, tribal communities have been targeted by meth traffickers. OJP has been providing methamphetamine investigation training for law enforcement, including tribal law enforcement, for many years. The training has been delivered by the Center for Task Force Training (CenTF), an OJP grantee that is supported by the National Narcotics Officers' Association.

This year I established four Tribal Justice and Safety Training and Technical Assistance sessions around the country and I invited all other Federal departments and agencies to join me. I am pleased that the Department of Health and Human Services—Substance Abuse and Mental Health Services Administration has partnered with us in this effort for all of our sessions, and beginning with our second session in March 2007, we were joined by the Department of the Interior, Bureau of Indian Affairs. These sessions have been highly successful and continue to grow. It has been a wonderful collaboration among three Federal departments thus far. I am pleased that the Small Business Administration will participate at our June 2007 session in Washington State, and the U.S. Department of Housing & Urban Development has expressed a desire to participate in future events.

Additionally, we are pleased to support the White House Office of National Drug Control Policy, which will host a national Tribal methamphetamine summit in August as part of our fourth session. At the request of Tribal leaders, we were asked to broaden our training and technical assistance sessions to include consultation. We have responded to this request by establishing tribal consultation forums as a part of the three remaining sessions, and concluded our first one on March 27, 2007. The next session is scheduled for June 4 and the final session for this fiscal year is scheduled for July 31.

Our Bureau of Justice Statistics will also host a 2-day conference in August 2 and 3, 2007, in conjunction with our fourth session that will focus on Crime Data Collection and Information Sharing for tribal law enforcement, justice and tribal leaders.

Last year OJP developed a new methamphetamine investigation training specifically tailored to tribal law enforcement. This new course will provide tribal law enforcement what they need to know to conduct successful and safe methamphetamine investigations. We expect that, by the end of March 2008, several hundred tribal law enforcement officers will receive training through this initiative.

Also last year, OJP launched a National Drug Endangered Children Resource Center, which will provide critical information to the Federal Government, tribal governments, states, and local communities on how to best help children hurt by drugs, including methamphetamine. This effort will help drug enforcement officers and child welfare workers aid children found in environments where drugs are manufactured, sold, or used. The Resource Center will also raise awareness of these children's needs and provide a forum for leading experts and researchers to propose solutions. We hope that the Resource Center will also be a useful tool for tribal communities, especially in areas with methamphetamine problems.

Another way to build capacity is to improve tribes' ability to share information. Our Bureau of Justice Statistics (BJS) found that less than 10 percent of tribal criminal justice agencies are electronically linked within their jurisdictions. This makes it very difficult for tribal law enforcement to be an effective part of a national intelligence network. Through the Global Justice Information Sharing Initiative, tribal, Federal, state, local, and international organizations have worked together to overcome the barriers to justice information sharing. Tribal representatives have been an important part of these efforts.

Last spring in Albuquerque, we held a training conference for tribal officials to address information sharing in Indian country. The conference discussed promising tribal information sharing initiatives. We talked about national standards on justice information sharing. We worked toward strengthening tribal capacity to collect, manage, and analyze crime data.

I am constantly striving to improve our training and technical assistance efforts. OJP recently established a Strategic Planning and Action Committee (StratPAC) to identify ways to improve the efficiency and effectiveness of these efforts. One of the first issues that StratPAC will address is enhancing tribal training and technical assistance efforts.

Child abuse and child sexual assault, though not unique to Indian country, is a particularly serious problem in many tribal communities. Our Office for Victims of Crime (OVC) helps tribes build their capacity to handle serious child abuse and child sexual assault cases through the Children's Justice Act (CJA) Partnerships for Indian Communities Discretionary Grant Program. The program has helped tribes make numerous systemic improvements in the handling of child abuse cases. The CJA grant program has made a difference by helping tribes improve the investigation and prosecution of child abuse cases; reduce the burden and trauma to child abuse victims; revise tribal codes and procedures to better address child sexual abuse; adopt culturally sensitive services and practices into the handling of child abuse cases; and hire specialized staff to handle these cases. Since 1989, OVC has awarded more than \$14,566,421 to approximately 231 tribes and nonprofit tribal agencies through this program. We are requesting \$3 million for this program in Fiscal Year 2008, which maintains the current funding level.

OVC also supports efforts to help crime victims in Indian country through its Tribal Victim Assistance (TVA) Discretionary Grant Program. TVA funds programs that help tribal victims of many different types of crimes, including child abuse, DUI, and gang violence. These programs provide assistance such as counseling, referrals, emergency services, court accompaniment, and help in obtaining victim compensation. TVA is supported through the Crime Victims Fund, which obtains money from Federal criminal fines, forfeited bail bonds, penalty fees, and special assessments.

Another DOJ effort in helping reduce and prevent crimes against children is the Dru Sjodin National Sex Offender Public Web Site, which was instituted by Attorney General Gonzales in May 2005. The site provides real-time access to public sex offender data nationwide with a single Internet search. It allows parents and concerned citizens to search existing public state and territory sex offender registries beyond their own localities. Currently all 50 states, the District of Columbia, and two territories are linked to the site. We are continuing to explore ways to help tribal governments that want to participate become part of the effort.

As the Committee is aware, the Adam Walsh Child Protection and Safety Act of 2006, established new sex offender registration requirements. Earlier laws did not include sex offenders convicted in tribal courts or those entering tribal lands following a conviction elsewhere. Some sex offenders considered tribal reservations to be safe havens. Through the tools provided by the Adam Walsh Act, we are working with tribes to change this. Under the Act, tribes can either take on the responsibility for sex offender registration themselves or delegate this responsibility to the state. This process will not be easy, but we will provide tribes with the guidance and training to make it work.

I also want to make you aware of another initiative I am privileged to lead. As the National AMBER Alert Coordinator, I am exploring ways to raise awareness

about the AMBER Alert program for residents in Indian country. (The AMBER Alert program is the Nation's first early warning system for missing and abducted children who are presumed to be in imminent danger.)

Key Federal, state, and private sector individuals have begun implementing ways to bring AMBER Alert training to Native American law enforcement personnel and their respective tribal communities. In addition, the Bureau of Indian Affairs, Office of Justice Services at the Department of the Interior is now represented on the AMBER Alert Working Group. We held the most recent AMBER Alert National Conference in Albuquerque, New Mexico last July. Albuquerque was selected in order to facilitate a related meeting that brought together various tribal representatives to discuss issues relating to AMBER Alert and missing children within tribal government jurisdiction.

We also recognize the need for improved research on crime in Indian Country, including what sort of programs are most effective in combating violence and substance abuse. Our National Institute of Justice (NIJ) is developing a National Tribal Crime & Justice Research and Evaluation Agenda. NIJ has several tribal research projects underway, including an evaluation of the Tribal Victim Assistance Program and a review of larger issues of criminal justice administration in Indian Country.

The President's proposed Fiscal Year 2008 Budget creates new competitive grant programs that will provide states, localities, and Indian tribes with considerable flexibility to address their most critical needs. Many of our current state and local law enforcement will be consolidated into the Byrne Public Safety and Protection Program. States, local governments and tribal governments would be able to use Byrne funds for purposes such as comprehensive gun and gang violence programs; drug enforcement and treatment; improved law enforcement information sharing; enhanced use of DNA evidence; combating domestic trafficking in persons; expanding prisoner re-entry initiatives; and improving services for crime victims. We are requesting \$350 million for this program in Fiscal Year 2008.

Another new initiative would be the Violent Crime Reduction Partnership Program. This will help communities suffering from high rates of violent crime form law task forces including local state, tribal and Federal agencies. We are requesting \$200 million for this program in Fiscal Year 2008.

We also propose consolidating many of our juvenile justice and child victimization programs into a new Child Safety and Juvenile Justice Program. This will assist states, local governments and tribal governments in reducing child exploitation and abuse; strengthening juvenile justice systems; and bolstering school safety efforts. We are requesting \$280 million for this program in Fiscal Year 2008.

I pledge to this Committee that OJP will work diligently to ensure that tribes have the information and develop the capacity they need to apply for funding under these new programs.

The Department also recognizes the importance of addressing domestic violence in Indian country where victims often lack the basic resources necessary to access services, such as phones and transportation. There are also complex jurisdictional difficulties, which vary from state to state. For example, just determining who the responding law enforcement agency should be in a violent situation can often be problematic and hinder appropriate response.

In Fiscal Year 2006, the Department's Office on Violence Against Women (OVW) provided funding to 85 tribal grantees for a total of \$28.3 million. The President's Fiscal Year 2008 Budget requests a grand total of \$370 million for OVW grant programs. In the past, tribal governments and tribal organizations had to submit separate applications to obtain money from each OVW program. For FY 2008, the Department has proposed a major grants consolidation including a single, competitive OVW grant program—eliminating formulas. Under the new proposal only one application will be necessary. As tribal applicants often lack the infrastructure to apply for funding successfully under all of the available grant programs, these changes make funds more accessible to these grantees.

OVW tribal grantees are reporting that VAWA funds are helping to make significant changes in the response to violence against Indian women. Grantees are reporting successes such as increased accountability for offenders; increased safety for victims; collaboration between criminal justice and victim services; enhanced training for criminal justice personnel; and heightened awareness of domestic violence, sexual assault, and stalking.

In addition to the grant programs administered by the Department of Justice, we also strive to fulfill our statutory responsibilities to Indian country through the provision of direct services. These services are not generally represented in a specific Indian country line item, but are included in the general litigation activities of the Department.

For example, the Office of Tribal Justice (OTJ) provides a single point of contact within the Department for meeting the broad and complex Federal responsibilities to federally recognized Indian tribes. Currently, the majority of the staff at OTJ are American Indian, all of whom have lived and worked in Indian country. As the Department's primary liaison with tribal governments, OTJ staff travel to Indian reservations and communities and serve as a point of coordination, repository of both legal and practical knowledge, and source of information about Indian country for the Department.

The Administration wants to make sure that government programs work well for the American people. Last year, to ensure greater government transparency and accountability, the Administration launched a new Website, *ExpectMore.com*. The site includes information on what programs are working, what programs need improvement, and the Program Assessment Rating Tool.

Mr. Chairman, Attorney General Gonzales has pledged to honor our statutory duties and to work with sovereign Indian Nations on a government-to-government basis. The Attorney General and the entire Justice Department will honor this commitment and continue to assist tribal justice systems in their effort to promote safe communities. We also recognize that the most effective solutions to the problems facing tribes come from the tribes themselves, and that our role is to help them develop and implement their own law enforcement and criminal justice strategies. We are confident that our current activities and our Fiscal Year 2008 proposed budget reflect these priorities. This concludes my statement Mr. Chairman. I would welcome the opportunity to answer any questions you or Members of the Committee may have. Thank you.

The CHAIRMAN. Ms. Schofield, thank you very much for being here.

Next, we will hear from the Honorable Matthew Mead, who is the U.S. Attorney for the District of Wyoming, from Cheyenne, Wyoming. Mr. Mead, thank you very much for being with us.

**STATEMENT OF MATTHEW H. MEAD, UNITED STATES  
ATTORNEY, DISTRICT OF WYOMING**

Mr. MEAD. Thank you, Mr. Chairman, Vice Chairman Thomas, and Members of the Committee. I am Matthew Mead, the United States Attorney for the District of Wyoming. I am a member of the Native American Issues Subcommittee of the Attorney General's Advisory Committee.

It is an honor to appear before you to provide information about crime in Indian Country. I have been a prosecutor most of my legal career, and speak today generally from a prosecutor's perspective.

First, let me say while Indian Country is in many respects unique, Native Americans share the same aspirations as all of us. They search for a good quality of life, including a decent job, preservation of culture and education, the well-being of their children, and freedom from drug and alcohol addiction.

But it is hard to address quality of life issues in Indian Country as elsewhere, when personal security and law enforcement concerns are not sufficiently addressed so that citizens feel safe. In Wyoming where I serve, there is one large reservation, the Wind River Indian Reservation, which is located in the west-central part of the State. The reservation covers most of Fremont County and is home to two tribes: the Northern Arapaho and Eastern Shoshone. This is the only reservation in the United States that two tribes share equally, and about 10,000 members of the tribe reside there.

It has been a privilege for me to be able to work closely with the Joint Business Council of the two tribes during my tenure as United States Attorney. It has also been a privilege to work closely

with the BIA, BEA, FBI, and State and local officers who have the courage and wisdom to form partnerships to provide law enforcement services to the reservation.

I cannot say enough about the efforts these folks make each and every day to bring stable governance and a framework for law and order to the area.

Despite the hard work and efforts of many to make the reservations safer and better places to live, law enforcement concerns remain in these areas. These include a high incidence of violent crime, a pervasive problem with alcohol and drug abuse, increased drug trafficking especially in methamphetamines, the continuing need to provide support to victims, and strained law enforcement resources.

Because of these concerns, cooperative law enforcement efforts take on greater significance in Indian Country. When I testified last spring at this Committee's hearing about meth use in Indian Country, I spoke about the numerous efforts undertaken nationally in States like Oklahoma, Arizona, Texas, and elsewhere to combat such use.

With respect to Wyoming efforts, I spoke about the dismantling of two significant drug organizations which targeted the Wind River Indian Reservation. The Goodman case, which involved one of the two organizations, had 25 defendants and was still in progress at the time. It has now been concluded with all defendants, including a former tribal judge, convicted.

Since my testimony last spring, a related investigation resulted in the indictment of 63 individuals, many of whom lived on or around the reservation, and the dismantling of a third drug ring. Of the 63 defendants, 54 have been convicted of methamphetamine-related offenses to date. So we continue to aggressively prosecute drug traffickers who prey on Native Americans.

However, the serious substance abuse problem that exists on reservations continue to lead to many crimes, including crimes of violence. Victims of violent crime have been mentally traumatized, physically hurt or abused, and in some cases maimed or killed. They require a great deal of support, including medical care, mental health care, social services, and services provided by the justice system related to the criminal proceeding. To assist in this area, the U.S. Attorney's Office and the Federal Bureau of Investigation employ victim support personnel and tribes often have their own victim advocates.

Federal prosecutors recognize the unique challenges we face on reservations. Investigations could become more difficult because the communities are tightly knit. Those who fall victims to crimes like sexual assaults or become witnesses are sometimes too afraid or embarrassed to report crimes. Those engaged in illegal activities likely recognize and distrust outsiders, making undercover work more challenging.

These challenges include outreach and cooperative law enforcement efforts. We have done so in Wyoming. Collaboration between tribal, State and Federal law enforcement and the support of tribal leaders have been essential to the successes of law enforcement efforts on the Wind River.

I commend the Committee for its continued interest in Indian law enforcement issues. We in the Department of Justice and the U.S. Attorney's Office realize without the security provided by effective law enforcement, other quality of life issues for Native Americans will suffer. Crimes committed in Indian Country remain a high priority and we continue to explore ways to leverage our resources and increase our effectiveness.

This fact remains, though: the magnitude of crime against Native Americans is a tragedy, not just for the victims and the victims' families, but for all of us collectively because Native Americans provide so much history, culture and leadership to our Country.

Thank you. I would be happy to answer any questions.

[The prepared statement of Mr. Mead follows:]

PREPARED STATEMENT OF MATTHEW H. MEAD, UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING

Chairman Dorgan, Vice Chairman Thomas, and Members of the Committee, it is an honor to appear before you today to provide general information about crime in Indian Country. I am Matthew Mead, the United States Attorney for the District of Wyoming. Much of my legal career has been spent as a prosecutor at the state and federal levels in Wyoming, and my remarks today are largely from a prosecutor's perspective.

I am also a member of the Native American Issues Subcommittee of the Attorney General's Advisory Committee. The Native American Issues Subcommittee consists of 23 United States Attorneys who have significant amounts of Indian country in their respective districts. The members of the Subcommittee work actively, individually and as a group, to ensure that the law enforcement needs of Indian country are met, and consult frequently with tribes on law enforcement and prosecution issues important to Native Americans.

The United States Attorneys, under the direction of the Attorney General, are responsible for investigating and prosecuting those who violate our Nation's laws, for asserting and defending the interest of the United States, its departments and agencies through the conduct of civil litigation, and for representing the United States in appellate courts. There are 93 United States Attorneys located throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. United States Attorneys are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the U.S. Senate. United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney is the chief federal law enforcement officer within his or her judicial district. With regard to Indian country, United States Attorneys enforce the Major Crimes Act (18 U.S.C. § 1153) and assimilated crimes as provided in the General Crimes Act (18 U.S.C. § 1152).

Indian country is unique in many ways, but at the core it is not unique in that the people in Indian country are seeking what we all seek. They seek, and they deserve, a good quality of life, including decent jobs, educational opportunities, the well-being of their children and freedom from substance and alcohol addictions.

Yet, it is often hard to address issues relating to quality of life, when personal security and law enforcement concerns are not sufficiently addressed in a manner where citizens feel safe. This is as true in Indian country as it is elsewhere. While all citizens have an individual responsibility to make their communities a better place, it is also a basic responsibility of any government to provide a security level that enables citizens to make their lives better. As a prosecutor, I see in my work the value of good law enforcement. I see that adequate law enforcement is critical in providing an environment where citizens feel safe enough to take the steps necessary to improve their lives and the lives of their neighbors.

The reservation located in the District of Wyoming is the Wind River Indian Reservation ("WRIR" or "the Reservation"). The Reservation consists of 2.2 million acres (3,500 square miles). It is the only reservation in the United States that two tribes, the Northern Arapaho and Eastern Shoshone, share equally. The two tribes taken together have about 12,000 members, of whom around 10,000 reside on the Reservation.

The law enforcement issues I would like to address today in my remarks are those that have arisen on the Reservation in my District with which I am personally fa-

miliar, namely, drug trafficking, violent crime, jurisdiction, victim support, law enforcement resources, and cooperative efforts.

### **Drug Trafficking**

There continues to be a pervasive problem on Indian reservations with alcohol and drug abuse. Drug abuse has led to a higher incidence of drug trafficking to meet the demand for illegal substances. Recent years have seen an increase in the use of methamphetamine on reservations due in part to that drug's low cost and highly addictive nature. Combating methamphetamine use in Indian country was, in fact, the subject of a hearing held by this Committee last April, at which I appeared. I recounted in my testimony the numerous efforts being undertaken nationally in this area and our successes locally in Wyoming.

When I testified before this Committee last spring, I spoke about the dismantling of the Goodman and Sagaste-Cruz organizations. At that time, the Goodman case, which involved 25 defendants, was still in progress. It has since been concluded with all defendants, including a former tribal judge, convicted. Since that time, the related Legarda investigation resulted in the indictment of 63 individuals, many of whom lived on or around the Reservation. Of the 63 defendants, 54 have been convicted of methamphetamine related offenses. We continue to prosecute significant drug traffickers who prey on Native Americans and other population groups.

### **Violent Crime**

The incidence of violence on reservations across the country continues to be high, generating a variety of offenses, such as homicide, assault, sexual assault, sexual abuse, kidnaping, arson and firearms violations. It is therefore not surprising that the vast majority of Indian country criminal matters referred to United States Attorney's Offices for prosecution involve violent crime. The successful prosecution of these cases remains a high priority for the United States Department of Justice and United States Attorney's Offices. In particular, the Department and United States Attorney's Offices treat matters, like sexual assaults and abuse, seriously and understand the grave impact such offenses have on the victims, their families, and their communities. Sexual assaults are a recognized problem on most Reservations. In Wyoming, as in other U.S. Attorney's Offices, when sexual assault cases are reported, they are thoroughly investigated; and, as with all other cases, if there is evidence to move forward, the cases are aggressively prosecuted.

Certain studies have been undertaken recently to develop statistics to assess violent crime, including sexual assault, in Indian country. The Violence Against Women Act of 2005 (Pub.L. 109-162) ("VAWA 2005") has a chapter devoted solely to safety for Indian women. VAWA 2005 calls for two national studies focused on violence against Indian women. First, the National Institute of Justice, in consultation with the Office on Violence Against Women, is charged with conducting a national baseline study to examine violence against Indian women. The study is to include the crimes of domestic violence, dating violence, sexual assault, stalking, and murder. The study will also evaluate the effectiveness of federal, state, tribal and local responses to these crimes, and it is to provide recommendations to improve these governmental responses. According to VAWA 2005, the report is to be completed within 2 years.

Second, the Secretary of Health and Human Services, acting through the Indian Health Service and Centers for Disease Control and Prevention, is to conduct a study to obtain a national projection of the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaskan native women and the cost of providing health care for these injuries. This report, too, is to be completed within 2 years. It is the hope of those working to combat violence against Indian women that these two studies will provide a clearer picture of how these crimes affect all native women, those living on a reservation, or in a remote village, as well as those women living in an urban environment.

In Wyoming, as in other Districts, we have taken a number of steps over the years to improve our ability to address violent crime cases efficiently and effectively. In 1996, we established a branch office in Lander, Wyoming, adjacent to the Reservation, in order to ensure that attorney personnel were readily available to Indian country law enforcement agents, Indian victims, and witnesses. In 2002, we received additional Indian country resources, which we utilized to expand the number of personnel working in the Lander branch office, thereby helping to support a growing caseload.

Since nearly all of our Indian country violent crime cases involve Victims, Victim advocates working in my office and in the Lander FBI Office spend considerable time with Indian victims and witnesses, explaining the prosecution process, noti-

fyng victims of court proceedings, and making referrals to social service providers as necessary. Taken together, our accessibility to the Indian populations we serve and our outreach efforts to Indian victims and witnesses have played a key role in our efforts to address violent crime.

In addition, nationwide, the Federal Bureau of Investigation (FBI) has 114 agents devoted strictly to Indian country matters. Such agents work closely with their BIA law enforcement counterparts, as well as state and local agents, to investigate all serious crimes on reservations.

#### **Criminal Jurisdiction in Indian Country**

Jurisdictional issues can always be problematic. Jurisdictional issues can arise between cities and counties, between states, and between Federal and state governments. So, too, in Indian country. Jurisdictional issues are not unique to Indian Country but they are more complex than may be the case elsewhere.

One of the first questions a prosecutor always has to ask and answer in a criminal case is where jurisdiction lies. It is a question that has to be resolved in every single criminal case. In Indian country cases, an additional sovereign, a tribal sovereign, is included with the mix of entities (federal, state, local) that might have jurisdiction over a particular case.

Jurisdiction over Indian country offenses could be a topic all its own. Generally speaking, however, in Indian country cases, jurisdiction most often depends on the location of the crime (whether it occurred in Indian country, as defined by statute or court decisions), the type of crime (misdemeanor or felony), the status of the victim (Indian or non-Indian), and the status of the perpetrator (Indian or non-Indian).

On November 12, 2001, the President reaffirmed the long standing policy of the United States to work with federally recognized tribes on a government to government basis and to support and respect tribal sovereignty and self-determination for tribal government. It is in this context that all jurisdictional issues must be addressed.

#### **Victim Support for Crimes in Indian Country**

As noted above, many of the crimes that occur in Indian country are violent crimes, including rapes and assaults. These crimes all have victims, who have been mentally traumatized, physically hurt or abused, and in some cases killed. The victims, including the person who was the object of the crime and that person's family, often need a great deal of support—ranging from medical care, mental health care, and social services to services provided by the justice system related to the criminal proceedings. The latter services are provided in U.S. Attorney's Offices nationwide through Victim-Witness Coordinators, Advocates and Assistants. The FBI has victim support personnel and tribes often have their own victim advocates.

Services for sexual assault victims on the WRIR include Sacred Shield, a federally funded shelter for battered and sexually assaulted women and With Eagles Wings, a state-funded counseling service.

Support services for victims are an essential component of law enforcement efforts on Indian reservations. Without them, people who have been victimized probably would not learn about and be able to exercise their rights as criminal cases progress, and they would not have the opportunity to pick up the pieces of their lives and try to move on.

#### **Law Enforcement Resources in Indian Country**

The resources available in Indian country, both in terms of law enforcement personnel and jail facilities, and the comparison between those resources and those available to law enforcement outside Indian country have been covered in other remarks before this Committee. We agree that the Safe Indian Community Initiative and its inclusion in the President's FY 2008 budget request, which would result in additional law enforcement resources for Indian country, is a great step. Like all spending measures, however, there must be accountability for expenditures, as well as demonstrable results.

#### **Successful Cooperative Law Enforcement Efforts in Wyoming**

Collaboration between tribal, state, and federal law enforcement, and the support of tribal leaders, have been critical to the success of law enforcement efforts on the WRIR in Wyoming. As I have mentioned above, recent successes include the dismantling of three groups engaged in extensive drug trafficking operations on the Reservation.

In Wyoming, collaboration has been, and continues to be, greatly enhanced by outreach efforts undertaken by the United States Attorney's Office to build rapport with the WRIR's Joint Business Council and the two tribes it represents, the Northern Arapaho and Eastern Shoshone. These outreach efforts include the following:



keeping all lines of communication open, ensuring that Indian victims and defendants are treated with respect and sensitivity, hosting an annual Native American Conference in Fremont County which always highlights victims' issues, attending cultural events important to the Indian community, and meeting regularly with the Joint Business Council. An important outgrowth of the strong working relationship we have developed with the Tribes is a cooperative law enforcement agreement between federal, state, local and tribal agencies, which makes optimal use of available law enforcement resources in and around the Reservation.

In order to better facilitate the prosecution of crimes in Indian country, and to better serve the tribes throughout the United States, some Assistant United States Attorneys have been designated as "tribal liaisons" in their Federal districts, which include Indian country. These Assistant United States Attorneys have the opportunity to specialize in matters that affect tribal communities. Because of their special assignments to the tribes, tribal liaisons strive to create positive relationships not only with tribal leaders and tribal law enforcement officers, but also with Federal law enforcement officers who regularly serve reservations. The Assistant United States Attorneys who serve as tribal liaisons regularly assist the tribes with a wide variety of issues and civil matters that may affect Federal interests. Nearly all tribal liaisons assume these difficult, but rewarding, positions, because they care about the people in these communities. Some are tribal members themselves or have Native American ancestors.

We are cognizant of the unique challenges to be faced on the Reservation. Investigations can be more difficult because the setting involves tightly knit communities, with family members often living in close proximity to one another, even though the Reservation itself may be geographically large. Indian family members who may be witnesses to illegal activities are often under intense pressure not to cooperate with authorities. Those who fall victim to crimes, or become witnesses to crime, like sexual assaults, are sometimes too afraid or embarrassed to report crimes in a timely fashion. Native Americans engaged in illicit activities on Reservations are very cognizant and distrustful of outsiders, making undercover work more challenging. Wiretaps conducted on the Reservation may not be as effective as those elsewhere, since telephone use by perpetrators can be sporadic or greatly limited. There is also the desire to handle problems internally within the tribes. These challenges demand that we use all of the tools at our disposal, including the outreach and collaborative law enforcement efforts mentioned above.

#### **Conclusion**

I commend the Committee's continuing interest about law enforcement issues in Indian country. These issues are a high priority for the Department of Justice and the United States Attorneys' Offices because we recognize that without the security provided by effective law enforcement, other quality of life issues will suffer. The magnitude of crime against Native Americans is a sadness—a tragedy—not just for the victims, but for all of us collectively because Native Americans provide so much history, culture, and leadership to this country. I appreciate the opportunity to address the Committee on such a compelling topic. I will be pleased to answer any questions you may have.

The CHAIRMAN. Finally, we will hear from Mr. Scott Burns, the Deputy Director for State, Local and Tribal Affairs, Office of National Drug Control Policy. Mr. Burns, thank you for joining us.

#### **STATEMENT OF SCOTT BURNS, DEPUTY DIRECTOR FOR STATE, LOCAL AND TRIBAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY**

Mr. BURNS. Thank you, Chairman Dorgan, Vice Chairman Thomas, Senator McCaskill. Thank you for the opportunity to testify today. I am Scott Burns. I am the Deputy Director for State and Local Affairs, and with the 2006 reauthorization of our office, the Office of National Drug Control Policy, I now have the title of State, Local and Tribal Affairs. So those of us in our office will re-double our already-strong commitment to reducing drug abuse in Indian Country.

ONDCP believes that the three-pronged strategy of stopping drug use before it starts through prevention and education efforts;

through healing America's drug users to include those in Indian Country by early detection and increasing treatment capacity; and by disrupting the market by targeting and then totally dismantling drug trafficking organizations, is critical to combat drug abuse.

Although we are here today to discuss law enforcement efforts, I think it is important to make brief mention of some of the overall efforts that we are engaged in.

Working with the Partnership for a Drug-Free America, Interior, HHS, the Department of Justice, and the National Congress of American Indians, we are developing a new public awareness campaign targeting methamphetamine use in Indian Country. We are making sure that ONDCP's Drug-Free Communities Program is being accessed in Indian Country by conducting special training sessions regarding the application process in an effort to expand on the 18 grantees currently serving American Indians and Alaska Natives. We have had two of those sessions so far this past year. Ninety representatives from Indian Country showed up at the first one, and 50 showed up at the second one, and there is one more planned.

We are expanding the Screen and Intervene Program in Indian Country, currently in place in 17 States and one tribal location, the Cook Inlet Tribal Council. We want to expand options for access to recovery treatment moneys in Indian Country. The program is now in 14 States and it is in one tribal area.

Regarding the focus of this hearing, and U.S. Attorney Mead touched on it, we are engaging the high intensity drug trafficking area, or HIDTA, in an effort to bring that model to Indian Country. There is currently a pilot project in four separate locations. We are using \$500,000 from HIDTA discretionary funds and we are encouraging all of the HIDTAs to explore the possibility of engaging Indian Country partners that are within their respective HIDTAs, similar to what U.S. Attorney Mead has done.

Finally, whether through the Meth Task Force meeting on June 10 at the National Congress of American Indians' mid-year conference in Alaska, that I will attend, and I am working closely with Jackie Johnson and Heather Dawn Thompson, or by speaking at the Hopi Youth Conference on June 20 and meeting with tribal leaders the day before and after, Tohono O'odhams, San Carlos, White Mountain and others, or by including Indian Country participants in our National Methamphetamine Conferences that took place in Alabama and in Utah and in Iowa, and then by having a separate full day on methamphetamine in Indian Country hosted by Ms. Schofield in Phoenix on August 1.

We will continue to engage. We will continue to press forward and we will continue to work together to improve the lives of all those that live in Indian Country.

Again, I thank you, Mr. Chairman, for calling this hearing. I appreciate the opportunity to testify, and look forward to answering questions.

[The prepared statement of Mr. Burns follows:]

PREPARED STATEMENT OF SCOTT BURNS, DEPUTY DIRECTOR FOR STATE, LOCAL, AND TRIBAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY

**Introduction**

Chairman Dorgan, Vice-Chairman Thomas, and Members of the Committee: Thank you for the opportunity to testify today on law enforcement in Indian Country. I am Scott Burns the Deputy Director for State, Local, and Tribal Affairs for the Office of National Drug Control Policy (ONDCP); in addition, I serve as the Chair of the Law Enforcement Task Force (LETF) for the Administration's Indian Affairs Executive Working Group (IAEWG). I will speak specifically about the unique challenges regarding drug abuse and drug trafficking in Indian Country and what the Federal Government is doing in conjunction with tribal governments to combat these problems.

The Office of National Drug Control Policy Reauthorization Act of 2006 directs ONDCP to include Tribal Affairs in both the title and mission of ONDCP's Office for State and Local Affairs—now State, Local and Tribal Affairs. As a result, ONDCP has redoubled its already strong commitment to reducing drug abuse in Indian Country.

ONDCP believes that a three pronged strategy of: (1) Stopping Drug Use Before it Starts; (2) Intervening and Healing Drug Users; and (3) Disrupting the Market, is critical to combat drug abuse. ONDCP is engaged with Native American populations in initiatives that focus on all of these areas. Although my testimony will focus on enforcement, or Disrupting the Market, I would like to briefly highlight ONDCP's prevention and treatment efforts as part of our comprehensive strategy.

**Stopping Drug Use Before it Starts**

*National Youth Anti-Drug Media Campaign*

The ONDCP's National Youth Anti-Drug Media Campaign (Media Campaign) is partnering with the U.S. Department of Interior, U.S. Department of Health and Human Services, the Partnership for a Drug-Free America, and the National Congress of American Indians to develop a new public awareness campaign aimed at targeting methamphetamine use among Native Americans. Combined, the partners have contributed \$300,000 in support of this groundbreaking effort for Indian Country. ONDCP is providing half of the funding with a commitment of \$150,000.

Before this partnership, there was no national anti-meth media campaign tailored to Indian Country. The initial phase of the campaign will include an Indian Country specific radio and print ad campaign. This meth initiative will build on the innovative work that the Media Campaign has spearheaded in the past.

Prior to Congressional funding cuts in the Media Campaign's budget, the Media Campaign was able to devote more resources to reach Native Americans. The parent-targeted advertising component of the Media Campaign, which includes multicultural parent advertising, was suspended at the beginning of mid-May 2006. For FY08, the President's increased budget request for the campaign would enable the Media Campaign to reinstate multicultural parent efforts.

- Since the Campaign's inception, over \$7 million has been invested in reaching American Indian and Alaska Native audiences through research and the development and placement of print and broadcast advertising. The advertising reflected a commitment to reaching American Indian and Native Alaskan parents, elders and youth with drug prevention messages that are culturally relevant and appropriate.
- Prior to the Media Campaign, there was very little research on American Indian audience attitudes that could be used to create culturally relevant drug prevention messages. For over 2 years, the Campaign conducted research to identify the attitudes and beliefs that Native American teens, parents and influential adults have toward drug use in their community.
- Over 400 teens, parents and elders from more than 32 tribes participated in the discussions. The research provided vital insights for the Campaign. The findings provide input on ad development that focus on the positive influence of elders in youth's lives, the important role parents can play in drug prevention, and the importance of Indian pride in keeping kids drug-free.

*Drug Free Communities Support Program*

ONDCP's Drug Free Communities Support Program (DFC) was originally funded by Congress in 1997 with the understanding that local problems need local solutions. The DFC program now supports over 700 drug-free community coalitions across the United States. As a cornerstone of ONDCP's National Drug Control Strategy, DFC provides the funding necessary for communities to identify and re-

spond to local substance use problems. There are currently 18 grantees serving Native American populations across the country.

ONDCP is working to increase the number of grantees that serve this population. ONDCP recently developed and implemented a Native American application workshop for DFC that was held in Las Vegas, Nevada, on February 27 and 28, 2007. More than 90 individuals representing Native American communities attended this conference. We also held a DFC information session and coalition workshop in Phoenix, Arizona, on May 2, 2007 that was attended by nearly 50 individuals, many representing Native American groups. We will also be holding a Native American coalition-building and DFC overview workshop in Tucson, Arizona, during the last week in July.

#### **Intervening and Healing Drug Users**

Access to Recovery and Screening, Brief Intervention, Referral and Treatment both include initiatives with a focus on Native Americans. These programs are key components of the National Drug Control Strategy and ONDCP priorities.

##### *Screening, Brief Intervention, Referral and Treatment*

A key component of expanding the Nation's treatment capacity lies in early detection and engaging health professionals in the identification, counseling, referral, and ongoing medical management of persons with substance use disorders. The Department of Health and Human Services offers grants through the Screening, Brief Intervention, Referral and Treatment (SBIRT) program to States, territories, and tribal organizations to provide effective early identification and intervention in general medical settings. Currently, the Cook Inlet Tribal Council is participating. This program is based on research showing that by simply asking questions regarding unhealthy behaviors and conducting brief interventions, patients are more likely to avoid the behavior in the future and seek help if they believe they have a problem. The programs are based in clinical settings, a location that has a high propensity to attract higher-risk populations, who through violence, accidents or health-related problems, are seen by medical professionals.

To date, Federally-funded SBIRT programs have been established in 17 states and one tribal organization. In addition to the 10 state grants awarded in 2003 and 2006, 12 universities and colleges have received funding to develop a screening and intervention model to be used on campuses. The Office of National Drug Control Policy works closely with the Substance Abuse and Mental Health Administration to monitor the success of these programs and to highlight the benefits of early screening and intervention. As part of the FY08 budget, \$41.2 million is requested for this important initiative.

##### *Access to Recovery*

For those referred to treatment because they have become addicted, the Administration is working to expand options for treatment. The Access to Recovery Program (ATR) program at HHS is a key source of innovation in the field of addiction recovery. The program provides clients with a voucher for treatment as well as recovery support services. The program expands treatment options to include faith and community-based providers so that clients can choose their own path to recovery. This is especially useful in the Native American community and is being used by the California Rural Indian Health Board.

Many people who experience addiction face barriers to treatment, from finding child care while they are in a recovery program to accessing transportation services to take part in job training. ATR provides recovery support services such as child care, transportation vouchers, and mentoring services.

The program is now in 14 States and one tribal organization and, as of December 2006, has served over 137,500 individuals who sought treatment and recovery support services in the grantee States. This number far exceeds the programs target of 125,000 clients expected to be served over 3 years. The program requires that States provide outcome data so patient progress can be measured and best practices learned for future generations. The President's FY08 request for ATR is \$98 million.

#### **Disrupting the Market**

Regarding the focus of this hearing, I am pleased to share the extensive law enforcement efforts that ONDCP and the Administration are undertaking in Indian Country. The common theme of all these law enforcement initiatives is collaboration among tribal, state, local, and Federal partners crucial to bridging historical, cultural, and jurisdictional barriers.

*HIDTA*

The Office of National Drug Control Policy Reauthorization Act of 2006, Public Law No. 109–469 requires ONDCP to prepare a report for Congress on the representation of tribal governments in the High Intensity Drug Trafficking Areas Program (HIDTA). While ONDCP is still in the process of compiling information and drafting this report, I can offer a brief overview of tribal involvement in HIDTA. Several HIDTAs such as the Oregon HIDTA, Northwest HIDTA, Nevada HIDTA, New Mexico Region of the Southwest Border HIDTA, Arizona Region of the Southwest Border HIDTA, and Rocky Mountain HIDTA have some level of participation from tribal law enforcement, ranging from task force membership to occasional collaboration. HIDTA is trying to increase tribal participation; however, the obstacles from the perspective of the tribal entities include lack of manpower, insufficient funding, and sovereignty issues.

*Indian Affairs Executive Working Group/HIDTA*

Prior to our reauthorization ONDCP had already begun to foster cooperative law enforcement initiatives in Indian Country. With the creation of the Indian Affairs Executive Working Group (IAEWG) in 2005, the Administration has brought together all Federal agencies that fund programs and initiatives involving Native Americans. This creates a mechanism for the Federal Government to work together on these complex issues, creating consistency and building trust with tribal entities. IAEWG is comprised of five issue-specific task forces. I Chair the Law Enforcement Task Force which includes members from the Department of Justice, Bureau of Indian Affairs, Drug Enforcement Administration, Indian Health Services, Department of Homeland Security, Environmental Protection Agency, Federal Bureau of Investigation, and Substance Abuse and Mental Health Services Administration. On Friday, May 18, 2007, members of the Law Enforcement Task Force will be meeting with the National Drug Intelligence Center to begin writing a new drug threat assessment for Indian Country.

One of the Law Enforcement Task Force's main accomplishments is their collaboration and facilitation in the use of \$500,000 of HIDTA discretionary funds for initiatives in Indian Country. The purpose of the Native American Project is to use intelligence-driven operations to detect, deter, interdict, disrupt and/or dismantle organizations involved in drug trafficking, in general, or methamphetamine trafficking, specifically, on tribal lands. Four HIDTAs were chosen to receive FY 2006 funds. The Rocky Mountain HIDTA, the Northwest HIDTA, the Arizona Region of the Southwest Border HIDTA, and the New Mexico Region of the Southwest Border HIDTA. Because of their ongoing nature, we are unable to specify the exact locations of these efforts; doing so could jeopardize the success of the current investigations.

This spring I met with all the participating tribal governments to explain the program, listen to their concerns, and ask for their cooperation. They are all willing and eager to work with us and I look forward to continued collaboration. Through these meetings I observed extreme disparities between the sophistication of the law enforcement agencies and financial security of the different tribal entities. These differences illustrate the importance of flexible programs that can be tailored to the needs of the individual tribes.

ONDCP is working with the Law Enforcement Task Force to increase coordination and build on the pilot program. Although we are only in the initial phases of the program, there have already been some successes. For example, utilizing funding from the Arizona HIDTA Region: Native American Project—FY 2006 Supplemental Funding, wire taps (Title III's) are being used to support the effort to address meth on the reservation. Agents from the DEA Mobile Enforcement Team (MET), working in conjunction with tribal PD, ATF, FBI, ICE, BIA, and the Arizona Department of Public Safety have identified numerous separate organizations which are distributing and selling on the Indian Community associated with the most recent meth operations. This operation is ongoing therefore the name of the Indian Community and specifics to the case cannot be included.

In just one of the four HIDTAs, nine separate drug trafficking organizations have been identified, and officers have made 21 controlled multi-ounce methamphetamine purchases. 4.32 kilograms of methamphetamine, 2 kilograms of cocaine, three guns, and \$64,546 have been seized.

*Upcoming Events*

On Sunday June 10, 2007 ONDCP will attend the Meth Task Force Meeting at the National Congress of American Indians (NCAI) Mid-year Conference. We will give a brief overview of ONDCP's efforts, but more importantly have the opportunity to hear from tribal leaders about the effect that methamphetamine is having in

their community. Then, on Monday June 11, 2007, I will address Plenary Tribal Session regarding what ONDCP is doing to address methamphetamine and other drugs in Indian Country.

I will speak at the first annual Hopi Youth Conference which will take place on June 20, 2007, in the Village of Hotevilla, AZ, on the Hopi Indian Reservation. This youth conference is expected to be attended by over 200 students from ages 12–25 reservation wide and include nearby Navajo communities. Subjects presented will include substance abuse (including methamphetamine), and other health issues concerning our youth.

During this trip, we will have the opportunity to meet with the Navajo Nation Drug Enforcement Units and surrounding tribal police agencies participating in a tribal law enforcement empowerment pilot project. These participating tribal agencies include, the Hopi Tribe, White Mountain Apache Tribe, San Carlos, Apache Tribe and the Tohono O odham Tribe. These agencies are in the planning stages of establishing an all Indian country drug task called the “Lucky Seven Task Force.” This meeting will take place on either June 19, or June 21, 2007, at the Navajo Law Enforcement Training Center in Toyey, AZ.

Finally, in partnership with the National Alliance for Model State Drug Laws (NAMSDL), Office of Justice Programs/Bureau of Justice Assistance (OJP/BJA), and the Substance Abuse and Mental Health Services Administration (SAMHSA), ONDCP is in the process of conducting four regional planning events to assist states, counties, local governments, and tribal entities with their legislative and policy efforts to address methamphetamine and its related issues. In addition a fifth summit will take place in Phoenix, AZ on August 1, 2007, with a focus on methamphetamine in Indian Country.

#### **Conclusion**

Although there are considerable obstacles to overcome, the problems of drug abuse and drug trafficking in Indian Country can be reduced. In collaboration with tribal governments, ONDCP and the Administration are committed to continuing prevention, treatment, and law enforcement initiatives in Indian Country. I appreciate the opportunity to testify today, I would be happy to answer questions from Members of the Committee. Thank you.

The CHAIRMAN. Mr. Burns, thank you, and thanks for your continuing work as well.

We have been joined by Senator McCaskill and Senator Murkowski.

Senator McCaskill, did you want to make any opening comments before we ask questions?

#### **STATEMENT OF HON. CLAIRE MCCASKILL, U.S. SENATOR FROM MISSOURI**

Senator MCCASKILL. Well, I have a sense of urgency about trying to make this better. Like you, Mr. Mead, I have spent a lot of my adult life as a prosecutor, and spent a whole lot of time fighting methamphetamine. At the point in time that I was the elected prosecutor in Kansas City, we were second per capita in the number of meth labs in the Country, and embarked upon a very aggressive strategy that involved a whole lot more than just the task forces and busting labs. Hopefully, we will have a chance to explore that a little bit in the questioning.

I will tell you that I start out with a bias, so you can prepare yourself for my questions later. I start out with a bias that the Federal Government is generally not as good as it should be in terms of working with local law enforcement, and that is borne out of experience, not because I came to that conclusion by reading something.

So I will be anxious to explore how integrated tribal law enforcement and State law enforcement is with the Federal authorities, DEA and FBI, because particularly I think in this instance it is

that cross-designation and cooperation, particularly when it comes to methamphetamine, that is going to make a big difference.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Murkowski?

**STATEMENT OF HON. LISA MURKOWSKI,  
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman. I truly appreciate you calling this hearing. I think it is on an issue that we would all agree is extremely important. It is particularly timely in view of the fact that this week is National Police Week, the week that we recognize law enforcement and their families, all those that give so much to us.

I have had an opportunity in the past to be involved with the recognition and the tribute that we show those who have given their lives in the line of duty, 17,917 names that are inscribed on the memorial here in Judiciary Square. We have the name of an Alaskan officer inscribed on that memorial, a gentleman by the name of Ronald Zimmin. He was an Aleut from the village of South Naknek out in the Bristol Bay region. Officer Zimmin, this was back in 1986, was ambushed by a man with a rifle when he was responding to a domestic violence call. Officer Zimmin was the only law enforcement out there. He had no backup. And unfortunately this was a situation in 1986, and now fast-forward to 2007 and in far too many of our villages still we have no backup.

So as we discuss the importance of how we provide for law enforcement in Indian Country, for law enforcement for those in our Alaska Native villages in these very remote places, I think whether it is police officers week or any week of the year, we need to appreciate that have so much more to do, so much further to go in order to really provide for a level of law enforcement that is sufficient.

I do look forward to hearing a little bit more in terms of how we can deal with the problems that Senator McCaskill has raised in terms of methamphetamines and some of the other drugs that are truly killing far too many across our Country.

I appreciate your calling the hearing, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Murkowski.

We have votes starting in a half hour. I am going to restrict my questioning, but I want to make sure that we have ample time. Let me just ask a couple of opening questions.

Mr. Mead, you described the situation in Indian country as a "tragedy" in your testimony. My understanding is, from information from the BIA that the BIA law enforcement is staffed at 31 percent of need, and for corrections, 39 percent of need. If in fact we have a tragedy on our hands, and I certainly agree with that, I mentioned the Amnesty International report that came out just recently. If we in fact have a tragedy on our hands, how is it that we are not more urgent in trying to figure out how we get from 39 percent of need or 31 percent of need up to 80 percent or 100 percent of need? Is there an urgency here?

Mr. Ragsdale, let me ask you first, and then I am going to come to Mr. Mead.

Mr. RAGSDALE. Yes, sir.

The CHAIRMAN. Are we 31 percent and 39 percent? Are those numbers accurate?

Mr. RAGSDALE. Yes, sir.

The CHAIRMAN. So we are 70 percent short or 60 percent short of the resources necessary?

Mr. RAGSDALE. That would be true in some communities, yes, sir.

The CHAIRMAN. But that is the national number that I have, I believe. So if we are 70 percent or 60 percent short of the resources for proper law enforcement and corrections work, how do you propose we solve that?

Mr. RAGSDALE. Well, as I indicated in my testimony, the Secretary's initiative to increase the law enforcement budget by approximately \$16 million is a good start.

The CHAIRMAN. And that will take us to what, from 30 percent or 31 percent and 39 percent of meeting the need, it will take us to what percent? Do we know?

Mr. RAGSDALE. I have not done the math, but we could provide that information to the Committee.

The CHAIRMAN. Is it likely it will still leave us short?

Mr. RAGSDALE. It is likely that we would still be about half short.

The CHAIRMAN. That is pretty urgent, isn't it? So I don't understand how we get to this point where we say, and I am not suggesting money is the only issue here, but if we are 60 percent short of meeting the need in corrections and 70 percent short of meeting the need with respect to law enforcement, it results in the kind of description that Senator Murkowski just made, with one person out there patrolling a wide range with no help, putting their lives at risk.

It just seems to me like we come and we talk about these things, and we are so far short even in our recommendations of beginning to make a dent in it. That is my point. I am not suggesting that the increase in recommended funding is irrelevant. It is not, but it really isn't very relevant relative to what we should do.

Mr. Mead, what is your assessment of that?

Mr. MEAD. Senator Dorgan, I will do my best to answer that. I will tell you up front it is probably not going to be to your satisfaction, because of course in my role I am very limited in asking for additional resources. But because we have at least one former prosecutor on the panel, I will tell you that if you ask a prosecutor if there is a need for more law enforcement officers, the answer is never going to be no.

I think on the Wind River Indian Reservation, as Senator Thomas said, we have seven officers. I am sorry I can't remember off the top of my head what the square miles are, but it is huge. I think in the calculation of law enforcement, and this is a rural bias, but you can't just do it by population, but you should also look at the geographic size. Wyoming is a big State, not compared to Alaska, but when people have to travel 30, 40, 50 miles to make a call, that should be involved in the equation on resources.

I will also tell you, Senator, and this is not directly answering your question, but it is I think important, is that U.S. Attorneys' offices, my office, recognize the pressure on law enforcement. That is why, as I suggested here, it is very important to use DEA, FBI,



BIA, local and State officers to leverage everything you have out there.

The other reason I think that is important is not just from a resource point, but I think when you are talking about drug dealers, they don't stub their toe and stop on jurisdictional boundaries. They have the advantage of just free flowing wherever they go to spread their poison.

So I think that we need to recognize that. We need to have those relationships where we can chase them in the same way that they can move freely. So that is another advantage of cooperative law enforcement, Senator.

The CHAIRMAN. Doesn't the understaffing, dramatic understaffing, also pose additional danger and risk to the law enforcement officers who are there?

Mr. MEAD. There is no question about it, Senator. Whenever you are on a call, even if it is a drunk domestic violence situation or it is a homicide, if you go out by yourself, that is always a concern. The men and women who are out there go out very bravely to do this job. They don't face what is available probably in urban areas, where you can always have a partner.

The CHAIRMAN. In many cases, they have no backup.

Mr. MEAD. Yes, sir.

The CHAIRMAN. Let me ask one final question, and then I will submit a number of questions. At the Indian Police Academy in Artesia, is there a waiting list to get into Artesia?

Mr. RAGSDALE. I am advised, not currently. I know that has been an issue in the past. When I was a police chief, we sometimes had to wait some time before we could get members into the Academy.

The CHAIRMAN. In terms of training additional law enforcement personnel, have you considered using the State law enforcement training capabilities in various States, contracting with them, for example?

Mr. RAGSDALE. We do use State police academies to supplement our training and also provide primary training in certain instances.

The CHAIRMAN. Well, I will submit a series of questions. My thought is that if there is a capacity problem in training, we need to open opportunities for much greater connections to the State and local government training facilities. I think there is a shortage of being able to do that. I don't think we are quite connected so that we can get the certifications there, but I will engage with you further on that.

Senator Thomas?

Senator THOMAS. Thank you, Mr. Chairman.

Matthew, the reservation is 2.3 million acres, with seven officers, but 2.3 million acres.

You have all done a great job of talking about what you are doing and so on. I think there is a real challenge, and all of us understand that there are some problems here that need to be changed. I am going to ask you each to respond with one or two suggestions. What should be changed? What should be done that we are not doing?

Very quickly, would you each respond to that? What would you do differently?

Mr. RAGSDALE. Well, I believe we are trying to address the shortages that we have, and providing better training and affording opportunities so that we can do more cooperative law enforcement training. But there is no doubt, Senator, that we expect and our police officers, tribal and BIA both, go out and take calls where nobody else would, without adequate backing.

Senator THOMAS. What are we going to do about it?

Mr. RAGSDALE. Well, as I said before, the Secretary's initiative is a good first start.

Senator THOMAS. OK.

Ms. Schofield, what would you do or change to make this problem go away?

Ms. SCHOFIELD. What we are trying to do is work across the Federal Government so that we all have a partnership. I echo what Mr. Ragsdale said earlier, that we have never had this level of partnership. I left out some of the work that we are doing with ONDCP. I think everybody realizes that the challenges are crushing, and so how do we work together.

So that is what we are doing with our training and technical assistance. Later this year, we will have a grants policy that was developed in consultation with the tribes so that we are working with them to show them that you don't just have to go to one small—

Senator THOMAS. What should be done, then?

Ms. SCHOFIELD. Break down the barriers on the grants so that tribes have access to all of them. That requires training, because as you know, the Federal grant system is daunting.

Senator THOMAS. It doesn't seem like training ought to be much of a problem. There are so many training things going on, we can just utilize what we have now.

Ms. SCHOFIELD. They do need training.

Senator THOMAS. Well, of course they need training.

Ms. SCHOFIELD. Not just tribes, but rural as well. I mean, some of the grant process are very complicated. As you know, the person that hires the best grant writer sometimes gets the grant that they don't need.

Senator THOMAS. Why can't they be trained in some of the same facilities that regular police officers are trained in?

Ms. SCHOFIELD. As far as what Mr. Ragsdale said, we do that at the Department of Justice. I know we do that through our Bureau of Justice Assistance. The meth training program that we have developed, we make sure we take advantage of existing structures. We don't try to start over from scratch.

Senator THOMAS. So you think training is the biggest problem?

Ms. SCHOFIELD. No, I don't. I think for me, I am just addressing my program.

Senator THOMAS. OK.

Matt?

Mr. MEAD. Senator, I think two things, not necessarily changes, but more focus on. One is that Amnesty International report, which I appreciate because it draws attention to this. I don't necessarily agree with everything in there, but anything that draws attention to violence against women, specifically in crimes on reservations, generally is a good thing in my mind.

One of the things they mention in there, and one of the things that is already in the process is to study to short of get a better baseline of what is going on in Indian Country. I think right now there are two studies that started last year that are set for a 2-year completion that are going to get a better handle on crime in Indian Country generally, and crimes against women specifically. So that is one thing. I think that is good.

The second thing is, Senator Thomas, to continue to work with the cooperative agreements. It is a relatively new and novel thing in Indian Country to have DEA involved in the way that they are now. I think that is a very good step and I would continue to step for that and other cooperative agreements.

Senator THOMAS. Very good.

Mr. Burns?

Mr. BURNS. As a State and local prosecutor, Senator McCaskill, for 16 years, I appreciate your comments. Having served those 16 years in the wide expanse of the Southwest United States, Senator Murkowski, I appreciate your comments.

I don't know how to go about this other than one step at a time. In the 5-years that I have been here in trying to address this issue, I have come to determine it is hard work. It is hard to just say here are these programs, or to say here is some funding and here are some grants.

Senator THOMAS. I know it is hard work. We have these programs.

Mr. BURNS. So what we have done, we should—

Senator THOMAS. What should we do to change it?

Mr. BURNS. We should add onto what are doing, and that is we have picked four pilot projects. We went out and met with the tribal councils and the tribal chairmen. We sat with them. We didn't tell them, but we asked them if they would be willing to participate in this, and they said yes.

And then we said we would bring prevention in education. We will bring treatment, but we are also going to bring law enforcement. By law enforcement, I mean Federal, State and local, that jurisdiction has to be waived with respect to the DEA and the FBI and State and local sheriffs and police officers, working in the HIDTA model and it might be Title III wires, but we are going to go after those that are coming on to reservations, as Matt Mead has done.

But we need to do it across the 562 areas in this Country. But we can't just do that. Then we have to come in with treatment capacity and we have to be able to sustain it. So we need to do it, Senator Thomas, one area at a time.

Senator THOMAS. OK. Thank you.

The CHAIRMAN. Senator McCaskill?

Senator McCASKILL. I assume that, Mr. Chaney, and I apologize I can't see you, but you may be the best person to give me the answer to this question. How many drug courts are currently operating in Indian territory across the United States?

Mr. CHANEY. Thank you for that question, Senator. We can get you that information. I don't have it handy, but there are a handful of tribal drug courts that are operating. I believe the number is quite small, though. We can get you the exact statistics.

Ms. SCHOFIELD. It is 18.

Senator MCCASKILL. Eighteen drug courts? Do you know if they are operating with Federal funds or if they are operating from State or tribal funds?

Ms. SCHOFIELD. Some are operating with Federal funds, but in the State of Alaska, they have done so well with some of their programs that they are using State and tribal dollars to actually continue to do that work.

Senator MCCASKILL. The President has zeroed out drug courts in this year's budget, as you all may or may not be aware. It is incredible to me that anyone would think about zeroing out dollars for drug courts. Every problem you have talked about is addressed by drug courts. It mandates interagency cooperation. It takes pressure off corrections budgets. It gets people off, and we have great treatment protocols for methamphetamine now. It is much more cost effective than any other kind of incarceration, and the incredible track record.

No one can argue with the statistics of drug courts across this Country, what they have done in terms of recidivism. It is such a wise investment. It is just mind-boggling to me that we would think in law enforcement in this Country right now that we would turn our back on drug courts, and particularly when you look at a tribal community. It is a perfect model to operate drug courts because you have the community pressure and the community closeness that would augment the success of drug courts.

Mr. Chaney, maybe you know this, or maybe someone else knows this, how many cross-designations do we have operating now total, as it relates to prosecutors or tribal officers? How many of those are operating right now with cross-designation on Federal task forces or prosecutors in Indian Country?

Mr. CHANEY. That is an excellent question. As was discussed earlier, because of the situation with staffing in Indian Country law enforcement, cross-commissioning has become key. In fact, it is one of our major ways in which we are able to address some of the crime in Indian Country. The answer is probably hundreds of agreements, because what you are talking about is 191 tribal or BIA police departments out there, hundreds of counties are involved, State agencies, and there on any one reservation there might be several cross-commissioning agreements with different agencies.

A good example of a proactive effort for cross-commissioning is in Oklahoma where there are over 35 federally recognized tribes, and I think over 50 counties that have Indian Country. There were so many cross-commissioning agreements that the State of Oklahoma and the Federal Government, mainly our office, got together and have executed a master cross-commissioning agreement that the tribes and cities and counties can sign onto and receive each other's authority to enforce the law and close some of those gaps.

Senator MCCASKILL. That is great. You talked about grant training. It seems to me it would be pretty obvious that it would be a really wise investment for us to provide someone to write grants for the tribes, because the grant writer is essential. How many Byrne grants are being granted to tribal authorities? And how many grants out of VAWA, Violence Against Women Act, are cur-

rently being given to any of the tribal entities? Does anybody know on the panel? I know you have addressed HIDTA, which is another good one. But what about Byrne and what about Violence Against Women?

Ms. SCHOFIELD. I think there are 1,600 Byrne grants. I can get you that information.

Senator MCCASKILL. In tribes?

Ms. SCHOFIELD. Yes. No, no, throughout the entire Country. I would have to—

Senator MCCASKILL. I was going to say, 1,600 in tribes, I would be shocked if we had that.

Ms. SCHOFIELD. I would have to back that out and get you that number. We have had extensive conversations with NCAI about grants. They are very aware of the deficiencies. I had a conversation probably about a month ago with the Executive Director of NCAI about how to provide resources at the Federal level for them, so that tribes could know how to hire good grant writers. I don't know that you could hire one person for all 562 tribes, but I am working—

Senator MCCASKILL. You could hire one person to train the trainers.

Ms. SCHOFIELD. Well, that is what we are doing with our training and technical assistance sessions.

Senator MCCASKILL. Finally, once again I want to make sure that I stress this. The Byrne grants are another area where you get most of the funding for inter-jurisdictional task forces, that you can't do meth without. I know Mr. Mead would back me up on this, it is very difficult to effectively go after methamphetamine without an inter-jurisdictional task force because the labs move. It is a moving target. Byrne grants have been the mother lode for methamphetamine task forces across this Country, especially areas that don't have a meth HIDTA, which frankly were handed out I think sometimes on a political basis, rather than where the need was for methamphetamine task forces.

Once again, this is an area where I hope your office, Mr. Burns, is pressing the Administration on Byrne grants, because once again this is an area where they keep cutting back. It is hard for me to understand why we would be cutting back funding in an area where it is really effective and really working.

So I would certainly appreciate any written input to the Committee about the position of your office, Ms. Schofield, and ONDCP about Byrne grants and that issue as it relates to Indian tribes.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCaskill, thank you. And let me reemphasize, I think the drug courts are unbelievably productive and important, and I am very disappointed by that budget recommendation there. We will ask some additional questions in writing.

Senator Murkowski?

Senator MURKOWSKI. Thank you, Mr. Chairman.

I want to ask a couple of questions about the Amnesty International report on sexual violence in Indian Country. Ms. Schofield, I know that you don't necessarily have supervisory responsibility of the work of the Office of Violence Against Women, but has your de-

partment read the report? What are the initial views on it? Does the department plan on implementing any of the recommendations? What is coming out from your department as a consequence of this report?

And Mr. Mead, I will ask you a similar question in terms of what is the go-ahead now that we have this report out there?

Mr. MEAD. Senator, first of all, I don't know that anything has been done just directly in response to that report, but prior to that report, I talked earlier about two studies that I think were going to be helpful. One is the Violence Against Women in the Department of Justice Reauthorization Act of 2005. It has a chapter devoted solely to safety for Indian women. Congress has already recognized the need for more statistical information on Native Country.

And so the two studies I talked about earlier, first is the National Institute of Justice, in consultation with the Office of Violence Against Women, is charged with conducting a national baseline study to examine violence against Indian women. The study includes crimes of domestic violence, dating violence, sexual assault, stalking and murder. It will also evaluate the effectiveness of Federal, State, tribal and local responses to these crimes. This is a 2-year report, Senator.

Senator MURKOWSKI. When will that report be available, then? You say it is a 2-year report, but when is it scheduled to be delivered to the Congress?

Mr. MEAD. Senator, I think it is calendar year 2008. The second report I think is on the same time line. The Secretary of Health and Human Services is conducting a study to obtain a national projection of the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault or stalking committed against American Indian and Alaska Native women. This is also a 2-year study, Senator.

Senator MURKOWSKI. Well, let me ask then, in light of the fact that it is a 2-year study that we are going ahead with, we know that the situation out in Indian Country is bad. We know that in the State of Alaska, that we are seeing native women as victims of sexual assault at rates that are absolutely disproportionate in a way that should be shocking to people.

One of the things that we learn from the Amnesty report was failure to adequately train staff to collect the forensic data. Comments that were included in the report such as not even having the rape kits available at IHS facilities, untrained staff, lack of clear protocols for treating sexual assault victims. So it is one thing to go ahead with a study over the next 2 years, but I would certainly like to think that between now and the time that the study comes out, we would be at a minimum acting to make sure that we are beefing up that training, that we are making sure that we have rape kits available at IHS facilities.

Is that aspect of the report being acted upon? Ms. Schofield?

Ms. SCHOFIELD. That is not the aspect of the study. One of the things that came out when I read the Amnesty International report was I actually talked to someone at IHS, and I am going to have a followup meeting with that person that is directly responding to

that, because at the NIJ we believe that we can provide IHS with rape kits.

The other part of it was that there were not enough sexual assault nurses available in Indian Country. I started calling around and asking people that trained the same nurses what is the problem in Indian Country. The problem came up with the certification, that even though, if you could get a sexual assault nurse examiner in Indian Country, you may not get enough reports of people that actually come in and want to use the nurse so that they can maintain their certification, which means that they are not going to stay in Indian Country with the certification.

So I made that phone call to someone with the Pennsylvania Coalition Against Rape, and I am continuing to have that discussion because that is something that I really do think that we should be able to tackle in the next few months. The use of the kits, you have to train police officers to use the kits. So I actually made phone calls to some forensic folks as well. I made a bunch of phone calls around that. I can't say that I have come up with the solution, but I have started having conversations with people for that.

Senator MURKOWSKI. It just seems that it is too basic. We have assumed that these protocols are in place. We have assumed that this level of training is there. We have assumed that certain basics like the kits are available, and apparently we should not have made these assumptions. I would like to think that we would be acting very quickly, very proactively on this.

My time is up, but I want to ask you, Ms. Schofield, and I have some questions that I will submit for response later, but last time we had an opportunity to be in a hearing together—this was at the budget hearing—I asked you about the department's level of support for the Alaska Rural Justice Commission.

I indicated at that time that I was somewhat concerned. We had had some changes of individuals. U.S. Attorney Tim Burgess was appointed to the bench. There were some changeovers there. I was concerned that perhaps the focus on the Alaska Rural Justice Commission was not as intense as it should. Has the department become more engaged in the work of the commission since the last time we had a chance to talk? If not, I would like to know why not, and perhaps we can have a meeting if there are updates that we should be aware of. I would like to take the time with you or whomever in your office to pursue that.

Ms. SCHOFIELD. OK. I did have a conversation with the chair of the Native American Issues Subcommittee and told them that you wanted to make sure that whoever the permanent U.S. Attorney for that area, for the whole District of Alaska, was actively involved as the outgoing U.S. Attorney. I will make sure I followup. Mr. Tulley was here, and so he can make sure that he has as many conversations with people in the department.

Senator MURKOWSKI. Let me ask you, because the choice of words was we basically need to make sure that we have the permanent U.S. Attorney. We have an "acting" in there now. Does that mean that things—

Ms. SCHOFIELD. I would not know who the nominee would be, to be honest with you, because I don't really follow it that closely. I have enough problems to deal with, so I don't—

Senator MURKOWSKI. Well, you and I should followup with this.  
Ms. SCHOFIELD. OK.

Senator MURKOWSKI. I appreciate that.

Mr. Chairman, I will be submitting some additional questions.

The CHAIRMAN. Senator Murkowski, thank you.

A vote has begun, and I regret that we are a little pressed for time.

Senator Tester has joined us. Senator Tester, welcome.

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Mr. Chairman. I am sorry I am late. I was presiding, but I will make this very, very quick.

I would assume that every one of you think that there is a problem as far as crime in Indian Country. Is that a fair statement?

Mr. RAGSDALE. Yes, sir.

Senator TESTER. OK. I would also hope that you have it broke down into region as to where the most problems are, whether it is in the Great Plains, Alaska, Michigan, Florida, wherever. I will just make that assumption that that has been done, because the additional resources will be used better if they are put in places where there is the most need.

I will also make the assumption that you understand where the deficiencies are, whether it is in police or detention staff or in drug enforcement.

The question I have, and I don't want you to answer because we have to go, but I want you to think about it. It revolves on what Senator Thomas talked about. You people are on the ground. You know far more about what is going on out there than I do, at least you should. The question about what is the biggest problem and what is the best solution should be something that everyone of you have at the tip of your tongues, and something that will work, so that we as policymakers can come forth with some things that work in Indian Country.

We have had hearings here about health care, about housing, about unemployment. There are a lot of issues that revolve around crime, make no mistake about it, and most of it revolves around hope. We have got to do something in Indian Country to stop what is going on right now. It is a catastrophe in the State of Montana.

I will tell you that it is not going to happen without help from our Native American friends on the ground there, too. But we have to develop the kind of policies not just necessarily throw money at them, though I do think resources, as has been pointed out, are critically important, but they have to be spent in the right way.

So it is really up to us to pass the policy, but it is really up to you to give us the instruction on how that policy is best implemented.

With that, thank you, Mr. Chairman.

The CHAIRMAN. Senator Tester, thank you.

We intend to hold one additional hearing next month and go from this proposition of where are we, to where we need to get, and what we need to do to get there. We need a lot less conversation and a lot more action. So this hearing is an important step, but



much more needs to be done, and we will have another hearing in the month of June, later in June, on this same subject.

I want to thank all the witnesses.

Senator Thomas, thank you for being here.

This hearing is adjourned.

[Whereupon, at 10:40 a.m., the Committee was adjourned, to reconvene at the call of the Chair.]



## A P P E N D I X

### PREPARED STATEMENT OF CHADWICK SMITH, PRINCIPAL CHIEF OF THE CHEROKEE NATION

Mr. Chairman, Mr. Vice Chairman, and Members of the Committee, I am pleased to provide a statement on behalf of the Cherokee Nation regarding Law Enforcement in Indian Country. Sharon Wright, Director, Cherokee Nation Marshal Service (CNMS) has provided information and support in the development of this statement. We thank you for accepting the Cherokee Nation's statements for the record on these important issues that impact the welfare of our citizens, our communities and other American Indians in Northeast Oklahoma.

The Cherokee Nation has 268,902 citizens. Within the 14-county jurisdictional boundaries, there is a population of 268,761 with 109,624 being Cherokee citizens. The CNMS is responsible for providing law enforcement services on approximately 105,922 acres of Indian Country checker-boarded throughout 7,000 square miles of northeast Oklahoma. The CNMS also supports local law enforcement agencies with 45 cross-deputization agreements, providing a more seamless law enforcement service and public protection for our citizens residing off Indian Country.

Our officers are trained through the Federal Indian Police Academy and the State Council of Law Enforcement Education and Training and are required to maintain 40 hours of continuing education each year. CNMS operates a department of 33 sworn officers and 12 security personnel to provide a full range of law enforcement services including public safety, protection of property, crime prevention, prevention education in schools, criminal investigations, community policing and narcotic investigations.

The tribe's justice system includes the Attorney General's office and a two-tiered court system with a District Court and a Supreme Court. The funding sources used to promote justice and law enforcement is tribal, Department of Justice (DOJ), Department of Interior (Self-governance) and Housing and Urban Development (IHP-NAHASDA).

CNMS provides services to a population that is predominantly at or below the national poverty level and has geographic barriers with Indian lands ranging from remote rural settings to cities. The highways and interstates passing through our jurisdiction are being used to traffic drugs from Mexico. This, combined with low income levels, make our rural communities attractive targets for operations by the Mexican drug cartels.

Substance abuse, specifically methamphetamine, has had a negative impact on our rural communities. Health care costs are affected by the related physical health problems, behavioral health issues, and the cost of prescriptions as well as treatment. Methamphetamine abuse within the Cherokee Nation's jurisdiction is a contributing factor in domestic, child and sexual abuse. The Cherokee Nation has taken 48 infants into custody in the last 2 years because they tested positive for methamphetamines at birth.

Law enforcement incidents related to substance abuse continue to increase, such as possession, possession with intent to distribute, domestic abuse and child neglect and abuse. Methamphetamine use is a problem across the United States and in our jurisdiction meth has impacted all aspects of our government and cannot be wholly addressed by our law enforcement and justice systems.

In 2000, the Cherokee Nation District Court had a total of 126 civil and criminal cases, including 14 drug/alcohol related cases and 37 domestic violence cases. The cases have continually increased, with 448 drug/alcohol cases and 164 domestic violence cases reported by 2006. (Cases were Indian Country, Indian housing or Indian community).

The new laws which restricted availability of ephedrine and pseudo-ephedrine have effectively reduced clandestine labs and the associated environmental and physical dangers. However, the demand for the drug, which is now being filled by Mexican drug cartels, has continued to drain tribal resources. The Cherokee Nation has partnered with other agencies in order to address the drug issue. One example

is a narcotics investigation which started as a CNMS investigation involving a clandestine lab. The investigation eventually led CNMS to talk with the United States Attorney of the Eastern District. This began a coordinated effort with Cherokee Nation Marshals, DEA, Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD), BIA and Creek Nation Lighthouse. The prosecution of the case resulted in the longest prison sentence handed down in the region, 60 years, for a methamphetamine lab operation spanning eastern Oklahoma, Kansas, Missouri and Texas.

Cherokee Nation Marshals, Health Services and Human Services are collaborating on a prevention strategy to increase the detection of methamphetamine, decrease its use and improve prevention and treatment modalities in a target specific county. The goal is to build healthier families through early detection of potentially devastating habits or actions. Officers will make referrals to health and social services when reacting to domestic violence, child abuse, elder abuse, drug offenses and misdemeanor offenses by methamphetamine users. A former Federal grant for protective orders which assisted victims of domestic violence through the court process was an effective program. Though the grant has ended, we are continuing the efforts by having qualified staff to perform the assistance as an extra duty assignment. Substance abuse is still the number one contributing factor in family violence offenses and long-term methamphetamine use causes deviant behavior. Our approach is to work with the family as a unit, not just the individual. By using early stage intervention disciplines, we hope to stabilize the family and prevent future violence.

We face many challenges while addressing the priorities of reducing domestic abuse, child abuse and methamphetamine distribution and use. Manpower shortage is one challenge. The number of law enforcement officers per 1,000 Cherokee residents is about 0.3, versus 2.6 for non-tribal communities, according to the 2005 Uniform Crime Report. We provide 24-hour, 7 days per week coverage across 7,000 square miles. Our officers patrol alone and often respond to both high-risk and low-risk situations with no backup. Officers are patrolling in geographical areas anywhere from 45 minutes to 2 hours away from one another, often in areas where our current communications system does not transmit. Local law enforcement with which we are cross-deputized sometimes do not assist due to their own lack of manpower. The officers are placed in greater danger because of the distance and the unreliability of communications.

Like many tribal agencies, CNMS has antiquated or out-dated systems of communications, automated reporting, records repository and GPS/directional capabilities. Currently we have a hard-copy system requiring manual research for data. The disposition of tribal cases, warrants for individuals, and issued protective orders are not on a national or state data system. Other jurisdictions looking at criminal histories do not get the full background of an individual if part of the crimes committed were on Indian Country. Tribal criminal information needs to be accessible to other law enforcement agencies and an affordable system available to tribes.

As we expand and develop tribal businesses we are seeing an increase in misdemeanor crimes involving non-Indians. A remedy or process for misdemeanor violations has not been developed for tribes in the Northern District and the Eastern District. This allows non-Indians to continue committing misdemeanor offenses on Indian Country without fear of criminal penalty.

There is an erroneous assumption that tribes with casinos and other businesses have plenty of money. In reality, with all the service needs of the citizens ranging from health, sanitation and basic food and housing, the funds are prioritized to provide jobs and assist with basic needs of families. Health care cost increases due to methamphetamine use are caused by related effects on teeth, liver, kidneys, heart, blood pressure, brain, skin and the treatment prescriptions. The cost of care of methamphetamine-positive infants and children abused by addicted parents has increased, but we do not have adequate funding for the care of these children. Methamphetamine has increased the need for treatment and detention center contracts. Methamphetamine has increased the cost of rehabilitation on houses contaminated by clandestine labs.

Cherokee Nation Marshals travel more than 36,000 miles per year patrolling over 111 Cherokee housing sites, 105,922 acres of trust and restricted lands, 5 casinos, and 51 businesses. Present resources are inadequate to address needed personnel, essential equipment such as ballistic vests, vehicles and vital communications systems upgrades.

We are pleased about the Initiative within the President's FY 2008 budget request. The Initiative provides for a \$16 million increase in funding to strengthen law enforcement capabilities on tribal lands by providing \$5 million to hire and train additional law enforcement officers; \$5 million to increase staff at Indian detention facilities and for training detention officers; and \$6 million to provide spe-

cialized drug enforcement training for officers and public awareness campaigns about the dangers of methamphetamine use for tribal communities. The Initiative will bring the total funding for BIA law enforcement to \$233.8 million. We hope the tribes will benefit from the additional appropriations because improvements to public safety in Indian Country are greatly needed. The Cherokee Nation and other Oklahoma tribes are in dire need of sustained funding for officers, prevention campaigns, and necessary communication/data resources.

Mr. Chairman, we want to thank you for holding this hearing on such an important subject for Indian Country. We hope our testimony will assist you and your colleagues in making decisions to improve the safety of our people who reside on Indian lands.

We will be happy to answer any questions you may have.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BYRON L. DORGAN TO  
W. PATRICK RAGSDALE AND CHRISTOPHER P. CHANEY

*Question 1.* Your testimony referred several times to the need for more law enforcement officers in Indian Country. I understand that one of the issues is the ability for the Indian Police Academy in Artesia, NM, to accommodate the number of trainees needed. How many officers does the Academy train each year?

Answer. The Indian Police Academy trains approximately 192 police officers, 192 corrections officers, and 60 telecommunication officers, annually.

*Question 2.* Would BIA consider arrangements with state law enforcement training programs so that a person trained by the state would be qualified for BIA law enforcement employment?

Answer. The quality and quantity of instruction received at state police academies varies. We require that all Bureau of Indian Affairs' law enforcement officers receive training at the Indian Police Academy so that our Federal officers meet our standards. Tribal law enforcement may also attend the Indian Police Academy, however, some tribes send their officers to state academies.

*Question 3.* I understand that this used to be the case in North Dakota. Why is this not allowed any more?

Answer. The practice of sending Federal Bureau of Indian Affairs' (BIA) law enforcement personnel to the state law enforcement training program to receive training was discontinued so that all personnel could receive the same high standards and quantity of training nationwide.

*Question 4.* What is the waiting list to attend Artesia?

Answer. There is no waiting list to attend Artesia.

*Question 5.* What is the drop-out rate at Artesia? We have been told that it is high, and that recertification of current officers at Artesia often ends in their leaving law enforcement. Is this true?

Answer. The Indian Police Academy loses approximately 30 percent of each class due to academic failure. Additional reasons for failure include inability to pass physical fitness requirements, injuries, rule violations, and personal reasons.

*Question 6.* I know at least one tribal college, United Tribes Technical College, has a law enforcement training curriculum, and would like to supplement the training offered at Artesia. Has BIA considered entering into cooperative agreements with the tribal colleges to provide this training? If not, why?

Answer. Yes, the Indian Police Academy is discussing possible cooperative relationships with outside educational institutions, including the United Tribes Technical College (UTTC). UTTC is one of several organizations that have approached BIA with proposals to supplement the training offered at the Indian Police Academy. While UTTC may offer academic classes in criminal investigation or similar subjects related to law enforcement, BIA law enforcement officers must receive basic Federal law enforcement certification, which they cannot receive from a state police academy or a university. Federal law enforcement academies, including BIA's own Indian Police Academy, are the only institutions that offer such certification to police officers.

*Question 7.* Can you talk about the role of Special Law Enforcement Commission officers? Are there particular crimes these officers respond to?

Answer. Special Law Enforcement Commissions can be issued by the Bureau of Indian Affairs to qualified tribal officers (and with the consent of the tribe to qualified state/local officers). These commissions allow officers to enforce violations of Federal law which occur in Indian country.

*Question 8.* Does BIA assess inmates for suicidal tendencies during intake?

Answer. Yes, the Bureau of Indian Affairs arranges for mental health assessments during the intake process for both juveniles and adults.

*Question 9.* If there is a suicide attempt or completion, are BIA officers notified?

Answer. Yes, the Bureau of Indian Affairs officers are immediately notified of all suicide attempts. The officers, then notify the Deputy Director for Justice Services at headquarters in Washington, D.C.

*Question 10.* Are they trained to respond?

Answer. Yes, all Bureau of Indian Affairs officers are required to complete 8 weeks of basic correctional officers training at the Indian Police Academy. Training at the Academy includes coursework in dealing with suicidal inmates.

*Question 11.* When a prisoner escapes from a detention facility, are local, tribal and state law enforcement notified?

Answer. In the event of an escape, the corrections officer in charge must immediately notify the Bureau of Indian Affairs or Tribal Police, and state and local law enforcement authorities by telephone and telefax utilizing an escape flyer form which requires inmate specific data.

*Question 12.* What reporting protocols are in place for serious incidents that occur at BIA and tribal/638 detention facilities?

Answer. All serious incidents are reported to the Bureau of Indian Affairs' (BIA) supervisory corrections personnel. Tribal detention programs also report serious incidents through BIA corrections supervisors, utilizing the same protocol notifications and pass the information to the Deputy Director for Justice Services in Washington, D.C.

*Question 13.* What is the average number of detention officers per shift?

Answer. The average number of correctional officers on duty per shift at our Bureau of Indian Affairs' correctional facilities is two.

*Question 14.* Have there been instances of assaults on these few detention officers?

Answer. Yes, Bureau of Indian Affairs' correctional officers have been assaulted.

*Question 15.* Has the BIA explored alternatives to detention for individuals who have been arrested and are intoxicated?

Answer. The BIA corrections personnel have been reaching out to private entities that provide treatment programs for inmates with substance abuse issues. The BIA anticipates establishing contracts with these entities to address detention alternatives for substance abuse cases.

*Question 16.* What sort of maintenance schedule does BIA have for detention facilities?

Answer. Each Bureau of Indian Affairs' agency or tribal facility manager is responsible for providing an on-going maintenance program to address preventative, routine, cyclical, and emergency unscheduled maintenance.

*Question 17.* Given the shortage of law enforcement officers, for a tribe that receives services directly from BIA, what happens to the public safety needs of that tribe in instances where BIA has to redirect officers to a particular crisis somewhere else?

Answer. The Bureau of Indian Affairs (BIA) law enforcement officers are sometimes given temporary assignments to other reservations in order to cover short term staffing needs. For example, after Hurricane Katrina in 2005, BIA law enforcement officers assisted the Mississippi Choctaw Tribe with their needs. Other examples include temporary detail assignments to assist tribes hosting an event such as a pow-wow, rodeo, or fair, which may attract large numbers of people to that specific reservation. When a detail assignment is made, managers are careful to ensure that enough officers are left on the "contributing" reservation to provide for adequate public safety needs.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. PETE V. DOMENICI TO  
W. PATRICK RAGSDALE AND CHRISTOPHER P. CHANEY

*Question 1.* What law enforcement resources, both officers and support personnel, does the BIA have deployed in New Mexico at this time?

Answer. The Bureau of Indian Affairs has 8 criminal investigators, 27 police officers, 10 telecommunications officers and 5 support staff within our offices in the State of New Mexico.

*Question 2.* How are law enforcement officers assigned to districts or tribes? And how many individual officers are assigned to the districts or tribes?

Answer. The Bureau of Indian Affairs' law enforcement officers are assigned to the duty locations designated on the vacancy announcement. Tribal law enforcement agencies make their own determinations regarding assignments.

*Question 3.* What flexibilities does the Bureau have to allocate resources among the districts or tribes to target specific types of crime or patterns of criminal activities?

Answer. The Bureau of Indian Affairs provides assistance to tribal communities that are in need of additional law enforcement support by temporarily detailing officers or support staff, as needed.

*Question 4.* What program(s) or assistance does BIA provide to local tribes for the training of local tribal law enforcement officers?

Answer. The Indian Police Academy (IPA) accepts tribal law enforcement officers to the Basic Police Officer and Basic Correctional Officer program without expense to the tribes. The IPA also provides room and board at no additional cost.

*Question 5.* In 2004, the Department of the Interior's Inspector General issued a report entitled "Neither Safe Nor Secure." The report outlined the poor conditions of detention facilities throughout Indian Country. The 2004 Report issued several recommendations, including the recommendation that the Department of Justice (DOJ) and the Bureau of Indian Affairs (BIA) develop strategic plans for correctional facility replacement and renovation, and that DOJ should assist BIA in developing a comprehensive needs assessment to ensure correctional facilities are built and sized appropriately. How have the BIA and DOJ worked together to implement the recommendation, and what is the status of plans for correctional facility replacement and renovation?

Answer. Since 2005, the BIA and the Department of Justice's (DOJ) Bureau of Justice Assistance have actively worked together to assess needs for facility replacement and renovation. In September 2006, the BIA and DOJ held a conference in Albuquerque, New Mexico with several tribes regarding planning for the future of corrections and detention in Indian Country.

*Question 5a.* Would it be helpful for Congress to clarify what type of collaborative process would be required for BIA and DOJ's work on correctional facility replacement and collaboration?

Answer. No. We believe our collaborative efforts will result in better policy and use of limited resources.

*Question 6.* There has been significant media attention regarding the lack of correctional facilities on the Navajo Nation in northwest New Mexico. I have attached a recent article on the subject from the Albuquerque Journal. On May 4, 2007, the AP issued a lengthy article outlining the condition of detention facilities in the Navajo Nation. It is my understanding that two of its seven correctional facilities recently closed and there are only 59 beds for all detainees. What are the BIA and the DOJ doing to help address the lack of correctional facilities adequacy and capacity on the Navajo Nation?

Answer. In October 2005, the BIA established a contract at McKinley County, located in Gallup, New Mexico, in the amount of \$455,520, to address Navajo Nation's stated need to urgently close the Tuba City Adult detention facility. From October 2005 through September 30, 2006, the BIA continued to request progress reports on the Navajo Nation's efforts to fully close the facility. A total of \$427,635 was actually spent by the BIA for contracted beds at McKinley County for the Navajo Nation, during this period. In response to the Navajo Nation's recent request for assistance in the closure of the Chinle Adult Detention facility, a contract with McKinley County was initiated and made available to the Navajo Nation on May 1, 2007, for 20 beds.

*Question 7.* The Navajo Nation justice system has been in existence since April 1, 1959. The Navajo Nation Judicial Branch is responsible for the administration of the Supreme Court, 10 district courts, traditional peacemaking in 110 chapters, and the provision of probation services throughout the Navajo Nation. Currently, the Navajo Nation Supreme Court is in a dilapidated state, and in need of reconstruction. The Navajo Nation has set aside land and worked on engineering plans for a new building. What assistance is currently available through the BIA or the DOJ to help the Navajo Nation with this project?

Answer. The BIA cannot speak on behalf of the Department of Justice on this matter. With regard to the BIA, we have not received appropriations to build new structures for the Navajo Nation justice system.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CRAIG THOMAS TO  
REGINA B. SCHOFIELD**Violent Crime and Sexual Violence**

*Question 1.* Have the rates of violence against Indian women decreased?

Answer. Yes. According to the National Crime Victimization Survey (NCVS), violent crime rates have decreased for Native American women. During the years 1992–1996 the average annual violent crime rate among American Indian women was 98 per 1,000 persons age 12 and older; during the period 1992–2001 the average annual rate was 86 per 1,000; and during the most recent time period 1995–2004 the average annual rate was 72 per 1,000.

**Adam Walsh Act**

*Question 2.* Congress passed the Adam Walsh Child Protection and Safety Act last year and the Committee is aware that the Department has held meetings with Indian Tribes to discuss this Act over this past year. What implementation issues have been raised in those meetings?

Answer:

1. Tribes have asked which Public Law 83–280 (P.L. 280) tribes are included in the mandatory delegation of the registration obligation to the states under the Adam Walsh Act. Per the Adam Walsh Child Protection and Safety Act, Pub.L. No: 109–248, (“Adam Walsh Act”), the Department has explained that the delegation applies only to tribes subject to the law enforcement jurisdiction of the state as provided in 18 U.S.C. 1162: tribes in Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. Within those six states, the delegation does not apply to those tribes exempt or retroceded from P.L. 280.

2. Other tribes have asked whether there is an inconsistency between registry provisions of the Adam Walsh Act and Violence Against Women Act of 2005 (VAWA). Following Congress’ direction under the Adam Walsh Act, the Department oversees the National Sex Offender Registry operated by the FBI, and the Dru Sjodin National Sex Offender Public Website ([www.nsopr.gov](http://www.nsopr.gov)). All available tribal, state, and territorial information on sex offenders is fed into these national databases in accordance with Congress’ intent under VAWA to make sex-offender registry information available nationally.

3. Tribes have also inquired as to how to best coordinate with the Federal Government on registration of a Federal prisoner intending to reside on a reservation after his release from prison. The Department desires to work closely with the tribes on registration of such prisoners. Under the Sex Offender Registration and Notification Act (SORNA), sex offenders in Federal or military prison are integrated into the sex offender registration programs of the States and other (non-Federal) jurisdictions following their release. Under Federal law, the Federal and military correctional supervision personnel must notify the receiving jurisdiction’s authorities that a sex offender will be released to their area. Furthermore, these sex offenders are independently required to comply with the SORNA registration requirements, and may be federally prosecuted if they fail to do so.

4. Tribes have also asked about the July 27, 2009 implementation deadline and the possible delegation of registry functions to the state. The Department continues to provide training and technical assistance to the tribes with regard to implementation and has posted a tribal solicitation and a training and technical assistance solicitation on implementation. As for the July 27, 2009 deadline, the Adam Walsh Act requires substantial compliance by that deadline. The deadline for substantial compliance may be extended to July 27, 2011 under the Act’s provision allowing jurisdictions to receive up to two 1-year extensions of the deadline.

5. Some tribes appear to believe that the Act requires tribes to provide the state “access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements” of the Act. For those tribes eligible to be registry jurisdictions, the Act does not provide such access, cooperation, and assistance unless a delegation is made. Tribes choosing to be registry jurisdictions do not need to grant the state access or assistance.

6. Resource limitations have been raised by tribes. The Department understands the concerns in this area and has taken action to alleviate those concerns. For example, the Department has issued the Adam Walsh Act Implementation Grant Program. The solicitation provides tribes and tribal organizations funding for a variety of programs assisting in the implementation of the SORNA, including, among other things, (1) developing or enhancing sex offender registration programs or functions; (2) supporting address verification of sex offenders in a jurisdictional area or areas;



(3) providing support for coordinated interagency and interjurisdictional efforts; (4) improving law enforcement and other justice agency information sharing as it relates to investigation and prevention of sex crimes and offender accountability; (5) developing and enhancing specialized units and functions in law enforcement agencies in furtherance of the objectives of the program; and (6) developing or enhancing local absconder apprehension efforts. In addition, the Department is working with tribes on developing cooperative agreements that enable tribes to fulfill their obligations under the SORNA without the expense of creating an independent registry while at the same time preserving tribal sovereignty. The Office of Justice Programs, Bureau of Justice Statistics (BJS) has funded SEARCH (the National Consortium for Justice Information and Statistics) to provide tribal jurisdictions with technical assistance for criminal record development and improvement. This includes participation in the National Sex Offender Registry (NSOR), National Sex Offender Public Registry (NSOPR), State and Federal protection order registries, National Instant Criminal Background Check System (NICS), National Crime Information Center (NCIC 2000), and the Integrated Automated Fingerprint Identification System (IAFIS). Technical assistance is also available to help tribal jurisdictions respond to criminal history record-related provisions contained in the Violence Against Women and Department of Justice Reauthorization Act of 2005 and the Adam Walsh Child Protection and Safety Act of 2006.

7. Some tribes have asked whether the Act requires any tribal court conviction, regardless of the seriousness of the offense, to be treated as a tier I offense (15 year registration requirement). The Department has stressed that the Act is a floor not a ceiling. Although the Act requires a minimum of 15 years registration for tier I offenses, tribes are free to require longer registration. For example, if it chooses, a tribe may require all sex offenders to register for life, regardless of the seriousness of the offense. Thus, any jurisdiction may choose to treat tribal convictions in any fashion that exceeds the minimum SORNA standard.

8. Earlier in the summer, some tribal leaders and national Native American organizations expressed a desire to have the July 27, 2007 election deadline extended. Please see the answer below discussing the difference between the election deadline and the implementation deadline and explaining why an extension of the election deadline is not necessary.

*Question 3.* Do all Indian tribes have the capability to have a sex offender registry?

Answer. Although not all Indian tribes currently have the technical capability to have an independent sex offender registry, the Act requires only that eligible tribes have exercised their election to function as a registration jurisdiction by July 27, 2007. All jurisdictions have until July 27, 2009 to substantially implement the Act. Moreover, tribes do not need to create independent registries; instead, tribes may enter into cooperative agreements with the State, local units of government, or other tribes. Under the law, a tribe retains broad discretion to create an agreement that meets the needs and desires of that tribe. The Act also provides that jurisdictions may request up to two 1-year extensions of the compliance deadline. It is expected that technical assistance, training and grant money will assist tribal capability to implement the Act prior to July 27, 2011.

*Question 4.* Should the July 27, 2007 deadline for Indian tribes to elect into the registry system be extended to address any implementation issues?

Answer. An extension of the election deadline is not necessary to address issues pertaining to implementation because the election deadline is wholly separate from the implementation deadline. The July 27, 2007 deadline effectively addresses only the date by which an eligible tribe must by "resolution or other enactment" elect to retain its option to function as a registration jurisdiction. The tribe electing to function as a registration jurisdiction may later rescind its election and delegate the responsibility to the state. It should be noted that the deadline does not apply to over 350 mandatory P.L. 280 tribes, currently subject to the law-enforcement jurisdiction of their states. Under Section 127, the Act delegates implementation of the registries to the mandatory P.L. 280 states.

An extension of the July 27, 2007 deadline may delay implementation of the Adam Walsh Act by reducing the time a tribe or state has to implement the SORNA standards or to negotiate a cooperative agreement. Any extension of the election deadline compresses the amount of time available for the tribe or state to implement SORNA and meet the compliance deadlines. In addition to the election deadline, all jurisdictions have an implementation deadline of July 27, 2009 to implement the Act. Jurisdictions may also request up to two 1-year extensions of the compliance deadline, making July 27, 2011 the outer deadline for implementation.

### **Tribal Youth Gangs**

*Question 5.* The number of youth gangs has increased in Indian Country. Please describe the efforts undertaken by the Department to combat youth gangs and what progress has been made?

*Answer.* The Department of Justice's Office of Justice Programs (OJP) works with nine other Federal agencies in supporting the President's Helping America's Youth (HAY) initiative, OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) helps ensure that gang prevention is a significant focus of this broad-scope effort by promoting awareness of gang prevention at a senior level within the Administration and disseminating information to gang prevention practitioners.

OJJDP also supports the National Youth Gang Center (NYGC), which assists policymakers, practitioners, and researchers in their efforts to reduce youth gang involvement and crime. NYGC provides information, resources, practical tools, and expertise toward the development and implementation of effective gang prevention, intervention, and suppression strategies.

OJP has undertaken many other efforts to combat youth gangs. In Fiscal Year 2006 OJP dedicated \$30 million under for its recent "Anti-Gang Initiative" to fund new and expanded anti-gang prevention and enforcement efforts under the Project Safe Neighborhoods (PSN) Initiative. The new Anti-Gang Initiative funds are enhancing PSN task force efforts to combat gangs by building on effective PSN strategies and partnerships. Through the development of district-wide comprehensive anti-gang strategies, the U.S. Attorney in each of the 94 Federal judicial districts is partnering with local law enforcement and others in the PSN task force 10 pattern strategies after PSN's essential elements. Two of the PSN Anti-Gang Initiative projects (one in South Dakota and one in Wyoming) focus on gangs in Indian country. In Fiscal Year 2006, OJP dedicated an additional \$15 million for anti-gang programs to six sites that had been experiencing particularly severe gang problems. For Fiscal Year 2007 we expect to award an additional \$31 million in Fiscal Year 2007 for the PSN Anti-Gang Program.

OJP's Bureau of Justice Assistance administers the Gang Resistance, Education, and Training (G.R.E.A.T.) program, through which law enforcement officers teach life skills to young people to help them avoid joining gangs or engaging in other destructive behavior. In 2006, BJA awarded more than \$14 million to support local G.R.E.A.T. programs in 141 communities from 36 states. Three of these G.R.E.A.T. sites are in Indian country—the White Earth Band of Chippewa in Minnesota; Lummi Nation in Washington state; and the Menominee Indian Tribe of Wisconsin.

Funding is also available for anti-youth gang activities through the Tribal Youth Program (TYP). TYP is part of the Indian Country Law Enforcement Initiative, a joint initiative of the U.S. Departments of Justice and the Interior to improve law enforcement and juvenile justice in Indian country. The TYP supports tribal efforts to prevent and control delinquency and improve tribal juvenile justice systems for American Indian/Alaska Native (AI/AN) youth. Six of the Fiscal Year 2006 TYP grantees are focusing, at least in part, on gang activity—the Poarch Band of Creek Indians in Alabama; the Hualapai Indian Tribe in Arizona; the Fond du Lac Band of Lake Superior Chippewa in Minnesota; the Mescalero Apache Tribe in New Mexico; and the Lower Brule Sioux Tribe in South Dakota.

In an effort to address the alarming growth of Native American gang activity, the FBI's Indian Country Unit (ICU) has collaborated with noted Native American gangs expert, Christopher Grant, to examine gang behaviors throughout Indian Country. To date, the ICU has sponsored 16 assessments by Mr. Grant of Native American reservations throughout Indian Country to identify emerging gang activity at those locations, and he will conduct additional assessments in FY 2008. When Mr. Grant identifies such activity, he holds "town hall" meetings with community and local law enforcement officials to ensure they are aware of the activity. While Mr. Grant may suggest some general response strategies at these meetings, such as the removal of graffiti identifying gang membership, the response strategy is primarily developed by local and tribal law enforcement along with appropriate task forces, which often include FBI representatives.

*Question 6.* Is the distribution of methamphetamine related to the increase in youth gang activity? If so, how is the Department responding to this situation?

*Answer.* The National Youth Gang Center (NYGC), an OJP grantee, indicates that there is currently no research demonstrating a link between methamphetamine use and increased gang activity. The NYGC is aware of ongoing research into drug trafficking in Indian country that may shed further light on the subject. The Department will keep the Committee informed of any new developments.

*Question 7.* Is the Department considering instituting education programs in juvenile jail facilities in Indian Country? If not, why not?

Answer. Both the Tribal Youth Program and the Tribal Youth Juvenile Accountability Discretionary Grant (Tribal JADG) funds can be used for programming—including educational programming and gang prevention/intervention programs—in residential facilities for juvenile offenders, as well as community-based programming for offenders. To date, none of the TYP or Tribal JADG grantees have chosen to use their funds for educational programs in residential facilities for juvenile offenders.

In 2006, OJJDP, in conjunction with the Substance Abuse and Mental Health Services Administration and the Bureau of Indian Affairs, hosted a forum on juvenile justice, substance abuse and mental health for tribal youth involved in the justice system.

According to OJP's Bureau of Justice Statistics, few tribes have their own juvenile residential facilities. Out of the tribes that have tribal court systems, most of them used the juvenile residential facilities of another tribe and/or place juveniles in county or non-tribal agency facilities. Tribes are more likely to offer counseling, require community service or require restitution from juvenile offenders without incarceration.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. PETE V. DOMENICI TO  
REGINA B. SCHOFIELD

In 2004, the Department of Interior Inspector General issued a report entitled "Neither Safe Nor Secure." The report outlined the poor conditions of detention facilities throughout Indian Country. The 2004 Report issued several recommendations, including the recommendation that Department of Justice and BIA develop strategic plans for correctional facility replacement and renovation, and that DOJ should assist BIA in developing a comprehensive needs assessment to ensure correctional facilities are built and sized appropriately.

*Question 1.* How has the BIA and DOJ worked together to implement the recommendation above, and what is the status of plans for correctional facility replacement and renovation?

Answer. The Department of Justice (DOJ) has developed a strong collaborative partnership with the Bureau of Indian Affairs (BIA) to help tribal nations assess correctional needs and ensure the completion of planned facilities and renovations consistent with the Inspector General's recommendations. The Department's Office of Justice Programs (OJP) has worked closely with BIA's Office of Justice Services to assess projects and develop strategies to address these recommendations, including training and technical assistance and listening conferences with tribal leaders. The September 2006 listening conference focused specifically on planning for the future of corrections and detention in Indian country.

Since Fiscal Year 1998, OJP's Bureau of Justice Assistance (BJA) has also assisted tribal leaders in completing 15 new construction projects with BIA Certificates of Occupancy. This coordination has helped ensure joint and consistent resource planning to build and manage these tribal facilities. In 2006, BJA began offering grants to tribes to support the renovation of facilities to bring them into compliance with Federal site and sound separation requirements—another OIG recommendation. In 2007, BJA is administering tribal programs to provide funding to support the renovation of existing facilities, and planning grants to help tribes first assess their corrections needs, then build comprehensive plans for correctional facilities. These projects will continue to be implemented in collaboration with BIA to assist tribes in identifying operating resources as part of the planning process for new facilities.

DOJ and BIA recently coordinated a Tribal Corrections Working Group in Albuquerque, NM, where discussions focused on recommendations including that: (1) new construction funding be tied to a commitment for adequate funding for facility maintenance and operating expenses; (2) decisions to fund construction of new facilities be based on needs assessments showing a demonstrable need for a facility, available alternatives to minimize bed needs, and population projections and profiles that show a need for secure beds and/or space for non-custody programs; (3) construction costs be limited and based on best practices and past experience developing detention and correctional facilities in Indian country; (4) greater cooperation among all stakeholders in Indian country corrections and juvenile justice systems be encouraged, including courts, probation, social services, Indian Health Services, and education providers; (5) an array of detention and correctional building options, including prototypical or quasi-prototypical concepts/designs for local jails, local juvenile facilities, multi-service centers, and regional juvenile and adult correctional facilities be further explored.

On July 30, 2007, OJP staff met with BIA and HUD staff to discuss ongoing collaboration for detention facilities and committed to maintaining an ongoing dialogue on an interdepartmental basis. All three agencies are involved in joint training & technical assistance sessions with tribes. Four such sessions were held in 2007 and detention facilities workshops were conducted at the most recent session held July 30, 2007 in Phoenix, AZ. OJP, BIA and HOD agreed to continue these joint efforts as well.

*Question 2.* Would it be helpful for Congress to clarify what type of collaborative process would be required for BIA and DOJ's work on correctional facility replacement and collaboration?

Answer. As noted above, DOJ and the BIA continue to effectively partner to share information, conduct ongoing meetings, and coordinate regional and national training opportunities to support and sustain correctional facility operations in Indian country.

There has been a significant media attention regarding the lack of correctional facilities on the Navajo Nation in northwest New Mexico. I have attached a recent article on the subject from the Albuquerque Journal. On May 4, 2007, the AP issued a lengthy article outlining the condition of detention facilities in the Navajo Nation. It is my understanding that two of its seven correctional facilities recently closed and there are only 59 beds for all detainees.

*Question 3.* What is the BIA and DOJ doing to help address the lack of correctional facilities adequacy and capacity on the Navajo Nation?

Answer. The Department has met with Navajo Nation officials to discuss correctional issues impacting the Nation, and has coordinated the discussions with BIA. In these meetings, BJA offered a range of technical assistance to assist in the efforts. A list of current grant resources was also shared with officials, including the upcoming solicitations for planning correctional needs and renovation of tribal correctional facilities.

The Navajo Nation justice system has been in existence since April 1, 1959. The Navajo Nation Judicial Branch is responsible for the administration of the Supreme Court, ten district courts, traditional peacemaking in 110 chapters, and the provision of probation services throughout the Navajo Nation. Currently the Navajo Nation Supreme Court is in a dilapidated state, and in need of reconstruction. The Navajo Nation has set aside land and worked on engineering plans for a new building.

*Question 4.* What assistance is currently available through the BIA or the DOJ to help the Navajo Nation with this project?

Answer. BJA's FY 2007 tribal programs will provide renovation funding for tribal correctional facilities, including local facilities, multi-service centers, and regional facilities, out of compliance with Federal compliance standards, and planning grants. These will help tribes interested in establishing a collaborative process to plan strategies to design and construct new detention facilities; build onto existing structures; or renovate existing structures for compliance with BIA safety requirements. While BJA's FY 2007 Edward Byrne Memorial Discretionary Grants Program does not allow funds to be used for construction, funds could be used to improve or enhance local court functions and corrections efforts, including reentry.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA MURKOWSKI TO  
REGINA B. SCHOFIELD

I appreciate that you do not have supervisory responsibility over the work of the Office of Violence Against Women, but in your role on the Justice Programs Council on Native American Affairs, I wonder if you might address the recent report by Amnesty International on Sexual Violence in Indian Country.

*Question 1.* My question is whether the [Amnesty International] report [is] being read within the Justice Department, what are the Department's initial views on it and does the Department plan to implement any of its recommendations?

Answer. Members of Office of Violence Against Women (OVW)'s senior management team have read the report. During the summer of 2005, several members of OVW's senior management team made themselves available to meet with representatives from Amnesty International to discuss OVW's efforts to address the sexual assault of Indian women. OVW was disappointed that none of the information on its efforts, or the efforts of its grantees, were included in the published report. OVW has been actively implementing some of the recommendations for a number of years.

For example, the report includes a recommendation that "[f]ederal authorities should work with Indigenous women's organizations in the USA to articulate an In-

digenous concept of gender-based violence and Indigenous anti-violence strategies in order to more rigorously respect, protect and fulfill the rights of Native American and Alaska Native women.” OVW appreciates that Alaska Native and American Indian women should assume a leadership role in advocating for systemic change in the way that violence committed against Indian women is viewed. OVW takes great pride in noting that the overwhelming majority of the tribal coalitions cited in the Amnesty International Report were started, in part, with seed funding from OVW’s Tribal Domestic Violence and Sexual Assault Coalitions Program (Tribal Coalitions Program).

Funding from the Tribal Coalitions Program currently supports the operation of 18 tribal domestic violence and sexual assault coalition programs across Indian country. The tribal coalitions funded by OVW provide training to both Native and non-Native organizations and agencies that serve Indian victims of domestic violence, sexual assault and dating violence. They also conduct public awareness and community education campaigns in tribal communities to increase the public’s understanding of violence committed against Indian women, and provide technical assistance to the tribal government victim services programs and tribal nonprofit programs that make up their membership. The work that these coalitions have done to educate Indian tribal government leaders and community members, as well as Federal, state, and local leaders about violence committed against Indian women has had a tremendous impact on national policy. The women who operate these coalitions were at the heart of the effort to include Title IX, the Safety for Indian Women Act, in the Violence Against Women Act of 2005.

I understand that the National Institute of Justice falls within your portfolio and that organization is conducting a national baseline study to address issues like domestic violence, sexual assault, stalking, and homicide in the context of sexual assault and domestic violence. As I understand the statutory mandate of this report is not only to present data but also to evaluate existing responses and make recommendations for improvement.

*Question 2.* When will that report be delivered to the Congress and can you give us a sense of what the recommendations might be?

Answer. OJP’s National Institute of Justice (NIJ) is actively involved in developing a program of research on violence against American Indian and Alaska Native (AI/AN) women, also known as the National Baseline Study on Violence Against Indian Women. Because of the broad scope of the study and the complexity of the topic, NIJ has chosen to refer to it as a “program of research,” rather than a single baseline study.

In preparation for the program of research, NIJ established a research and dissemination working group to assist with the work mandated by Title IX of the 2005 Violence Against Women Act. The participants include staff from NIJ and Office of Justice Programs agencies and bureaus, as well as other Department of Justice representatives. Federal partners include the Bureau of Indian Affairs, the Centers for Disease Control and Prevention (CDC), the Census Bureau, and the Department of Health and Human Services. The working group has already met several times to outline the steps necessary to meet the Congressional mandate.

There are many activities associated with this initiative, including the development of a comprehensive outreach component to all 562 federally recognized Indian tribes and Alaskan Native Villages and Corporations and a Task Force to help oversee the work of the Institute in this area. The Office on Violence Against Women is charged with putting the Task Force into place. NIJ will proceed with developing a research agenda to address the congressional mandate once the Task Force is operational.

Other activities underway regarding this initiative include the commissioning of a report that will highlight the relevant literature and extant research and evaluation in the area of violence against AI/AN women, and an agreement with the CDC to over-sample AI/AN respondents in their next National Intimate Partner and Sexual Violence Survey. In the next month or two, NIJ hopes to enter into an agreement with the Census Bureau to draft a number of sampling plans to account for the diverse and scattered population of AI/AN people that will assist them with future research and evaluation in this area.

The Department plans to submit the Report to Congress on these efforts in December 2007, as specified in the 2005 Violence Against Women Act.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CRAIG THOMAS TO  
MATTHEW H. MEAD

*Question 1.* Your written testimony discussed the importance of support services so victims can exercise their rights as criminal cases progress. Please describe the victims support services and how it helps the victims through the criminal process?

Answer. The Department of Justice employs an extensive victim assistance network to meet its obligation to support victims of crime from investigation to imprisonment. Federal law enforcement agencies, United States Attorneys' Offices, and the Bureau of Prisons have victim witness personnel who provide services to victims impacted by crime and who also educate victims about the criminal justice system to aid them in exercising their statutorily guaranteed rights. All department personnel are required to use their best efforts to ensure that victims are notified of and accorded their rights under the Crime Victims' Rights Act. (18 U.S.C. § 3771 (c)(1)).

Department services and support for victims is very important in Indian Country. The Department's efforts are supplemented by vital tribal and other local victim witness personnel working in conjunction with Federal authorities. To strengthen this coordination, some United States Attorneys' Offices have designated Tribal Liaisons who coordinate with tribal authorities. In addition, to further foster cooperation, periodic Indian Country Conferences are held for Federal, tribal, and local authorities.

During an investigation, law enforcement victim witness personnel provide services to meet immediate needs, such as referring victims to appropriate medical and social services, providing information regarding temporary shelter, and exploring options for relief from intimidation and harassment, such as protection orders. When safety is a concern, they assess possible threats and coordinate any security measures deemed necessary. In addition, victim witness staff members keep victims apprised of the status of the investigation to the extent that it will not interfere with the investigation and notify victims when arrests are made.

FBI Victim Specialists (VS) are often on the scene soon after a crime occurs, providing crisis intervention and arranging for emergency services. FBI VSs often physically transport victims to medical care facilities or temporary/emergency shelters. If no shelter is available locally, the VS contacts the Office of Victim Assistance (OVA) at FBI Headquarters to obtain emergency funding for temporary commercial lodging or the transportation expenses involved in relocating the victim to a safe place. In the case of a child victim, the VS may facilitate an interview at a children's advocacy center or by an FBI Child Interview Specialist.

If charges are filed, victims are then guided through the criminal prosecution process by victim witness professionals at the United States Attorneys' Offices. Victims have the right to be notified of court hearings, to be heard at public proceedings regarding the release, plea, or sentencing of the offender, to attend public proceedings, and to consult with the prosecutor regarding the case. In addition, the victim witness staff aids victims in giving written or oral input to the court regarding sentencing and also coordinates restitution requests for such items as medical costs, counseling or therapy costs, lost wages, and reimbursement for stolen items. The Federal Crime Victims' Fund is also available to supplement state and local funds for losses incurred by victims of crime.

In sexual assault cases, the Department offers to pay for two anonymous and confidential tests of the victim for sexually transmitted diseases during the 12 months following the assault and for a counseling session with a medical professional regarding the test results and the risks resulting from the assault. In domestic violence, sexual assault, and stalking cases, victims are offered assistance through various programs supported by grants from the Attorney General, such as housing assistance, legal assistance, and other services. Throughout both the investigation and prosecution, victim witness staff members often give information and assistance regarding matters such as transportation, parking, childcare, translator services, and other logistical information and services available for victims of crime.

In cases where victim safety is a concern, victim witness professionals, working in conjunction with various Department components, evaluate the risks to the victim and implement appropriate security procedures which may include orders for protection, emergency relocation assistance, or in appropriate cases, participation in the Witness Security Program. In other instances, victims also receive help with such matters as changing phone numbers or privatizing addresses and other contact information.

After sentencing, victim witness personnel from the Bureau of Prisons keep victims informed of custody status, release hearings, and any release or furlough of the

offender. In addition, they facilitate a victim's right to be heard at any parole or release hearing.

Victim witness personnel from all components of the Department work together to ensure victims' needs are met and their rights are protected during an experience that is frustrating and often traumatic for victims. They deserve our best efforts and more.

The FBI's OVA has dedicated to Indian Country matters a Child Forensic Interviewing Specialist who travels throughout tribal lands on a weekly basis to conduct sensitive interviews of child victims and witnesses under very harsh conditions. In order to better equip Federal and tribal investigators to investigate IC child sexual assault allegations, the OVA and the FBI's Indian Country Unit developed a course to teach Indian Country Forensic Interviewing of Children in FY 2007. The FBI's OVA and Indian Country Unit sponsored this training regionally on three occasions during FY 2007 and have scheduled another three training events in FY 2008.

*Question 2.* Your written testimony mentioned that accountability and demonstrable results are needed for the Bureau of Indian Affairs (BIA) *Safe Indian Communities Initiative*. What type of accountability and demonstrable results would you recommend for this *Initiative*?

Answer. The Department of Justice always encourages the effective use of government resources and high productivity.

*Question 3.* What other recommendations do you have for improving the BIA law enforcement services?

Answer. The Department of Justice is excited about the BIA law enforcement services work on the cross designation pilot program. The Department is looking forward to the continued development of that program.

*Question 4.* Your written testimony mentioned the cooperative law enforcement agreement between the Northern Arapaho and Eastern Shoshone Indian tribes, the Federal and local agencies. What are some of the elements of that agreement?

Answer. Indian country jurisdiction is a complex and difficult legal concept for law enforcement officers responding to criminal activity. Matthew H. Mead, the former United States Attorney for the District of Wyoming, helped untangle those jurisdictional complexities with the cross-designation agreement which is the subject of your inquiry. That agreement, routinely used by the Bureau of Indian Affairs, paved the way for over 100 law enforcement officers from several different agencies to work cooperatively in the simultaneous execution of 23 arrest warrants and 8 search warrants on and around the Wind River Indian Reservation in Wyoming in 2006. This coordinated effort, which dismantled the Legarda drug trafficking organization, was facilitated in large part by the deputation provisions of the cooperative.

That agreement, similar to the agreements used by the Bureau of Indian Affairs, brought together approximately 100 law enforcement officers to execute 20 search warrants and effect about 30 arrests. The primary element of the agreement is the cross designation of the officers from each agency to act under the authority of one another. That agreement allowed those officers from Federal, state and tribal agencies to pool their resources and cross jurisdictional boundaries to fight methamphetamine in Indian Country.

*Question 5.* Could this agreement be used as a model for other Indian Tribes?

Answer. Yes, the agreements were created to eliminate jurisdictional interference in the efficient use of law enforcement resources. The agreements allow officers to act under the authority of other law enforcement agencies when responding to or investigating crimes. With the complete participation of tribes and Federal, state and local law enforcement agencies this agreement would work for other tribes. Many other tribes already have similar agreements in place. In Oklahoma a state-wide Memorandum of Understanding was implemented and joined by the majority of the states tribes.

Another significant but relatively new attempt to resolve jurisdictional dilemmas in Indian Country was implemented in April of this year. A pilot program, directed by Troy Eid, the United States Attorney for Colorado and Chris Chaney, Deputy Director of the Office of Justice Services, of the Bureau of Indian Affairs, in cooperation with tribal officials, allowed the United States Attorney and his Assistant United States Attorneys to train state, local officers and tribal officers.

The officers who participated in the pilot program received training on criminal jurisdiction within Indian country, officer liability, Federal court procedure, crime scene investigation, report writing and other important legal areas. The training required officer participation and took less than half the time normally required for similar training, 60 officers were trained in a 2-month period. That training led to a BIA examination. Successful completion of the BIA examination allowed the 60 state, local and tribal officers to be federally deputized by the BIA. The officers were

from diverse law enforcement agencies including: the Southern Ute Tribal Police, Rangers and Division of Gaming; the Archuleta, Montezuma, and LaPlata County Sheriff's Offices; the Durango and Cortez Police Departments; the 22nd District Attorneys Office; and the Colorado State Patrol. Not only did the training allow the officers to be deputized, but it better prepared them for participation in Federal prosecutions. A second session in Colorado trained an additional 24 officers. The United States Attorney's Office in Arizona trained 20 tribal officers 16 of those officers have received SLEC commissions from BIA.

Since the success of the pilot program, Troy Eid has worked with the Executive Office of the United States Attorneys, the Native American Issues Subcommittee and other components of the Department of Justice to create a "train the trainers" session at the National Advocacy Center in South Carolina for Assistant United States Attorneys. That session occurred on for August 9th and 10th, 2007. Assistant United States Attorneys who are trained will then be able to institute similar programs in Indian country throughout the Nation.

Implementation of these programs require the cooperation and dedication of everyone involved. These agreements and cross-designations will help resolve many jurisdictional issues in Indian Country and will allow officers to appropriately respond when duty calls.

*Question 6.* Please explain the recommendations in the Best Practices document prepared for the U.S. Attorney's Offices and developed from the Tribal Summit hosted by the Native American Subcommittee of the Attorney General's Advisory Committee in October, 2005?

Answer. The best practices document is an internal Department of Justice memorandum which recommends certain law enforcement and prosecutorial practices to recognize and pursue methamphetamine traffickers in Indian country. The idea of the best practices document began in the past 2 years and was issued as a formal recommendation to United States Attorneys this year.

*Question 7.* Can you provide a copy of the Best Practices document to the Committee?

[The information referred to follows:]

**Native American Issues Subcommittee Recommendations Regarding Methamphetamine Issues in Indian Country—General Best Practices Regarding Methamphetamine Issues**

The Native American Issues Subcommittee (NAIS) recommends that Federal, tribal, state and local law enforcement all be involved in addressing issues related to methamphetamine in Indian Country (IC).

Regional multi-jurisdictional investigative task forces have proven to be very effective in addressing drug issues in IC, and the NAIS recommends that creation of such task forces be considered by each USA with IC jurisdiction. For a task force to be effective we believe:

- Tribal law enforcement agencies and the Bureau of Indian Affairs (BIA) must be included in the task force;
- Cross-designation of state and local members of such task forces is essential;
- The USA should have regular meetings with tribal leaders;
- The AUSA assigned to the task force should have regular scheduled meetings with the task force;
- Regular meetings should occur between the task force officers and assigned prosecutors and the affected tribal councils;
- Each USA should work, in conjunction with the task force, to develop confidentiality procedures for task force members; and
- Each USA should work, in conjunction with the task force, to develop policies and procedures addressing the sharing of asset forfeiture proceeds with the tribes.

Because of the reduction in small toxic methamphetamine labs, a significant amount of the drug in this country is now manufactured outside of the United States. The NAIS recommends that each USA consider developing a process for communicating case-related intelligence to task force members and law enforcement agencies working outside of the USA's district.

Because a successful regional task force will necessarily include law enforcement personnel not accustomed to working in IC, each USA is encouraged to host culturally-specific training for task force members. This is recommended so that Native American customs and culture are respected by task force members during execution of a law enforcement operation on a reservation.



Drug quantities on reservations are generally smaller than in most non-Indian communities. Investigation and prosecution drug quantity thresholds should be based on a specific investigation or prosecution strategy. Threshold amounts should be adjusted as necessary, based on regular communication between investigators and prosecutors. The NAIS recommends that each USA consider appropriate adjustments to investigation and prosecution thresholds.

The NAIS recognizes that many children are exposed to methamphetamine, leading to a generation of drug endangered children (DEC). These children suffer physical or psychological harm or neglect resulting from exposure to methamphetamine or exposure to dangerous environments where methamphetamine is manufactured or chemicals used to make methamphetamine are accessible. The NAIS encourages USA's to initiate DEC teams in their districts.

During the past 10 years, Mexican drug-trafficking organizations have become the dominant manufacturing and distribution group in cities in the Midwest and the West, including IC. Sometimes these drug-trafficking organizations have enlisted allies from government organizations and/or agencies. The NAIS encourages task forces to explore the possibility of a public corruption case stemming from a methamphetamine investigation.

The NAIS recommends that each USA consider developing a plan for methamphetamine lab cleanup in IC and contact information for lab cleanup options to disseminate to tribal law enforcement.

Chronic methamphetamine abuse can lead to psychotic behavior, including intense paranoia, visual and auditory hallucinations, and out-of-control rages that can result in violent episodes. The NAIS recommends that each USA and regional task force work with area health-care providers to develop safety plans for medical providers, patients, and the public in emergency room departments.

*Question 8.* Since its implementation, how has the Best Practices document improved the litigation practices and reduced methamphetamine abuse in Indian country?

Answer. There are no baseline statistics available in which a reduction of methamphetamine abuse in Indian country could be compared in relation to the best practices document. Those from the tribes and the Department of Justice who suggested the best practices believe that use of those practices will result in a reduction of methamphetamine in Indian country.

*Question 9.* Please describe the Safe Trails Task Force and how successful has it been in reducing violent crime and drug trafficking in Indian Country?

Answer. On March 3, 1994, the FBI initiated "Operation Safe Trails" with the Navajo Department of Law Enforcement, in Flagstaff, Arizona. The purpose of the operation, which would later evolve into the Safe Trails Task Force (STTF) program, was to unite the FBI with other Federal, state, and local law enforcement agencies. In a collaborative effort to combat the continuing growth of violent crime in Indian Country, STTF participating agencies include the FBI, Drug Enforcement Agency, Bureau of Indian Affairs, Tribal police departments, and state and local law enforcement agencies. These Safe Trails Task Forces combine their resources in an effective manner to address crimes that would normally be under addressed or unaddressed without the STTF. There are currently 16 STTFs funded by the FBI:

Safe Trails Task Force Locations:

- Northern Plains Safe Trails Task Force (Pierre, SD)
- Menominee Indian Reservation Task Force (Green Bay, WI)
- Fort Apache Safe Trails Task Force (Lakeside-Pinetop, AZ)
- Utah Navajo Violent Crimes Task Force (Monticello, Utah)
- New Mexico Safe Trails Task Force (Gallup, NM)
- Fort Peck Safe Trails Force (Glasgow, MT)
- Tohono O'Odham Safe Trails Task Force (Tucson, AZ)
- Tri-Agency Safe Trails Task Force (Havre, MT)
- Warm Springs Safe Trails Task Force (Bend, OR)
- Headwaters Safe Trails Task Force (Bemidji, MN)
- Blackfeet Safe Trails Task Force (Browning, MT)
- Crow/Northern Cheyenne Safe Trails Task Force (Billings, MT)
- Western Nevada Safe Trails Task Force (Reno, NV)
- Sacramento Indian Gaming Safe Trails Task Force (Sacramento, CA)
- Bismarck-Mandan Safe Trails Task Force (Bismarck, ND)
- Salish Safe Trails Task Force (Spokane, WA)

*Question 10.* How could a program similar to the Bureau of Prisons' Residential Drug Abuse Treatment program be imported into BIA detention facilities?

Answer. More than 50 Bureau institutions have residential drug abuse treatment programs (RDAP). Inmates who participate in the residential program are housed together in a separate unit of the prison that is reserved for drug treatment. The residential program provides intensive half-day programming, 5 days a week. The remainder of the day is spent in education, work skills training, and/or other inmate programming. Upon RDAP completion, aftercare treatment services are provided to the inmate while he/she is in the general population, and also later at the residential re-entry center. This maximizes the carry-over of skills, ensuring an effective transition from the institution program to the community.

*Question 11.* Has the Bureau of Prisons' Residential Drug Abuse Treatment program reduced the recidivism rates in Indian Country?

The Bureau and National Institute on Drug Abuse combined funding and expertise to conduct a rigorous analysis of the Bureau's residential drug treatment program. Research findings demonstrated that RDAP participants are significantly less likely to recidivate and less likely to relapse than non-participants. The studies also suggest that the Bureau's RDAPs make a significant difference in the lives of inmates following their release from custody and return to the community.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA MURKOWSKI TO  
MATTHEW H. MEAD

Some in Indian Country wonder whether [the] Department of Justice has the same level of enthusiasm for apprehending and prosecuting the perpetrator of a sexual assault on an Indian reservation that it has in prosecuting some of the higher visibility crimes that bring national media attention to the Department.

*Question 1.* Are the U.S. Attorneys in Indian country allocated the prosecutorial and investigative resources necessary to adequately carry out their responsibilities as the lead prosecutors for violent felonies committed on our Indian reservations?

Answer. As with all government agencies, limited resources must be used to address issues of great importance. The Department of Justice continues to work in a financially responsible manner and uses the resources that it has to best fight violent crime in Indian country. United States Attorneys are using creative and productive ideas such as those implemented by Matthew Mead and Troy Eid, as discussed pursuant to Senator Thomas' questions. Those approaches are significantly increasing the investigative resources available to United States Attorneys.

As Mr. Mead indicated in his testimony it is unlikely that any prosecutor would say they have too much in terms of resources, but the United States Attorneys and the Department of Justice recognize the limitations of resource and are trying to maximize the resources that are available.

*Question 2.* The recent Amnesty International report is somewhat critical of the Indian Health Service for failing to adequately train its staff and provide the necessary kits to collect the forensic evidence necessary to support a sexual assault prosecution. Is this a matter of concern to U.S. Attorneys working in Indian Country and is the Native American Issues Subcommittee working to address these concerns?

Answer. The United States Attorneys and the Native American Issues Subcommittee are always concerned with the appropriate treatment of victims of crime. That treatment includes the appropriate investigation of their case. Preservation and control of evidence is an essential part of any prosecution that involves physical evidence. Although the Department of Justice does not exercise direct control over other Departments, the Department of Justice encourages the best treatment available for those in placed in the unfortunate and difficult position of being a victim of crime.

The NAIS has and will continue to discuss and address violent crime in Indian country. General Federal criminal statutes will continue to be used as a tool to address violent crime in Indian country. The NAIS discussed the recent implementation of Title 18, United States Code, Section 117 which addresses domestic violence, a statute that the Western District of North Carolina is already using to prosecute a habitual domestic violence offender. Federal prosecutors will continue to use this and other similar statutes to prosecute violent offenders in Indian country.

I don't know if this is true in your area, but in the Native villages of rural Alaska, the importation of alcohol into dry communities is regarded as one of the leading contributors to violence. Some of the alcohol arrives through the mails.

*Question 3.* Has there been discussion within the Native American Issues Subcommittee to work with the U.S. Postal Service to intercept and prosecute alcohol shipments destined to places where they should not be going?

Answer. This issue is not known as a national trend and affects only "dry" areas. However, Nelson Cohen the United States Attorney for Alaska has implemented a solution to help deal with the problem, which has manifest itself in his district. Mr. Cohen along with the Alaska Rural Justice and Law Enforcement Commission, recommended that Alaska State Troopers be federally deputized by the United States Marshal Service, with the United States Postal Inspection Service serving as the sponsoring agency. As a result, seven Alaska State Troopers, all of which are members of the Western Alaska Alcohol and Narcotics Team, were sworn in as Special Deputy United States Marshals. Those troopers come from Anchorage, Nome, Kotzebue, and Bethel, Alaska This effort is expected to increase the number of prosecutions for illegally mailing alcohol into these Alaskan communities.

