

**National Budget Meeting
BIA/Tribal Budget Advisory Council
Sheraton National Arlington, VA
February 23, 2006**

Opening Prayer

Opening Remarks

Jim Gray, acting co-chair

Rocky Mountain Presentation (PowerPoint and written testimony submitted)

Jay St. Goddard

Alaska Region Presentation (PowerPoint and written testimony submitted)

Niles Cesar and Ed Thomas

Navajo Nation Presentation (PowerPoint and written testimony submitted)

President Joe Shirley, Speaker Morgan

Western Region (PowerPoint and written testimony submitted)

Kathleen Kitcheyan

Southwest Presentation (PowerPoint and written testimony submitted)

Art Senclair

Office of Indian Education (PowerPoint)

Sharon Wells

Discussion arose on the assertion that tribal leaders should push public schools to ensure that Native students' needs are addressed through Department of Education funding for minority students. Wells noted that much funding is directed towards minorities and Alaska Natives. Tribal leaders could ask public schools to direct money for Native students. A comment was made that discrimination hinders the distribution of resources to Native students. In public schools, tribes only have control of Johnson O'Malley dollars. It's hard to break through the system of dominant culture structures. Sharon suggested tribes ask Department of Education for monitoring visits. We should hold tribes to the correct use of the funds.

Questions:

Kathy Kitcheyan asked how much success is the result of JOM. Sharon said BIA schools don't use this funding. Kitcheyan said the \$16.4 million cut to JOM is quite significant and tribal leaders should emphasize the importance of this program when they go to the Hill this week.

Lillian Sparks commented on the asserted duplicative nature of JOM as the justification for cutting the program. A representative of Department of Education said Title VII funds don't duplicate JOM funds. Title VII meets the unique and cultural needs of our Indian students but JOM supplements Indian students. Title VII is different than JOM and they have different purposes, according to the Department of Education.

She asked what the plan is to implement the Executive Order on Education. She asked for commitment from the DOI as much as Department of Education. Wells said a report was released recently and worked on jointly.

Lillian said the position for the director has been advertised a long time. The 3 more leadership positions should be filled soon. She asked if it was Indian preference. Sharon said yes.

Cecilia Fire Thunder asked what the weighted student unit (WSA) is for 07. She said we need to increase the WSU. She asked how much the restructuring will cost. Fire Thunder said tribal leaders should also weigh in on the reauthorization of the NCLB. The president has a good vision, but didn't provide enough resources. Tribes are struggling to fit into the western concept. She said tribes should be able to do their own research for best education practices.

Mr. Richard Gay asked if non-BIA programs are being tracked and whether the restructure only deals with BIA funded schools. Wells said their primary focus is BIA funded schools.

Mr. Jay St. Goddard mentioned the success of a school back in his home that focuses on culture, which is very important to the education of our children.

Pat Ragsdale said BIA received a modest increase in law enforcement. Chris Chaney will go over how this increase will be used. We are about 50% short of the required law enforcement officers.

Office of Public Safety and Justice Presentation (PowerPoint)

Chris Chaney

Funding Challenges for BIA OLES

Is there a Problem?

According to the 2004 report, "American Indians and Crime, A BJS Statistical Profile, 1992-2002"

- The rate of violent crime against American Indians is TWICE the national average (101 per 1,000 as compared to 41 per 1,000 annually).
- 1 out of 10 American Indians (12 and older) become victims of violent crime annually.

- Nationally, 1 in 4 cases of violent crime investigated by the United States Attorneys are from Indian country.
- 75% of federal investigations of Indian country suspects are for violent crimes.

Violent Victimization and Race Report (2001)

- Only 46% of violent crimes against American Indians are reported to police.

Indian Law Enforcement Reform Act of 1990 – BIA Responsibilities:

- Enforcement of Federal law
- Enforcement of Tribal law (when tribe consents)
- Protection of life and property
- Corrections
- Rehabilitation
- Crime Prevention
- Provide Training

“Neither Safe nor Secure” - DOI Inspector General Report -2004

- Assessment of Indian country detention facilities.
- BIA facilities operating below minimum staffing levels.
- Maintenance backlog by BIA OFMC.

Comments: When this report was done, serious incidents (suicides, escapes) went virtually unreported and unknown. BIA was unaware of 98% of serious incidents occurring in jails. It's better now. Recently, on the Ute Mountain Ute tribe, Chris Chaney knew about an escape within an hour, which is extraordinary progress from when escapes and suicides were unreported and unknown.

2005 Reports

- Native American Reservation Lands Drug Threat Assessment (DOJ National Drug Intelligence Center – 2005).
 - Comment: Chris Chaney said this report is not public yet, but he is trying to make it available to tribes.
- Census of Tribal Justice Agencies in Indian Country (DOJ Bureau of Justice Statistics – 2005).
 - Comment: Chaney said this is a good report: a survey of policing, corrections programs. DOJ got 96% of tribes to respond.

Enacted FY 2006 Resources

(dollars in thousands)

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

FY 2006 Discretionary Funds

(dollars in thousands)

- “High Crime Area” funding = 2,463. For areas with high crime rates to reduce violent crime and illegal drug activity.
- “High Priority” funding = 3,941. For high priority law enforcement needs including assisting community policing and drug enforcement. All funds must go to field level operations.

Comments: Chris Chaney said BIA did a review of all 201 law enforcement programs in the United States. BIA contacted the International Association of Chiefs of Police (IACP) to find a way to determine how it allocates resources in Indian Country. IACP said there is no funding formula, due to the overwhelming number of factors to consider, such as crime rate, population, reservation, geographic barriers, and specific challenges that change jurisdiction. One measurable thing to measure is population. The FBI provides statistics on the average number of cops covering a population base. The average is 4.5 officers per 1000. Tribal leaders can calculate the average for their own reservations. The BIA did this: got service populations ratio to police. Results: some reservations have half or less of what is needed to provide safe services.

Tribal leaders can relate population to violent crime also. Uniform crime reporting: the average rate is 215.6 violent crimes per 100,000 populations. For tribes, some reservations have rates 10 times the national average. Typically, though, they were 2 to 5 times the national average. BIA looked at resources available. Every force is under funded.

President’s Budget Request for FY 2007

(Dollars in thousands)

- Police Academy = 2,378 (+ 35)
- Police/Investigations = 39,765 (+1,786)
- Corrections = 58,663 (+3,096)
- Inspections/Internal Affairs = 1,180 (same)
- 638/Self-Governance/HQ = 98,154 (+1,846)
- TOTAL = 200,140 (+6,763)
 - Comment: Chaney said he is working with Mary Jane Miller to break down this budget info further for better detail.

President’s Budget Request for FY 2007

(Dollars in thousands)

- \$1,786 increase for police and criminal investigations – to hire and equip additional officers to fight drugs and violent crime.
- \$2,714 increase for corrections to include staffing for three new facilities: Lower Brule Sioux, Tohono O’odham, & Yankton Sioux.

Methamphetamine

- Many tribal leaders across the US are saying this is the *Number One* public safety problem on their reservations.
- Methamphetamine fueling homicides, rapes, child abuse, aggravated assaults, and other felonious criminal activity.
- Need additional police officers and criminal investigators to enforce Title 21 federal felony drug laws and to fight violent crime within Indian country.
- Mobile methamphetamine lab – on site training.
- Public awareness campaign – warning public of dangers and warning criminals of prosecution.\

Comments: He mentioned the Wind River incident. The drug activity was so prevalent that people came up to the meth house asking for meth while the police were investigating the house.

Improve Detention Facilities

- Repair and maintain (or close) unsafe facilities.
- Increase staffing levels and training.
- Consider traditional justice and alternatives to incarceration.

Possible Funding Priorities for FY 2008

(Dollars in thousands)

- Police/Investigations Staffing = 7,500
- Mobile Meth Lab Training = 200
- Meth Awareness = 500
- Corrections Staffing = 4,000
- Corrections Facilities Repair = 7,000
- Traditional Justice = 800
- TOTAL = 20,000

Comments: Chaney said that to get our departments up to speed, according to a 1997 DOI/DOJ report, Indian Country would have to hire 226 criminal investigators and 2,047 police officers to properly patrol our land. BIA's own studies are uncovering similar statistics. Our populations are increasing. We spent the last 7 years staying even in being behind. We would need 400-500 staff people for correction facilities. Chris is working with Jack Rever on facilities repair. The FY 2007 budget request has retained \$8 million for renovation and repairs in Indian Country.

GOAL: REDUCING CRIME IN INDIAN COUNTRY

Chris Chaney

Deputy Bureau Director

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Questions:

Brenda Fields said we should report on what we accomplished in FY06 with the dollars we had. OMB wants to hear our successes in law enforcement. We need to tell both OMB and Congress our successes in addition to our needs. Mary Jane Miller said she is also looking for these kinds of things as well. Brenda asked if we could produce such a report. Chris Chaney said they are thinking about doing this sort of report. He could produce at least some highlights. Congress does need to know our message.

Cecilia Fire Thunder said this issue is such a large problem, the entire criminal justice system. Our officers aren't paid what they're worth. Every tribe has its unique needs, and we need to design a formula based on certain factors. The statistics play into the entire spectrum of life on a reservation: education, drop outs, early childhood trauma. Everything is connected. She asked for a separate workgroup. It may need legislation and resources.

Cecilia Fire Thunder moved that a taskforce be formed to examine and address Indian Country criminal justice systems, seconded by Art Senclair.

Discussion: support for the goal of this taskforce was voiced. A comment was made that we should consider the other aspects of tribal courts, rehabilitation, law enforcement, etc. A comment was made that it's not the drugs or alcohol, it's the human condition. All the things Cecilia Fire Thunder raised are related to the strategic planning, not directly but on parallel paths. Chris Chaney said tribal courts are limited to one year sentences, but the meth treatment takes longer. The sheer cost of meth rehab is inhibitive as well. Pat Ragsdale said he agrees with the urgency of meth issues. When you hear that there are 60 meth babies on a reservation, there is the miner's canary. Meth abuse has increased astonishingly. Nobody knows what the long-term effects of meth are. There are traces of mercury in meth addicts. Meth problems, the miner's canary, should be incorporated in to the strategy.

Subcommittee Members:

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Motion carries unanimously.

Chris Chaney suggested that the workgroup reach out to DOJ as well. Jerry Gidner with tribal services said some program needs to keep at risk children off substance abuse, prevention in all sorts of areas: sexual, substance, physical abuses.

Ken Reinfeld said after treatment and aftercare is also important. Cecilia said we need increased FBI agents in our communities. We should push for more money for IG. We have a lot of brown collar crime. Many tribes need to prosecute our own and need to lobby for increased funding for the Inspector General.

Jackie Johnson said NCAI has requested the White House create a meth taskforce. If we get the WH, we can bring in inter-governmental cooperation: HHS, IHS, BIA, Interior, DOJ, and DEA. This taskforce should keep in loop with the other taskforces. The agencies so far have been supportive. She requested this BIA workgroup support the WH taskforce. Jim Gray said NCAI plays a very significant role in this organization. Kathy Kitcheyan said the IHS problem was identified as a priority in the Western Region for mental health.

Richard Gay expressed support for the social services side being included. Umatilla says 80 to 90 percent of child removal is now due to meth. His county had the highest per cap of lab busts of any county in the nation. Jay St. Goddard asked how this group will be put together. Common sense is always overlooked. He said Homeland Security should also be at this table. FBI at local agencies often fails to work with the tribes. Meth shouldn't overshadow other public safety issues. Social issues trickle down to staff: tribal people should be able to do these investigations. FBI agents are not responsive, unless councils are feuding.

Bob Middleton said a White House meeting brought Indian Affairs people all together. Ruben Barrales with Claude Allen asked Scott Burns to examine public safety across the nation. This group should coordinate with Scott Burns. Pat Ragsdale said the purpose of the briefing was to lay out how law enforcement would allocate the increases. Pat Ragsdale has reviewed the proposal: the money will go to tribes with the most serious problems based on our best analysis.

Shortfall in welfare assistance of \$15 million. A statutory cap limits this program.

12 pm: break for Lunch

Tribal Caucus

2:34 pm Reconvene

Budget Subcommittee Update

The goal is to influence the development of the targets for FY 2008, which was the purpose of meeting with OMB and formulating. The Bureau will submit its budget to the Department around May. Ron Allen said we may update the justification of the green book. We should examine this task, maybe first focusing on our priority areas. We could make a better argument for our areas. Natural Resource programs should be compared to other agencies with similar programs. The Midwest report had an example. Our

efficiency compared to the forest service has phenomenally improved. This should be on our agenda to be tackled methodically. Mary Jane Miller said we have to do a write up for the department, which is the place we should start. Brenda Fields said the budget subcommittee may want to take a look at the unobligated balances issue. The budget subcommittee agreed to examine this issue. The budget subcommittee should come up with suggestions and recommendations for FY09.

School Construction

Cecilia Fire Thunder said the \$50 million should be put back into construction. She said we should sit down with Jack Rever to put together a plan so we can quickly use the school construction dollars. OMB does not understand the issues with school construction.

Welfare Assistance

A similar situation exists with welfare assistance. Ed Thomas noted there should be funds provided to address the issues holding up the construction pipeline. Pat Ragsdale said we need more than justification for welfare assistance. The more we provide this safety net, the more we attract young males on the reservation and dependency on that program. Something needs to break that cycle. Moving welfare recipients to work also requires start up capital. Jim Gray mentioned the social impacts of public safety issues. He said social welfare helps out people who have very little choices, whether it's due to education, crime, or economics. Welfare does not necessarily create a class of welfare recipients that keeps people on a reservation. Ed Thomas said his frustration with the budget is the lack of education support. If you cut welfare, there has to be economic structure to support those jobs. The long term goal of getting people off welfare is through education and economic development. He asked to work together on creating this scenario. Ken Reinfeld said we should examine what we really want to accomplish with federal dollars. The answer to getting off welfare assistance is this: we need to put this together in a comprehensive approach. Cecilia Fire Thunder said South Dakota has a \$20 million carryover. The rate of poverty and the people on TANF is way off. Children benefit from TANF. There are millions of dollars being delivered by other agencies – we need to access that.

Jim Gray said Osage deals with this issue too. The few dollars the tribe gets hardly scratches the surface. Land into trust is related to this too. The tribe could grow out of these problems if land was taken into trust. Tribes don't want welfare, they want to govern themselves and create economic development, but limits from the bureaucracy force his tribe to need some welfare assistance.

Richard Gay noted Umatilla has been fairly successful in creating jobs.

Summarizing the work:

Tribes will go to the Hill: budget subcommittee is scheduling a meeting next week.
Law Enforcement Taskforce

Next meeting is May 23, 24, 2006
Aug. 22, 23: Salish Kootenai is proposed as a site.

Mary Jane Miller said we need to be realistic in asking for increases. \$87 million is a lot. How much do we think we can get, and where do we place that money?

Roland Johnson gave closing prayer.

Adjourned: 3:18 pm.