

**INTERDEPARTMENTAL TRIBAL JUSTICE, SAFETY, & WELLNESS
GOVERNMENT-TO-GOVERNMENT CONSULTATION MATRIX:
PRIORITIZATION OF PROPOSED SOLUTIONS**

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TABLE OF CONTENTS

OVERVIEW & PURPOSE	3
BACKGROUND & METHODOLOGY	4
CONCERNS IDENTIFIED BY TRIBES	5
Program Concerns	5
Consultation Process Concerns	5
Partnership and Planning for Session 7	6
Police Presence & Investigations, Cooperative Agreements & Data Sharing	7
Table 1: Police Presence & Investigations, Cooperative Agreements & Data Sharing	8
Jurisdiction and Prosecution Workgroup	9
Table 2: Jurisdiction and Prosecution.....	12
Prevention & Early Intervention Programs, Treatment & Rehabilitation, Prisoner Re-entry Program Workgroup	13
Table 3: Prevention & Early Intervention Programs, Treatment & Rehabilitation, Prisoner Re-entry Program Workgroup.....	15
Victim’s Services Workgroup	16
Table 4: Victim’s Services Workgroup.....	18
Juvenile Justice Workgroup	19
Table 5: Juvenile Justice Workgroup	21
CONCLUDING RECOMMENDATIONS	22
APPENDIX: SESSION 7 MATRIX	23
Police Presence & Investigations, Cooperative Agreements & Data Sharing Matrix.....	23
Jurisdiction & Prosecution Matrix.....	24
Prevention & Early Intervention Programs, Treatment & Rehabilitation, Prisoner Re-entry Programs Matrix	27
Victim’s Services Matrix.....	30
Juvenile Justice Matrix	34

OVERVIEW & PURPOSE

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), announced their intention to initiate tribal specific training and technical assistance sessions on tribal justice and safety issues beginning in Fiscal Year 2007. At the request of National Congress of American Indians (NCAI) Executive Board members and other tribal leaders attending a breakfast meeting with the Assistant Attorney General-OJP, and the Acting Administrator, Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (HHS), held during the October 2006 NCAI Convention in Sacramento, CA, OJP was asked to expand its training and technical assistance initiative by partnering with SAMHSA and other federal agencies to permit collaboration between agencies to address tribal concerns. OJP and SAMHSA agreed to a partnership effort and to reach out to other federal agencies to develop a broader collaboration for public safety and public health.

In December 2006, the first of 4 Fiscal Year 2007 sessions was held. Several agencies participated in addition to OJP and SAMHSA. Also, at this session, tribal leaders requested OJP and SAMHSA to assist them with increasing communication with federal agencies by establishing consultation opportunities to discuss their public safety and public health priorities. During a post-action evaluation meeting held after the initial Interdepartmental Tribal Justice, Safety and Wellness (TJSW) session, OJP and SAMHSA agreed to conduct regular consultation forums in conjunction with the TJSW sessions as needed.

Over the course of the first 7 sessions, the partnership expanded to include the Native American Issues Subcommittee (NAIS) for the Executive Office of U.S. Attorneys (EOUSA), DOJ; Community Oriented Police Services (COPS), DOJ; the Office of Tribal Justice (OTJ), DOJ; Office on Violence Against Women (OVW), DOJ; Bureau of Indian Affairs (BIA), U.S. Department of the Interior (DOI); the Office of Native American Programs (ONAP), U.S. Department of Housing and Urban Development (HUD); the Office of Native American Affairs (ONAA), Small Business Administration (SBA); the Indian Health Service (IHS), HHS, and the Office of Minority Health (OMH), Office of Public Health and Science (OPHS), Office of the Secretary (OS), HHS. For Fiscal Year 2009, the newest federal agency joining the partnership is the Corporation for National and Community Service (CNCS).

This created multiple year partnership among several federal agencies to engage in a comprehensive government to government consultation process with tribal governments. The initial plan was to engage in eight sessions of interdepartmental consultation, which would all address issues relating to justice, safety and wellness in Indian country. The goal of these interdepartmental sessions was to create a positive, interactive dialogue between tribal leaders and federal partners, increase the knowledge and understanding by all the parties, and to allow tribes to become more involved in policy making. The interdepartmental aspect to this process was important because often tribal programs are supported by several federal departments and tribal governmental matters are interdisciplinary in nature. Tribal leaders recognized that it could be more efficient and comprehensive to have multiple federal departments and agencies present

for consultation rather than having several independent sessions. This document reflects the issues identified during the consultation sessions and the solutions proposed to resolve some of these challenges. The NCAI engaged with federal partners to plan and facilitate the consultation sessions addressed in this document. NCAI's role was to offer guidance to federal partners, not to stand in the place of any federal department. NCAI's role was to encourage tribal leaders to participate in the consultation process and to seek feedback from tribal leaders.

BACKGROUND & METHODOLOGY

The seventh of eight sessions was held in Billings, Montana August 18 - 22, 2008. The purpose of Session 7 focused on continuing the dialogue between tribal leaders and federal partners to facilitate improved tribal consultation during the policymaking process. This document examines proposed solutions from Session 7 meetings and classifies prioritized solutions as either short-term, moderate-term, and long-term solutions. Additionally, the appropriate federal agencies with the authority to act on these proposed solutions were identified. The purpose of this report is not only to identify these issues, but to understand the agencies' role through regulations and policies to identify strategies to mitigate administrative barriers. Other significant information captured during Session 7 includes proposed solutions within the tribal scope of influence. During Session 7, tribal officials made suggestions based on experiences that were successful within their communities. Although this summary primarily examines the administrative role in these proposed solutions, these additional solutions made by tribes for other tribes are included within the appended matrix.

The methodology used to develop this summary is included to document the consultation process and to serve as one model for the tribal consultation process. This approach is responsive to tribal concerns raised during the consultation sessions which led tribal leaders to the belief that the federal agency consultation process required another step to act or not on consultation matters, and to work in tandem with tribes on proposed solutions to benefit tribal governments. Prioritization of issues was determined through an initial examination of the first tribal consultation matrix developed by NCAI. This initial matrix was developed after federal and tribal consultation meetings that took place in March 2008, June 2008, and July 2008. This first matrix was organized by issue, month of consultation, and listed tribes which raised issues. Issue categories were quantified by the number of times tribes raised a particular concern. These tribal concerns primarily reflected the same issues discussed in Session 7. In those instances where the March, June, and July consultation issues were not mentioned during Session 7 workgroups, summaries of these tribal concerns were still included for additional future consideration. The following document and matrix was drafted from notes taken during each workgroup session and through examination of the resulting summary document. Summary documents for each consultation session were prepared by NCAI and federal partners based on notes taken at each consultation session.

CONCERNS IDENTIFIED BY TRIBES

Throughout the consultation process tribal leaders identified a board range of issues and challenges. During Session 7, the goal was to take the challenges and concerns that had been previously identified and to now focus on discussions to elicit solutions.

In the preceding consultation sessions, the majority of tribes' concerns related to the lack of funding and resources available from federal agencies. During the consultation process, tribes raised a variety of issues specifically related to their tribes' funding needs. There is general concern that many Congressional mandates go unfunded. Tribal governments remain concerned about the lack of appropriations for federal programs to be implemented by agencies. Tribes are concerned about the negative impacts these unfunded mandates will ultimately have on the safety and wellness of their tribal members.

Program Concerns

Tribes communicated the need for additional funding in many program areas. During the March, June, and July consultations, seven tribes noted the need to expand mental health funding. In March, and again in July, a total of four tribes stated the need for more funding for veterans programs. Housing funding was mentioned by three tribes in the March and June sessions. During the March consultation, two tribes requested more funding for road infrastructure, domestic violence prevention, and funding to support Indian families. Two tribes requested funds for anti-elder abuse initiatives. Two other tribes requested funds to provide better training on HIV/AIDS prevention and to increase access to these types of resources. One tribe advocated for more funding for water rights. Another tribe suggested that more community-based programs that involve local culture be developed. The need for economic development programs on reservations is needed through the DOI, and the U.S. Department of Labor (DOL). The suggestion was also made that funding from the HHS go directly to tribes, and should not be allocated through states. One tribe called for increasing funding for the Johnson O'Malley program, and more funding for the Bureau of Reclamation. One tribe in March requested funding for anti-gang violence initiatives.

Consultation Process Concerns

During the March, June, and July consultations, six tribes stated the importance of having the relevant federal partners at the table, especially BIA, the DOJ, and the IHS. One tribe suggested an invitation be extended to the DOJ to visit tribal communities and tribal councils to witness the needs in Indian country first hand. In March and July, tribes called for better consultations because far too often, tribes perceive there are too many consultation meetings held by a number of the federal agencies with few outcomes reported. Tribes called for comprehensive responses to be made in writing to questions raised during the consultation process to help demonstrate progress and to help identify where more cross-cutting issues may need to be addressed by other federal agencies such as the Bureau of Indian Education (BIE) to address positive Indian youth development, or the Administration on Aging (AoA).regarding elders abuse.

Partnership and Planning for Session 7

Throughout the interdepartmental sessions, NCAI has worked with federal partners to not only examine tribal concerns, but to help engage tribes in an ongoing dialogue to develop practical solutions to address the needs of Indian country. During this consultation process, five workgroup subject areas were established: 1) Police Presence & Investigations, Cooperative Agreements & Data Sharing, 2) Jurisdiction & Prosecution, 3) Prevention & Early Intervention Programs, Treatment & Rehabilitation, Prisoner Re-entry Program, 4) Victim's Services, and 5) Juvenile Justice. Each workgroup was co-facilitated by a tribal and federal representative. The discussions that took place in Billings, MT are organized into each of these workgroup areas.

POLICE PRESENCE & INVESTIGATIONS, COOPERATIVE AGREEMENTS & DATA SHARING

The Police Presence & Investigations, Cooperative Agreements & Data Sharing workgroup addressed a wide range of issues during the morning and afternoon sessions. The morning session discussed solutions to improve police presence, addressed lack of funding, how to improve conditions in jail facilities, jurisdictional issues, enhancement of data sharing and tribal access to the National Crime Information Center (NCIC), mechanisms for improving communication between law enforcement agencies, and strategies for respecting tribal sovereignty. This workgroup was co-facilitated by Christopher Chaney, Deputy Director, Office of Tribal Justice, at the DOJ.

Issues discussed during both sessions were identified by tribes through the consultation process. In the March and June sessions, four tribes identified the need for increased funding and more training for law enforcement. Funding issues were identified and thoroughly discussed in the workgroups as a priority. In June, three tribes stated the need for law enforcement training on cultural issues and sensitivity. During March and July consultations, two tribes stated the need for better crime data collection.

Proposed solutions from the morning sessions included: increasing joint federal and tribal investigations, fostering federal/tribal/state agreements, addressing grant issues in PL 280 states that may require laws to be changed, development and sharing of Memorandums of Understandings (MOUs) with state governments, increasing use of deputization agreements, improving tribal, state, and federal law enforcement recognition of subpoenas, and increasing cooperation between the DOJ and BIA law enforcement offices.

During the afternoon session, the workgroup continued to discuss those issues, specifically identifying, concurrent and joint investigations, funding for officer positions, filling existing law enforcement vacancies, developing a clear process for police officers to report to prosecutors, crime lab access for tribes, cooperative agreements for under policed areas, training for tribal officers at state police academies, and regular meetings between state and tribal law enforcement and investigative agencies.

Proposed solutions from the afternoon session included: elimination of matching requirements for tribes, establishment of tribal set-asides, use of a protocol for establishing relationships with state crime labs, tribal access to declination reports, federal declination standardized reporting, and federal acceptance of tribal crime data. Participants in the afternoon session also discussed other ideas such as exploring sentencing alternatives, including substance abuse treatment programs, limited waivers of tribal sovereignty in some cases, and also the importance of prevention policies.

Table 1: Police Presence & Investigations, Cooperative Agreements & Data Sharing

Issues Identified Through Consultation Process	Proposed Solution from Session 7	Relevant Agency / Prioritization
Increase funding for law enforcement	<ul style="list-style-type: none"> • Eliminate match requirements for tribes • Develop balance between discretionary awards & grants • Training for tribal grant writers • Budget planning for law enforcement agencies 	<ul style="list-style-type: none"> • DOJ • BIA <p>Short-term goal → Long-term goal</p>
Foster federal/tribal/state agreements	<ul style="list-style-type: none"> • Law enforcement cross-jurisdictional work • End turf wars • Master cross-jurisdictional agreement • Meetings of federal, state, and tribal judges • Assist tribal prosecutors 	<ul style="list-style-type: none"> • DOJ - U.S. Attorney Office and OJP-SMART • DOJ-OJP • BIA <p>Long-term goal</p>
Increase funding for training for law enforcement	<ul style="list-style-type: none"> • Sponsor summits in areas with under policing or jurisdictional disputes. • Increase the number of fusion centers 	<ul style="list-style-type: none"> • DOJ • BIA <p>Short-term goal → Long-term goal</p>
Law enforcement training on cultural issues and sensitivity	<ul style="list-style-type: none"> • Develop greater cultural sensitivity (grant makers & federal law enforcement) • Public education about the importance of law enforcement to address suspicion and mistrust in the community 	<ul style="list-style-type: none"> • DOJ • BIA <p>Long-term goal</p>
Better crime data collection	<ul style="list-style-type: none"> • Address declination reporting • Improve information sharing (NCIC, Fusion Centers) • Create tribal point of contact in the US Attorney General's office 	<ul style="list-style-type: none"> • DOJ - U.S. Attorney Office • OJP-BJS • NIJ • FBI • NCIC • SAMHSA (NCIS) • BIA <p>Moderate-term goal</p>

JURISDICTION AND PROSECUTION WORKGROUP

This workgroup consisted of two substantially different conversations, one in the morning and another in the afternoon. Issues discussed in the morning session included: lack of training resources, need for more training resources and police officers, a standardized, timely declination process, tribal access to state crime labs, evidence-based prosecution of domestic violence, tribal coordination with the FBI and BIA, and inter-tribal police collaboration, possible addition of an Indian country DOJ deputy position or associate position, and increased use of deputization agreements. This workgroup was co-facilitated by Tracy Toulou, Director, Office of Tribal Justice, at the DOJ.

Proposed solutions for fundamental lack of resources involved increasing collaborative efforts and facilitating relationships within the federal agencies. DOJ staff addressed the second issue of training by communicating the services available through the National Institute for Trial Advocacy, (NITA) including training of tribal prosecutors. Although training is available at no cost to the tribe, those participating are required to pay individual travel expenses to NITA.

DOJ declination of cases in Indian country is a major concern for tribes. Tribes suggested standardization of the DOJ declination process, so that tribes have greater ability to track cases to seek independent prosecution when necessary. Although some of these declination issues may be addressed in pending legislation, there remains an interest in declination data. Proposed solutions, aside from legislation, included fostering collaborations between the BIA and DOJ to share declination data with tribal governments. Another suggestion was to find areas of duplication in the system, and to reduce these inefficiencies to increase accountability to tribes. Tribal leaders favored discussions to establish a national declination standard. Although specific solutions were not made for data collection in this workgroup, tribes recognize the lack of data collection training for tribal law enforcement leads to insufficient evidence for prosecution, which contributes to higher rates of DOJ declination.

With respect to investigation challenges, it was proposed that tribes seeking access to state crime labs could develop collaborations with the BIA and FBI to get data and evidence rather than work with the state crime lab. It was alternatively suggested that tribes make agreements with local crime labs, which would be an additional expense for tribes. The DOJ should help facilitate these collaborations.

The workgroup addressed higher prevalence of domestic violence on reservations. Tribes are interested in evidence based prosecution methods for domestic violence. Proposed solutions include an effort to require the DOJ's federal prosecutors to employ more evidence based prosecution. Tribal leaders also indicated that full faith and credit provisions be established between tribal and state governments for the enforcement of tribal domestic violence orders.

Tribes also requested appointment of a special Deputy Attorney General to specifically address issues in Indian country and to advocate for tribes within the DOJ. Although, tribal members are concerned this individual would be caught up politics and bureaucracy, the proposed solution

suggested that tribes would need to unify and advocate for the right person to fill this position. The morning session work group participants suggested this individual be appointed by the President.

Deputization agreements are important tools in fostering concurrent jurisdiction and prosecution of crimes. Unfortunately in some areas, tribal relationships with the state or local governments are too strained to make these types of agreements. There may be issues of shifting of prosecution responsibilities, which requires tribes to communicate and to be explicit when forming these agreements. The proposed solution is that tribes talk to other tribes that have made these types of agreements and to learn from their experiences.

The afternoon session was co-facilitated by Leslie Hagen, Senior Counsel, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), at the DOJ. Issues discussed included, the Adam Walsh Act (AWA) implementation, tribal access to electronic databases for fingerprints and identification, concurrent prosecution, use of multidisciplinary teams, the possible role of the special deputy, tribal access to computerized records, use of an FBI docket to notify tribes of investigations, and finally, the need for consistent communication between US Attorneys' Offices and tribal governments.

Tribal concerns over AWA implementation was an important topic during the June and July consultations. Tribes have limited funds and will have difficulty complying with the AWA requirements. Ten tribes identified the lack of resources for implementation as a significant tribal concern. During these same consultations, five tribes stated concerns about the DOJ's definition of "substantial implementation" under AWA. Tribes were also concerned with the lack of tribal consultation under AWA. Four tribes communicated during the July meeting, the need for better cross-jurisdictional coordination under AWA. Four tribes also expressed concerns over the cultural implications of collecting offender DNA and federal access to this genetic information. Two tribes suggested the use of a pan-tribal registry.

Ideas discussed to assist AWA implementation included repealing the section of AWA that places PL 280 tribes under state jurisdiction. One tribe noted AWA only addresses tribes working with states, and not with other tribes. This tribe asked for clarification on this issue. Tribes also noted the disparate treatment of tribes and states regarding AWA implementation.

Tribes requested agencies to consider the unique situation of each tribe when mandating AWA compliance. It was suggested that other agencies need to be at the table to discuss AWA issues related to tribes. Another tribe during the consultation process stated that tribes should not have to compete with each other for AWA grant funding. Tribes were also concerned about juvenile registration under AWA. The recommendation was made for symposiums to be held between states and tribes to address AWA implementation.

During the workgroup, federal partners reported that the SMART Office had contracted with an information technology provider to create a web template for tribal use. SMART had also been working on collaborations among federal prisons, tribes, and federal probation offices.

Additionally, NCAI has been working to develop model code agreements. It was proposed that tribes be granted full access to data at the NCIC in order to comply with the AWA.

The workgroup also discussed the need for concurrent prosecution, the lack of police reports and cooperative efforts, and the need for full faith and credit for tribal court orders. The afternoon workgroup was concerned with defining the scope of authority of the special deputy position at the DOJ. The scope of authority and jurisdiction needs to be clearly defined. This position would offer formal DOJ recognition. Unlike the morning, the afternoon workgroup did not necessarily advocate for this position to be filled by a political appointee. Emphasis was placed on this individual's accountability to tribes, to work with the tribes directly, to enhance relationships, and to facilitate communication.

Table 2: Jurisdiction and Prosecution

Issues Identified Through Consultation Process	Proposed Solution from Session 7	Relevant Agency / Prioritization
Increase funding for jails, detention centers, and training	<ul style="list-style-type: none"> • Need policies that enable communication • Need resources that not only focus on punitive consequences, but also include efforts to rehabilitate offenders • Use of multidisciplinary teams under 18 USC 3509 	<ul style="list-style-type: none"> • DOJ • BIA • HUD • IHS (Sanitation/Water) <p>Short-term goal → Long-term goal</p>
Standardized, timely declination process	<ul style="list-style-type: none"> • National declination standard • Fostering collaboration between the BIA & DOJ to share declination data with tribes 	<ul style="list-style-type: none"> • DOJ • BIA • FBI <p>Short-term goal → Long-term goal</p>
Tribal access to computerized records and evidence	<ul style="list-style-type: none"> • Full access to the NCIC 	<ul style="list-style-type: none"> • DOJ • FBI • NCIC • States <p>Long-term goal</p>
Increase funding for implementing the AWA	<ul style="list-style-type: none"> • Need other agencies at the table to discuss AWA • Limit competition for AWA grant funds • Symposium between states and tribes regarding AWA 	<ul style="list-style-type: none"> • DOJ • BIA • FBI <p>Short-term goal → Long-term goal</p>
Tribal Deputy position at DOJ	<ul style="list-style-type: none"> • Scope of authority & jurisdiction need to be clearly defined for the office • This position would offer formal DOJ recognition – not necessarily an appointee • There are recommendations that this person be a presidential appointee 	<ul style="list-style-type: none"> • President • DOJ <p>Short-term goal → Long-term goal</p>

**PREVENTION & EARLY INTERVENTION PROGRAMS, TREATMENT & REHABILITATION,
PRISONER RE-ENTRY PROGRAM WORKGROUP**

Broader issues of justice, safety and wellness in tribal communities were discussed in the context of limited resource allocation, disparate jail conditions, state inflexibility, lack of long-term sustainability, outsourcing of tribal services, lack of prevention programs, the data gap, and the need to foster Indian professional development. This workgroup consisted of two sessions. The morning session of this workgroup was co-facilitated by Daryl W. Kade, Director, Office of Policy, Planning, and Budget, at SAMHSA. The afternoon session was cofacilitated by Cynthia Hansen, Ph.D., Special Expert, Center for Mental Health Service, Division of Prevention, Traumatic Stress and Special Programs, which is also at SAMHSA.

The proposed legislative agenda for tribes relating to prevention and intervention should focus on substance abuse prevention and treatment block set-asides. Tribes suggested that consultation be done before federal grant requirements are established and block grant amounts are set. Funding issues were the major concern for tribal implementation of prevention and intervention programs. Seven tribes in March made recommendations for federal agencies, specifically SAMSHA, to employ user-friendly grant application processes and more technical support for tribal grant writers. More often, tribal governments with limited resources experience more difficulty meeting federal matching requirements. Recommendations were made to eliminate these requirements and to increase the timeframe for grant submission. Tribal leaders also communicated the need for more treatment centers, which are not currently funded by SAMSHA. Three tribes asked for more suicide prevention programs. Tribes also wanted tribal peer review to be incorporated into the grant award process.

The solutions proposed by the workgroup require increased funding for more model programs that would include the whole family. The workgroup also identified a need for legal education to ensure enforcement of local ordinances and flexibility to use culturally appropriate, evidence-based programs. The workgroup proposed maximizing third-party billing to increase sustainability to meet tribal behavioral health needs.

Tribes also voiced concern about the condition of detention facilities within Indian country. Six tribes stated the need to increase funding for jails and detention centers. Two other tribes recommended increased funding for tribal courts. In March, one tribe noted the unsanitary conditions in their jails. Two tribes stated during the June consultations, the need to improve staffing and transportation to detention centers. Another tribe noted the lack of response from BIA concerning detention center issues. Tribes also identified detention center overcrowding, the need for comprehensive plans for detention centers in Indian country, and the need for tribal consultation before decisions about funding and staffing are made.

Both workgroups recognized how conditions and access to services in jail may be affecting recidivism. It was noted in the morning session that repeat offenders find the care they receive in prison to be better than treatment outside. The afternoon session also noted concern for juvenile

repeat offenders who had no desire to leave jail, or decided to commit crimes again based on their comparison of the quality within the detention facility as more preferable than life in their home environments. Proposed solutions included finding reasons for recidivism through surveys and increasing the number of treatment facilities since most offenders need treatment rather than incarceration.

The workgroup identified a general lack of state recognition of the government-to-government relationship with tribes. As a result, tribal participation in state committees and communication between the state and tribes suffers. It was proposed that tribes and federal partners advocate for compacting when seeking block grants, set aside funding, other state and federal funding, and that tribes be included in existing state SAMHSA projects. The workgroup discussed the need for long-term sustainability. Proposed solutions the workgroup suggested included prioritization of tribal consultation, so tribes are included in the decision making process before block grant and federal grant requirements are established, and increased emphasis on the need to hold agencies accountable. Additionally, tribes have expressed concern over SAMHSA's definition of Indian when determining which individuals are eligible for services.

Both workgroups proposed solutions to address prevention "gap" due to lack of prevention services and model programs. There is a need to address prevention programs in Indian country, but this need is especially evident for programs specifically targeting Indian youth. Solutions need to incorporate the all family members and should be easily implemented in detention centers. Tribal leaders indicated that programs need to be flexible, culturally relevant, and evidence based. It was proposed that the agencies establish an inventory of the current service programs available, then work to tailor these existing evidence based practices for Indian tribal communities.

The workgroups also discussed the lack data collection infrastructure in Indian country. There are issues of data ownership that federal agencies should address. Tribes express the concern that tribal data that indicate high levels of disparities are used by the states to help get federal funding, but that the affected tribes ultimately do not receive any of this funding. Additionally, different state and federal agencies utilize different data collection tools and methods that tribes are not able to access. Since tribes are have limited access to these assessment and evaluation tools, subsequent funding that may only available with supporting data may be lost. The workgroup proposed that these types of tools be made available for tribal use. Agencies should help to find funding to establish these uniform data collection methods.

Finally, the workgroups discussed Indian workforce professional development in the fields of prevention and intervention. Suggested solutions included that agencies provide or increase support for scholarships and job outreach programs for Indian students. It is important that scholarships be designated exclusively for Indian people to get degrees in counseling, social work, and other behavioral health fields. There is perception that the IHS scholarship programs are only made available for medical training.

Table 3: Prevention & Early Intervention Programs, Treatment & Rehabilitation, Prisoner Re-entry Program Workgroup

Issues Identified Through Consultation Process	Proposed Solution from Session 7	Relevant Agency / Prioritization
Funding for jails and detention centers	<ul style="list-style-type: none"> • Fund programs that are culturally relevant, geared to the community needs, & include family outreach • More funding from state & federal governments 	<ul style="list-style-type: none"> • DOJ • BIA • HUD • IHS (sanitation/water) Short-term goal → Long-term goal
Condition of detention facilities	<ul style="list-style-type: none"> • Find reasons for recidivism • Increase the number of treatment facilities since most offenders need treatment more than incarceration 	<ul style="list-style-type: none"> • DOJ • BIA • IHS • SAMHSA Moderate-term goal
Government-to-government relations are not honored by states	<ul style="list-style-type: none"> • Advocate for more state & federal funding • Develop a legislative agenda for tribes – compacting with SAPT Block Native Set Aside • Include tribes in ongoing projects SAMHSA has with states 	<ul style="list-style-type: none"> • President • SAMHSA • DOJ • BIA • IHS • HUD • OMH • All Long-term goal
Need for long -term sustainability	<ul style="list-style-type: none"> • Require tribal consultation before making grant requirements • Maximize third party billing to increase the sustainability under current system 	<ul style="list-style-type: none"> • DOJ • BIA • SAMHSA • OMH • All grant-making agencies Long-term goal
Lack of prevention programs	<ul style="list-style-type: none"> • Advocate for funding for culturally relevant evidence based programs that include the family • Inventory of current service programs • Tailor existing evidence based practices for Indian communities 	<ul style="list-style-type: none"> • DOJ • BIA • IHS • SAMHSA • OMH Moderate-term goal

VICTIM'S SERVICES WORKGROUP

The victim's services workgroup sought to develop solutions to previously identified challenges that tribes encounter while providing services to victims of crime. There were two workgroup sessions, a morning and an afternoon session. These sessions discussed restrictive policies within agencies, use of multi-disciplinary teams, improving victim's services, training service providers, communications, tribal justice, and data collection issues. The morning session was co-facilitated by Leslie Hagen, Senior Counsel, SMART, at the DOJ. The afternoon session was co-facilitated by Beverly Watts Davis, Senior Advisor to Administrator, at SAMHSA.

Workgroup participants shared their tribes' experiences with IHS and availability of services. It was proposed that IHS policies regarding transport be reexamined to better facilitate service to victims. One participant identified lack of sufficient IHS funding for limited after hours services when dealing with suicides in her community. Tribes also called for an increase in IHS funding during consultations in March. During these meetings, four tribes also called for IHS to prioritize educating clinicians about working in tribal communities. Tribes also noted that some IHS facilities are too far from reservations and that IHS should provide detoxification services.

The morning workgroup engaged in considerable discussion about counseling and related mental health concerns for victims of crime. The workgroup proposed increased use of multidisciplinary teams under 18 U.S.C. § 3509. The tribes suggested agency roles be better clarified to limit overlap and to foster efficiency. Several participants indicated that the multidisciplinary teams can be effective but are sometimes viewed by agency employees as a motion to go through.

The workgroup also considered approaches to improve services for child victims. There are few treatment models in Indian country that address children and domestic violence. SAMHSA officials suggested adaptation of a new model that shifts mental health treatment from asking "what is wrong?" to asking "what happened?" when addressing traumatic experiences. Tribal leaders expressed the need for training programs be made available for non-offending parents. There is also a need for programs that include emotional support. Culturally appropriate, victim-centered forensic interviewing should also be available, along with PTSD services for children who have experienced violence. The workgroup recognized that multiple interviews can be problematic for victims, which makes victim-centered, culturally appropriate forensic interview techniques more important. There is also a need for child assessment centers to be located on reservations. This proposed solution would decrease the need for repeat appointments and decrease the need for multiple interviews for child victims.

Tribal leaders stated that improving services to domestic violence victims requires increasing the number of victim's services personnel and coordination of available services. Other proposed solutions include use of a coordinated response team model with an FBI victim advocate to supplement tribal advocate services. These offices ought to work collaboratively and not engage in "turf battles." Additionally, domestic violence education should be provided to tribal schools and tribal leaders. The workgroup recognized there are cases where perpetrators do not get help,

and often return to revictimize family members. Action by federal programs related to re-entry ought to consider services for the entire family, and not just the perpetrator.

Solutions for issues related to government-to-government communication about victim services ought to consider the animosity between some states and tribes. Funding should be made available to address communication barriers between states and tribes. For example, perpetrators of domestic violence are often placed in county jails, which are under county jurisdiction. When these perpetrators are released, they return to the reservation and fall under tribal jurisdiction. Often, these offenders commit domestic violence acts again. Tribal leaders noted a lack of coordination between tribal and non-tribal justice systems when tribal law enforcement is not notified of the perpetrator's release. This lack of communication impacts victims of crime because they are often not prepared to see the perpetrator in the community again. Finally with respect to the crime victim's fund, it was proposed that mechanisms to speed up the process to make quicker payments available, and that these types of services be expanded.

Tribes also expressed concern over the DOJ's data collection methodology relating to victims of crime. During the afternoon workgroup, it was noted that the DOJ extrapolates data from larger tribes and applies these numbers to all of Indian country. Tribes are concerned that data indicating severe conditions, especially in smaller tribes with limited resources, are not captured in this type of aggregate data analysis. As a result, demographics for state block grants do not accurately reflect the need or appropriate amount of designated funding. It was proposed that tribes participate in the data collection on their reservations to improve the accuracy of crime statistics in Indian country.

The afternoon workgroup also proposed that an Associate Attorney General for tribes should be appointed at DOJ. Also, there was consensus that tribes should be granted access to state crime labs and that investigative training programs need to be developed for tribal law enforcement participation. Finally, tribal leaders requested an increased use of rape kits in Indian country and the ability to offer offender transitional housing with federal funds.

Table 4: Victim’s Services Workgroup

Issues Identified Through Consultation Process	Proposed Solution from Session 7	Relevant Agency / Prioritization
Increase funding needed to improve service to crime victims & domestic violence victims	<ul style="list-style-type: none"> • Increase presence of victim’s services personnel and tribal services liaisons • Need services for all family members, not just offenders • More funding to speed up payment to victims and expand the services 	<ul style="list-style-type: none"> • DOJ • FBI • BIA • SAMHSA • IHS • OMH • ACF Short-term goal → Long-term
Training service providers	<ul style="list-style-type: none"> • Mandatory sexual assault and crime victim training for BIA behavioral health case managers, prosecutors, probation officers, child welfare workers, education providers, & medical providers 	<ul style="list-style-type: none"> • SAMHSA • DOJ • BIA, BIE • IHS • OMH • ACF • ED Long-term goal
Restrictive administrative policies	<ul style="list-style-type: none"> • Increase use of MDTs with relevant agencies & role descriptions • Increase IHS funding • Revisit policies within agencies, like the IHS victim transport policy 	<ul style="list-style-type: none"> • IHS • DOJ • BIA, BIE • SAMHSA Short-term goal
Improving children victim services	<ul style="list-style-type: none"> • Develop relevant treatment models for use in Indian country • Child Advocacy Centers located on the reservation • Offer training for non-offending parents 	<ul style="list-style-type: none"> • DOJ • BIA • SAMHSA • ACF, OMH Short-term goal → Long-term goal
Data collection	<ul style="list-style-type: none"> • Tribes collect data & agencies accept it • Tribes need better data collection methods to quantify child abuse & neglect incidence 	<ul style="list-style-type: none"> • DOJ • HHS • BIA, BIE • SAMHSA • IHS • VA • COM (census bureau) Long-term goal

JUVENILE JUSTICE WORKGROUP

The juvenile justice workgroups discussed the lack of funding, juvenile services in Indian country, truancy prevention programs, and tribal juvenile law and order codes. The juvenile justice workgroup morning session was co-facilitated by Laura Ansera, Tribal Youth Programs Policy Coordinator, Office of Juvenile Justice and Delinquency Prevention, OJP, DOJ. The afternoon session was co-facilitated by Sheila Cooper, Chairperson, Youth Commission, Administration for Children and Families, at HHS.

Funding for juvenile programs was the main issue, but it was addressed in two ways. First, tribes identified a general lack of funding available. Second, tribes addressed methods to improve the juvenile justice programs grant process. During the consultations, seven tribes suggested that IHS create more youth treatment facilities and expand their youth resources generally. The workgroup noted problems with the current grant process. Proposed solutions included those recommendations for changes that could be made more easily in the interim, compared to those administrative issues that require policy changes to be made over time.

Solutions proposed in the interim include reexamination of some of the technological logistics associated with the current grant process. Tribes noted insufficient notice of grant opportunities because these notifications often resemble spam e-mail. Tribes also noted the related issue of lack of awareness of annual registration updates. The proposed solution was to reformat these types of emails. Tribes also expressed the limitations associated with paper applications and the lack of technical assistance available with the current interface. Other tribes noted slow internet connections hamper the online application process. Federal agencies should consider the spectrum of technological services available within tribal communities to better facilitate the grant application process. Tribes should be permitted to submit paper applications if they wish. The system currently accepts paper applications if tribes are able to establish their inability to maintain an internet connection. Applications can also be converted to portable document format and sent out electronically. It was also proposed the grant application time periods be extended to twelve weeks. Additionally, OJP and HHS are working on establishing longer notice periods for grant opportunities. It was also suggested that tribes be directed to grants.gov for an online tutorial.

Tribes indicated through this and previous consultations that administrative policies regarding tribal matching requirements and demonstrations of program sustainability need to be reexamined. More often, those requirements are barriers for tribes. Federal partners communicated that research was conducted to determine whether matches are agency policy or statutory, and a list of grants with this information may be released at later time. Some matching requirements can be met with federal funds. Federal partners stated the purpose of matching funds is to show that the tribe will be able to sustain the program into the future.

The workgroup discussed juvenile treatment issues, examining specifically lack of facilities, distance to facilities, inability to hold intoxicated juveniles, lack of funding for staff, and fees

some tribes pay to use available nontribal facilities. Proposed solutions include building facilities in central locations to serve multiple tribal governments, building group homes as a preventive measure, and increasing tribal participation in decision-making and administration of regional non-Indian treatment facilities. It was proposed that funds be made available for planning and conducting need assessments. Solutions should also include family oriented and community based treatments. Facilities should also teach life and coping skills. Additionally, the Centers for Disease Control and Prevention and IHS Mental Health Program should partner to improve treatment of co-occurring disorders. The federal government needs to provide oversight and make states accountable to tribes for money received for detention or detoxification facilities.

Juvenile treatment under AWA was also considered by the workgroup. Juveniles are not treated differently than adults under AWA and it was proposed that crimes be expunged after juveniles turn eighteen.

Additional issues related specifically to methamphetamines were identified by tribal leaders during March, June, and July consultations. Although these issues were not specifically addressed in Billings during Session 7 workgroup discussions, methamphetamine use is a significant concern in Indian country. During the March and July consultation, four tribes requested support for anti-meth initiatives. In July, five tribes called for prioritization and more funding for of law enforcement officers to address the methamphetamine crisis in Indian country. In March, one tribe requested help for families in dealing with methamphetamine. Another tribe needed increased access to recovery services and drug courts. Three tribes communicated the need for more transitional housing and safe housing alternatives for drug users who were evicted. These tribes also recommended increased funding from HUD to be used for this type of transitional housing and treatment services. During the July consultations, one tribe requested data on methamphetamine use in Indian country and called for better tracking mechanisms. Two tribes stated there is limited geographic access to services for drug treatment, and suggested MOUs be developed to deal with drug related law enforcement issues. During these consultations, two tribes also called for increase funding for drug treatment facilities, and recruitment of clinicians who are competent in treating methamphetamine addiction.

Table 5: Juvenile Justice Workgroup

Issues Identified Through Consultation Process	Proposed Solution from Session 7	Relevant Agency / Prioritization
Lack of juvenile services	<ul style="list-style-type: none"> • Address funding issues and barriers in the grant application process • Offer juveniles treatment facilities that foster youth identity, culture, & spirituality • Mental health issues need to be addressed along with detention 	<ul style="list-style-type: none"> • DOJ • HHS • BIA, BIE • SAMHSA, IHS • ACF • ED • CDC <p>Short-term goal → Long-term</p>
Insufficient funding for crime data collection	<ul style="list-style-type: none"> • Address funding issues • MOUs for tribes, states, & counties to work together to compile data 	<ul style="list-style-type: none"> • DOJ • BIA, BIE • FBI • COM • SAMHSA, IHS <p>Long-term goal</p>
Lack of mental health/counseling services	<ul style="list-style-type: none"> • Increase funding for culturally based mental health services • Use traditional methods of healing, practitioners, & elders • Fund education for tribal members who want to enter mental health jobs 	<ul style="list-style-type: none"> • DOJ • HHS • BIA • BIE • SAMHSA • IHS • OMH <p>Short-term goal → Long-term</p>
Grant Process is not user-friendly	<ul style="list-style-type: none"> • OJP & HHS are working on longer notice periods • Tribes should be permitted the option of paper submissions • Grants.gov has an online tutorial • Agency is going research on whether matches are agency policy or statutory 	<ul style="list-style-type: none"> • DOJ • HHS • BIA • IHS • SAMHSA • All grant-making agencies <p>Short-term goal</p>

CONCLUDING RECOMMENDATIONS

Federal partners look forward to engaging in meaningful tribal consultation during the new Administration. Since this development of this Session 7 matrix, tribes and federal partners have met to hold Session 8 of the Interdepartmental Tribal Justice, Safety, and Wellness Government-to-Government Consultation, Training and Technical Assistance on December 8–10, 2008, in Palm Springs, CA. VAWA consultations were also held at this meeting.

NCAI is aware of a White House – Office of Domestic Policy Council and Office of Intergovernmental Affairs - Interagency Indian Affairs Executive Work Group (IAEWG) that meets on a regular basis to coordinate on Indian affairs policy issues. This group has completed several work products, including the collaboration on the 2008 Indian Country Drug Threat Assessment Report; a government-wide federal employee training program designed for online usage entitled “Working Effectively with Tribal Governments”; and more recently, NCAI has learned the group is developing products consultation guidance for federal agencies, listing of consultation contacts at federal executive departments and agencies, media lists to improve federal government communications with tribes, and continued training needs for Indian country. Future activity of the IAEWG is contingent on the new Administration’s desire to continue the working group.

OJP has developed a consultation policy and guidance which is currently under review by the TJAG. This document will also be reviewed by OJP Office of General Counsel and will need to be presented to the new Administration leadership at OJP. Plans also include presentation to the JPCNAA at their next meeting and other DOJ components. A timeline to receive tribal consultative comments will also be developed.

APPENDIX: SESSION 7 MATRIX

TRIBAL JUSTICE AND SAFETY TRIBAL CONSULTATION MATRIX BASED ON AUGUST 19, 2008 BILLINGS, MT MEETING				
	MORNING SESSION		AFTERNOON SESSION	
	ISSUES / FEEDBACK	PROPOSED SOLUTIONS	ISSUES / FEEDBACK	PROPOSED SOLUTIONS
<u>Police Presence & Investigations, Cooperative Agreements & Data Sharing Matrix</u>		Tribal Recommendations 1. Increase use of cooperative agreements 2. Encourage tribal law enforcement to obtain joint training with state/local agencies. 3. Tribes & tribal courts have regular meetings with federal & state counterparts. 4. Plan law enforcement staffing & budget development early. 5. Educate public about law enforcement 6. Increase focus on prevention. 7. Re-focus law enforcement to service of tribal communities.		<ul style="list-style-type: none"> • US Attorney Office coordination with OJP SMART Office for SORNA. • Process underway through Bureau of Justice Assistance (BJA-OJP) to convene federal, tribal, and state court judges. • TJWS sessions offering training & technical assistance on the budget formulation & grant management process for all participants, including law enforcement. • OJP's BJA provides specific set aside grants for alcohol & substance abuse programs.
		Federal Recommendations 1. Foster Federal/ Tribal/State / Local agreements. 2. Address declination reporting. 3. Encourage joint investigation. 4. Improve information sharing (NCIC, Fusion Centers). 5. Develop greater cultural sensitivity (grant makers & federal law enforcement). 6. Sponsor summits in areas with under policing or jurisdictional disputes. 7. Create tribal point of contact in the Attorney General's office. 8. Increase access to crime labs 9. Develop appropriate alternatives to incarceration. 10. Eliminate match requirements; develop balance between discretionary awards & grants.		

<u>Jurisdiction & Prosecution Matrix</u>	1: Fundamental Lack of Resources & Need to Standardize Policies <ul style="list-style-type: none"> Differences in priorities for criminal prosecutions. Agency policies impede tribal prosecution. BIA social workers don't share information with tribes in ongoing investigations. States do not share evidence with tribes; rather, tribes are required to do FOIA requests & fill out additional BIA forms. One FBI agent for a vast area. Issues of institutionalized racism & hate that tribal communities face are relevant. 	1: General Solutions <ul style="list-style-type: none"> Collaborations need to be done before the fact & not after the fact. Tribes are getting tired of waiting for the federal government & are encouraging each other to be proactive & persistent in their contacts with the FBI. The emphasis is on personal relationships with individuals in the agency. Suggestion for tribal courts to independently pursue tribal prosecution/ banishment. Need to talk to BIA social services, specifically <u>L. Reyes</u>. BIA will be hiring victim services staff. 	1: Fundamental Lack of Resources & Need to Standardize Policies <ul style="list-style-type: none"> Tribes need resources to remove offenders to protect victims. 638 prevents (<i>Crow</i>) tribal workers from accessing records. Tribal prosecutors are overworked (<i>Northern Cheyenne</i>). Difficult to work with those in the agency that have limited decision making capacity. 	1: General Solutions <ul style="list-style-type: none"> Need policies that enable communication. Agency established tribal consultation plans, tribal advisory committees, task forces, advisory groups, and focus groups Increase web-based information Identify/inventory tribes that do not have IT access or limited IT access Need resources that not only focus on punitive consequences, but should also include efforts to rehabilitate.
	2: Need more Training Resources & More Officers <ul style="list-style-type: none"> Tribal prosecutors & judges need legal training. 	2: Specific Solution <ul style="list-style-type: none"> National Institute for Trial Advocacy (NITA) provides training for tribal prosecutors (funded by DOJ-NTRC). Training is free but tribes have to pay travel expenses. 	2: Need more Training Resources & More Officers <ul style="list-style-type: none"> Concern in one community that state certified tribal police choose to uphold state law at the expense of tribal law. Need resources to deal with juvenile offenders – housing. 	2: General Solutions <ul style="list-style-type: none"> Use of multidisciplinary teams under 18 USC 3509 Interdepartmental sessions continue and expand for court, law enforcement and health training, mental health and co-occurring disorders that are underlying causes of crime.
	3: Standardization of DOJ Declination Process, Tribe's Ability to Track Cases <ol style="list-style-type: none"> Tribes need timely declination reporting from DOJ. Need collaboration between the BIA & DOJ to share declination data with tribes. Standardization of declination process – based on tribes' time issues, tribes want to know why a case was declined. 	3: Specific Solutions by number <ul style="list-style-type: none"> Dorgan's bill addresses some of these declination issues, although not as extensive as it could be. There is interest in declination data from his office. Find areas of duplication in the system & increase accountability to tribes. Need to have these discussions – possible national declination standard? Increase tribal understanding of declination issues and how US Attorneys track info. 	3: Standardization of DOJ Declination Process, Tribe's Ability to Track Cases <ul style="list-style-type: none"> Tribes want information about the cases being investigated. US Attorneys report cases can be jeopardized by the release of declination information. Current statute structures NCIC through the states. 	3: General Solutions <ul style="list-style-type: none"> Tribal access to FBI dockets to track current investigations. NCAI or NARF access? Access to records needs to be computerized. Develop a handbook to address inadequate training & high turnover. (Written by tribes) Address jurisdiction issues at each level – tribes call other tribes to bolster courts/codes. Increase coordination between judges & health providers to offer alternatives to incarceration.

	<p>4: Tribal Access to State Crime Lab Evidence</p> <ul style="list-style-type: none"> • Related to declination issue, if the DOJ declines to prosecute, tribes need access to evidence for tribal prosecution. • Time issues - when states seek to prosecute, federal crime labs take too long. 	<p>4: Specific Solutions by number</p> <ul style="list-style-type: none"> • Tribes seek to work with BIA & FBI to get data & evidence to tribes. • Tribes can make agreements with local crime labs, but this will cost tribes. 	<p>4: Tribal Access to State Crime Lab Evidence</p> <ul style="list-style-type: none"> • Tribes don't have the funds to send evidence the crime labs. 	<ul style="list-style-type: none"> • Meet with FBI regarding access to Labs • Increase appropriations to process evidence and develop MOAs • Create incentives for tribal-state cooperation
	<p>5: Prevalence of Domestic Violence/ Evidence Based Prosecution for Domestic Violence (DV)</p> <ul style="list-style-type: none"> • Jurisdictional issues with non-Indian offenders. DV was mentioned numerous times. • No full faith & credit (FF&C) between the tribes & states for domestic violence orders. • Internet stalking issues 	<p>5: Specific Solutions by number</p> <ul style="list-style-type: none"> • Federal prosecutors need to employ more evidence based prosecution in DV cases. • Full faith & credit issues addressed through the "Purple Feather Campaign – The Hope Card," which is a card that serves as a restraining order. MT, WA & WI give these cards FF&C. There is a 1-800 number where a copy of the restraining order can be obtained. • Internet stalking: <u>MT DA</u>: Federal law applies because there is a wire transmission. General stalking provisions are applicable to internet stalking that occurs on the reservation. 	<p>Not addressed</p>	<p>Not addressed</p>
	<p>6: Special Deputy at the Attorney General level to Advocate for Tribes</p> <ul style="list-style-type: none"> • Tribal members are concerned this individual would be a "token Indian," & will be caught up politics & bureaucracy. • Concern expressed by the federal facilitator that this position will not offer any more significant assistance. 	<p>6: General Solutions</p> <ul style="list-style-type: none"> • Tribes need to advocate & unify to help get the right person in the job. • Tribal facilitator emphasized importance of a tribal advocate who is higher up in the DOJ. • Recommendation that this person be a presidential appointee. 	<p>6: Special Deputy at the Attorney General level to Advocate for Tribes</p> <ul style="list-style-type: none"> • Tribal members are concerned with defining the scope of authority that this individual would have. Would someone in this position infringe on the tribes' right to self govern? 	<p>6: General Solutions</p> <ul style="list-style-type: none"> • Emphasis was placed on this individual's accountability to tribes; to work with tribes directly, to enhance relationships, & facilitate communication. • This position would offer formal DOJ recognition – not necessarily an appointee. • Scope of authority & jurisdiction need to be clearly defined for the office.

	<p>7: Deputization Agreements: Concurrent Jurisdiction & Prosecution</p> <ol style="list-style-type: none"> 1. Tribal relationships with state or local governments are too strained to make these agreements. 2. Once these agreements are made, there are cases of racial profiling (non-Indian law enforcement against Indians). 3. Lack of accountability when jurisdiction is shared. Shifting of criminal prosecution responsibilities is related to timing issues so that no one prosecutes. 	<p>7: Specific Solutions by number</p> <ol style="list-style-type: none"> 1. Use the tribal political system to talk to other tribes about using these types of agreements. 2. Tribes need to be explicit in these agreements to protect themselves. 	<p>7: Deputization Agreements: Concurrent Jurisdiction & Prosecution</p> <ul style="list-style-type: none"> • Tribes lack access to police reports & need cooperative efforts to share data. • FBI & BIA have a bottleneck of information & need to share. • Full faith & credit issues 	<ul style="list-style-type: none"> • US Attorney Office coordination between state and tribal governments • Offer incentives to states and tribes to engage in collective arrangements
	<p>8: Data Collection Issues</p> <ul style="list-style-type: none"> • Lack of training leads to insufficient data collection, which results in higher rates of declination. • All the parties involved want to see the data – during the discussion, tribes gave examples but the agencies were not aware of these circumstances & wanted data. 	<ul style="list-style-type: none"> • Create a WH level interdepartmental workgroup to address cross-cutting data collection needs for DOJ, BIA, BIE, IHS, & SAMHSA. • Conduct research based site specific surveys that sample Indian reservations & jurisdictions. • Increase federal training & funding for compatible tribal data systems 	<p>Not addressed</p>	
<p>Not addressed</p>			<p>9: Adam Walsh Act</p> <ul style="list-style-type: none"> • Electronic data bases for finger prints – tribes need access • Full NCIC access for tribes • Implications for tribes when states refuse to AWA compliance. 	<p>9: Specific Solutions by number</p> <ol style="list-style-type: none"> 1. SMART has IT contracts for a web template for tribes 2. NCAI is working to develop model code agreements. 3. Although no state has officially taken this position, this issue has been forwarded on. If states opt out, this does not mean there isn't any sex offender registry. All states have some level of general compliance. The point is to keep tribes in communication with SMART office.

<p><u>Prevention & Early Intervention Programs, Treatment & Rehabilitation, Prisoner Re-entry Programs Matrix</u></p>	<p>1: Lack of Funding/ Resources for Prisoners in Prison/ Released</p> <ul style="list-style-type: none"> • MT-Tribal Leaders council had a meth treatment facility that closed because due to lack of funding. • Programs needed for offenders that committed sexual abuse, child abuse, & drug use (meth). • Support services needed for treatment, aftercare, & should include the family. 	<p>1: General Solutions</p> <ul style="list-style-type: none"> • <u>Kade</u>: possible funding efforts are 1available through the agency. • Provide assistance to the prisoners & their families. Include counseling beyond substance use. • Fund programs that are culturally relevant, geared to the community needs, & include family outreach. • More funding from the state & federal governments. • Economic development to generate jobs & develop local businesses. 	<p>1: Lack of Funding/ Resources for Prisoners in Prison/ Released</p> <ul style="list-style-type: none"> • Lack of services in tribal detention facilities • Clarify federal agency responsibilities for health care delivery, education programs, and treatment needs in jail facilities. 	<p>1: General Solutions – Tribal Specific</p> <ul style="list-style-type: none"> • Look to what programs work in the nontribal detention facilities with the goal of finding solutions & not to reinvent the wheel. • Further implementation of the “Warrior Down” Program (This program designed to assist Natives already in recovery, those Re-entering the community after treatment for alcohol & substance abuse, mental disorders or after incarceration). These programs are cost effective, peer-to-peer & encourage family involvement. • Develop a prison cultural outreach program that goes into prisons to provide sweats & other cultural practices. <i>(done at Navajo)</i> • One community developed a healing & wellness program that mandated participation in cultural activities. Youth were provided mentors & rewarded for attending court hearings. • One tribe enacted banishment laws, & permitted reentry only after offenders healed.
	<p>2: Jail Conditions</p> <ul style="list-style-type: none"> • Jail conditions increase recidivism. Repeat offenders find that the prison system takes better care of them than the outside. 	<p>2: General Solutions</p> <ul style="list-style-type: none"> • Find reasons for recidivism through survey. • Increase the number of treatment facilities since most offenders do not need to be locked up, but rather need treatment. • Economic development to generate jobs & develop local businesses. 	<p>2: Jail Conditions</p> <ul style="list-style-type: none"> • Concern for juvenile repeat offenders that have no desire to leave or commit crimes to return because quality of life is better in the detention facility than their family home environment. 	<p>2: Jail Conditions</p> <ul style="list-style-type: none"> • Emphasize competitive grant opportunities that focus on juvenile delinquency-repeat offenders and offer positive youth development outside the detention system- OJ Discretionary.

	<p>3: State Inflexibility</p> <ul style="list-style-type: none"> Government-to-government relations are not honored. Tribes are left to negotiate with the state, on the state's terms. 	<p>3: General Solutions</p> <ul style="list-style-type: none"> Develop a legislative agenda for tribes – compacting with SAPT Block Native Set Aside (legislative change). More state & federal funding (seek accountability for unfunded mandates). Look to the relationships SAMHSA has with the state & how those relationships translate into service for tribes. 	<p>3: State Inflexibility</p>	<p>3: General Solutions</p> <ul style="list-style-type: none"> Foster tribal participation in State committees to open communication & understanding (done in CA). SMART SORNA Cooperative Agreements with states-tribes offers new opportunity to coordinate between governments.
	<p>4: Need for Long Term Sustainability</p> <ul style="list-style-type: none"> Tribes need sustained grant funding. Outsourcing Programs: lack of resources requires tribes to outsource help contributes to lack of sustainability. 	<p>4: General Solutions</p> <ul style="list-style-type: none"> Require tribal consultation before making block grant or federal grant requirements Waive matching requirements & allow for direct costs. Maximize 3rd party billing to increase the sustainability under current system. Examine & propose changes to the system to address behavioral health. 	<p>4: Need for Long Term Sustainability</p> <ul style="list-style-type: none"> Concern among smaller tribes that they cannot compete for State block funding if the criteria are population based. Concern is also applicable to federal grants. 	<p>4: General Solutions</p> <ul style="list-style-type: none"> Discretionary grant-making agencies have limited time frames for funding under existing law. Statutory changes required.
	<p>5: Lack of collaboration among Federal agencies, states, tribes</p> <ul style="list-style-type: none"> Tribes are caught between agencies that shift the responsibility to the detriment of tribes. 	<p>5: General Solutions</p> <ul style="list-style-type: none"> Tribes here emphasize the need to hold agencies accountable. (Tribes express concern over the agency's definition of Indian and eligibility for services). 	<p>5: Lack of collaboration among Federal agencies, states, tribes</p>	<p>5: General Solutions</p> <ul style="list-style-type: none"> Agencies need to collaborate with tribes to make the best use of limited resources. Tribes need to communicate & share stories about experiences to offer real solutions. Interdepartmental Sessions designed to help facilitate this current process. Additional resources and "buy-in" from other agencies is required to expand the partnerships. OJP
	<p>6: Lack of Prevention Programs</p> <ul style="list-style-type: none"> Prevention "gap" due to lack of prevention/services / model programs. 	<p>6: General Solutions</p> <ul style="list-style-type: none"> Establish more prevention programs that include the whole family & programs that can be implemented in the detention center. Programs need to be flexible & 	<p>6: Lack of Prevention Programs</p> <ul style="list-style-type: none"> Need to address prevention programs, specifically for Indian youth. 	<p>General Solutions</p> <ul style="list-style-type: none"> Need to find ways to fund language programs, beading, & other traditional forms of prevention & intervention. Programs should emphasize the roles of family & elders.

		<p>should include be culturally relevant evidence based programs.</p> <ul style="list-style-type: none"> • Establish an inventory of current service programs available. • Tailor existing evidence based practices for Native communities. 		<ul style="list-style-type: none"> • Need to address fundamental issues on the reservation – few jobs, need for technical assistance for economic development to foster self-determination. • One tribe developed their school system & curriculum criteria for graduating. As a result, students were more competitive for higher education. • Address the isolation of rural communities. Break the rural reservation into smaller communities to determine needs & prevention activities. Determine what families & community members need to connect to each other to help minimize the isolation.
	<p>7: Data Collection</p> <ul style="list-style-type: none"> • Lack of data collection infrastructure. • Issues about data ownership. • Different state & federal data collection tools/methods. • Need evaluation tools & needs assessment. • Cost. 	<p>7: General Solutions</p> <ul style="list-style-type: none"> • Establish evaluation tools, & needs assessment. • Find funding to establish uniform data collection methods. 	Not addressed	Not addressed
	<p>8: Native Professional Workforce Development</p>	<p>8: Specific Solution</p> <ul style="list-style-type: none"> • Provide scholarships & job outreach for Natives. 	<p>8: Native Professional Workforce Development</p>	<p>8: General Solutions</p> <ul style="list-style-type: none"> • Focus on workforce development for staff providing services • Fund scholarships for Indian students to get degrees in counseling, social work, & other behavioral health fields. • Hire new case managers that work outside of the box, not necessarily someone with a master’s education, but someone from the tribal community.

<u>Victim's Services Matrix</u>	1: Restrictive Policies at IHS <ul style="list-style-type: none"> • Guards transport individuals to treatment • No after hours outreach without departmental support • IHS rumored not to be reporting abuse or child abuse to law enforcements (<i>may be community specific</i>) • IHS no longer participates in community rounds (<i>community specific?</i>) • General lack resources for victim services at IHS 	1: General Solutions <ul style="list-style-type: none"> • IHS contract with the tribe to increase accessibility of services (<i>Fort Peck example</i>) • Increase use of MDTs (multidisciplinary teams), but must include relevant agencies to be effective. • 18 USC 3509 – statutory case management tool for service to victims (also required for funding). 	Not addressed	Not addressed
	2: Improving Multidisciplinary Teams (MDTs) <ul style="list-style-type: none"> • Concern about duplication of efforts when different agencies with different purposes seek to comply with MDT statutory requirements. • Since MDTs function as the victim's liaison to federal victim's service programs, more emphasis needs to be placed on addressing the victim's long term needs. 	2: Specific Solutions by number <ul style="list-style-type: none"> • Clarification of each agency's purpose & extent of involvement to prevent duplication of efforts. • Use the coordinated response team model with FBI victim advocate to supplement the services the tribe can provide. Local advocate follows the case through the judicial process & updates the victim about prosecution efforts & court decision. 	Not addressed	Not addressed
	3: Improving children victim services <ul style="list-style-type: none"> • Lack of relevant treatment models in Indian Country • Need training to address issues of non-offending parents • Multiple interviews are a problem for crime victims • Need to provide services to victims with a focus on the victims. • Need to address PTSD issues for child victims. 	3: Specific Solutions by number <ul style="list-style-type: none"> • <u>Dr. Broderick, SAMHSA:</u> SAMHSA has new treatment models to address trauma experiences. Although it is not clear if there are Native specific models, SAMHSA is in a position to provide technical support to tribes. • Include training programs for non-offending parents & the choices they make. This training should emphasize emotional support, require mandatory training for law enforcement, & be supported by a tribal resolution. 	3: Improving children victim services <ul style="list-style-type: none"> • Need to have Child Advocacy Centers located on the reservation. • Need coordination between the BIA & Victim Services. 	3: Specific Solution by number <ul style="list-style-type: none"> • Federal representative brought up issues 1 & 2.

		<ul style="list-style-type: none"> • Culturally appropriate victim centered forensic interviewing. • Child assessment center. • Offer PTSD for children who have experienced or witnessed violence. 		
<p>4: Improving service to crime victims & domestic violence victims</p> <ul style="list-style-type: none"> • Problems getting crime victims funds through the victims' compensation program. • Lack of tribal specific victims services liaisons – FBI has few people to cover large territories. • Too many unaccountable federal employees at expense of victims. • Repeat offenders not held & are free to reoffend. 	<p>4: Specific Solutions by number</p> <ul style="list-style-type: none"> • Quicker turn around for payment & expand the services that would be included in the crime victims service • Increase the presence of victim's services personnel & coordinate the services so as not to overwhelm the victim. • Examine systematic approaches within the agency to focus on increasing the response for victims. Focus on removing the offender & not the child victim or non-offending adult. • Develop arrest policies that must be followed when there is probable cause of domestic violence. Personal protection orders need to be enforced through FF&C. Tribes need to codify laws that give times that indicate when offenders should be released on bond. 	<p>4: Domestic violence (DV)</p> <ul style="list-style-type: none"> • DV incidence needs to decrease in tribal communities • Urban Indian population DV issues that affect tribal communities (difficulty accessing state services & in some regions there is animosity with the state). • DV issues overlap with substance abuse issues • Need to draft tribal code provisions to address DV (mentioned 3 times by different tribal member). • Mandatory sentencing requires tribes to detain people for longer terms, but tribal detention facilities are not meant for long term detention. • Concern over offenders who do not get help & are left in the community to reoffend. • Silent rule that rape kits are not done in Indian Country. 	<p>4: Specific Solutions by number</p> <ul style="list-style-type: none"> • Educate community & tribal leaders about DV issues, include DV in tribal code, & educate law enforcement & prosecutors. Include cultural based counseling. • Seek out partnership agreements with states. • Address substance issues for the family, when the offender does not want help. • Update & complete tribal codes to address DV. • No solution given. • Need services for all family members, not just the offender. • Establish rape kit protocols/policies with IHS. 	
<p>5: Training service providers</p> <ul style="list-style-type: none"> • Problems with designating who gets training • Problem with developing protocols for responsive service providers. 	<p>5: Specific Solutions by number</p> <ul style="list-style-type: none"> • Mandatory sexual assault & crime victim training for: BIA behavioral health case managers, judges, prosecutors, probation officers, child welfare workers, education providers, & medical providers. • Examine existing state coalition protocols for sexual assault & consider adapting. 	<p>5: Training service providers</p> <ul style="list-style-type: none"> • Tribe cannot refer victims to DV services because the program has no funding. • Tribal officers require more training 	<p>5: General Suggestion</p> <ul style="list-style-type: none"> • <u>Dr. Broderick</u>: Paradigm for victim service must change – need to address the victim's needs in a trauma informed way. (<i>Focus here on models for care</i>) • Tribal access to state crime labs. Need to bridge the gap for collection of evidence & establish protocols for the chain of evidence. 	

	<p>6: Limitations on Grants, Slow Government Bureaucracy, Barriers</p> <ul style="list-style-type: none"> • OVW programs are no longer available, “too often good programs die out.” 	<p>6: Specific Solution</p> <ul style="list-style-type: none"> • Internal policies to strengthen grant management are needed. Federal agencies need to make internal changes regarding grant services. 	<p>6: Limitations on Grants, Slow Government Bureaucracy, Barriers</p> <ul style="list-style-type: none"> • Communication barriers between tribes & agencies. • Distance between tribal communities & the state attorney’s office (<i>community specific issue with state</i>). • Tribal police are walking off the job because they are not being paid enough. • Need funding set aside for solutions the tribe develops – funding for transitional housing for banished offenders. 	<p>6: General Solutions</p> <ul style="list-style-type: none"> • Federal rep – Office of Victims of Crimes stated he wanted to address these communication issues & wanted to inform the tribes that funding is available. • Temporary solution: BIA helping with tribal law enforcement • Appoint an Associate Attorney General for Tribes at DOJ.
	<p>7: Data Collection</p> <ul style="list-style-type: none"> • Tribes need better data collection methods to quantify child abuse/ neglect incidence & to support funding requests. 	<p>7: General Solution</p> <ul style="list-style-type: none"> • Develop in-home services to avoid removing the child from home & to speed compliance. 	<p>7: Data Collection</p> <ul style="list-style-type: none"> • Problems with data collection methodology in Indian Country that leads to over generalization of data. Larger tribal numbers are applied to all tribes, & smaller tribal data is not captured which is relevant when these smaller tribes seek funding. 	<p>7: Specific Solution</p> <ul style="list-style-type: none"> • Tribes collect data (traditional data) & tribal leaders verify. Federal response: <u>Sedjwick</u> would consider anything for victim services & domestic violence.
	<p>8: ICWA</p> <ul style="list-style-type: none"> • Inconsistent implementation of ICWA requirements by tribal social services department (<i>potentially community specific</i>). • Most tribal courts lack representation for children. 	<p>8: General Solution</p> <ul style="list-style-type: none"> • Enforcement of ICWA & advocacy for parents in child welfare cases. 	<p>8: ICWA</p> <ul style="list-style-type: none"> • ICWA issues at <i>Lakota</i>, State taking children & terminating parental rights. 	<p>8: Specific Solution</p> <ul style="list-style-type: none"> • <i>Lakota</i> proposed to find resources to find their children & bring them back. (<i>Disproportionate removal of Indian children despite ICWA may be an issue.</i>)
	<p>9: Tribal Authority</p> <ul style="list-style-type: none"> • Since tribal courts have limited sentencing authority, offenders remain in the community. 	<p>9: Specific Solution</p> <ul style="list-style-type: none"> • Increase sentencing authority for tribal courts so that victims can rely on tribal courts to provide some remedy. 	<p>9: Tribal Authority</p> <ul style="list-style-type: none"> • Tribal courts do not recognize court orders from other courts or nontribal courts. 	<p>9: Specific Solution</p> <ul style="list-style-type: none"> • Honor non-tribal court orders.
	<p>10: Adam Walsh (AWA)</p> <ul style="list-style-type: none"> • Need for coordination with AWA implementation & SORNA 	<p>10: Specific Solution</p> <ul style="list-style-type: none"> • Multijurisdictional coordination 	<p>Not addressed</p>	<p>Not addressed</p>

	<p>11: Suicide Prevention</p> <ul style="list-style-type: none"> Community had 11 recent suicides & called IHS for support. IHS required additional approval for outreach, not clear if services were available. 	<p>No solutions offered</p>	<p>11: Suicide Prevention</p> <ul style="list-style-type: none"> <i>Pine Ridge</i> is seeking help with suicide prevention. They are not accessing adequate services through the state. Participants once again mentioned the lack of suicide prevention services through IHS. 	<p>11: General Solutions</p> <ul style="list-style-type: none"> More reliance on traditional tribal practices – ceremonies, increasing tribal connection to culture through language.
	<p>Feedback about Consultation Process</p> <ul style="list-style-type: none"> Concern over group consultation efforts because of the need for tribal specific service providers. Consultation with SAMHSA panel of “cultural experts” may be problematic because this panel consists of non-Native DC policymakers. Statement that, “Federal agencies should not be dabbling in local cultural property rights,” indicates concern about whether culturally appropriate solutions can be attained in this process. 	<p>Suggestions for Improvement</p> <p>All problems with the consultation process should be brought up & discussed with the group, since the essence of collaboration requires open dialogues between the different parties involved.</p>	<p>Not addressed</p>	<p>Not addressed</p>

<p>Juvenile Justice Matrix</p>	<p><u>NEXT STEPS – Proposed overall solutions offered by workgroup</u></p> <ul style="list-style-type: none"> • Formulate plan – coordinated efforts required. Overlapping areas of jurisdiction, need more work on jurisdictional issues. • Aggregate solutions & divide into short-term, moderate-term, & long-term, prioritize goals, & evaluate. SAMHSA reauthorization is timely; the agency needs to ensure tribes receive block grants. • Agencies identify short-term goals & work on these. • Tribes focus on working together on approaches that don't require direct funding. Tribes need to develop intertribal solutions. Tribal federal group need to develop a timeframe. • October session suggestions: 1) NCAI take the lead in the October session to work on tribal solutions. Identify budget impacts, take to budget workgroups; 2) Discuss reauthorization; 3) States: discuss strategies about getting state involved, 4) Discuss programs for child safety & protection. • States: Wisconsin EO 39: consult with tribes on a yearly basis; each department creates a consultation plan. Consult with Oregon & set up quarterly & annual meetings with state agencies. Assign tribal liaisons to all state agencies • Develop matrix by first 2 weeks in December. 		<p>No access to afternoon session notes</p>	
	<p>1: Lack of juvenile services in Indian Country</p> <ul style="list-style-type: none"> • Need truancy prevention programs. • Juvenile law & order code • Problem is responsibility of tribal, state, & federal governments. 	<p>1: General Solutions</p> <ul style="list-style-type: none"> • Offer juveniles treatment facilities that foster youth identity, culture, & spirituality. • Mental health issues need to be addressed along with detention. • Collaborative efforts need to include all government entities. 		
	<p>2: Insufficient 911 emergency response technologies.</p> <ul style="list-style-type: none"> • Lack of emergency response plans. 	<p>2: General Solutions</p> <ul style="list-style-type: none"> • Get word out when one exists 		
	<p>3: Grant Process is not user-friendly</p> <ul style="list-style-type: none"> • Insufficient notice (Grants.gov need to check periodically, self-monitored) • Limited internet accessibility for those online grants • Lack of technical assistance (no interface, no mechanism to notify that there is a need to edit the application before it looks too much like spam). 	<p>3: Specific Solutions by number</p> <ul style="list-style-type: none"> • OJP & HHs are working on longer notice periods • Tribes should be permitted the option of paper submissions when connectivity is an issue. • Grants.gov has an online tutorial • Agency is going research on whether matches are agency policy or statutory, have made a list of grants that include this 		

	<ul style="list-style-type: none"> • Policy requiring the demonstration of sustainability can be difficult for tribes to meet. • Not aware that annual updates of registration are required • Time limitations of paper applications – interference with decision speed. 	<p>info & may later release this information. Some matches may be fulfilled with federal funds. If match language is in the authorizing legislation, tribes need to ask the appropriations committee to delete the requirement. (Sedgwick also explained the rationale behind this policy as a demonstration of a tribe’s good faith efforts to keep the program going).</p>		
	<p>4: Lack of treatment facilities</p> <ul style="list-style-type: none"> • Distant locations make transport more costly. • Don’t have the resources to hold highly intoxicated juveniles & typically have to release them with high BACs. (equal to or higher than 2.65) (<i>may be community specific</i>) • \$\$\$ to build facilities, but not to staff them • Practice of using tribal disparity data to get funding for the facility, but charging the tribe to use the facility & not assisting the tribe. 	<p>4: Specific Solutions by number</p> <ul style="list-style-type: none"> • Place the facility in central regions to provide service to multiple tribes, & other closer to larger tribes to serve more people. • Partner with CDC & IHS Mental Health to better treat co-occurring disorders. Follow SAMSHA Co-occurring systems of care model & family-oriented / community-based treatment. Wrap around services. • Federal oversight for state awarded funding for detention or detoxification facilities. Make states accountable to tribes & increase the level of tribal consultation. • Natives should be part of decision making for policy appropriations. Natives should be part of the administration. 		
	<p>5: Lack of mental health counselors/services</p> <ul style="list-style-type: none"> • Drastically short-staffed within community • Expensive for tribes to get outside services. • Insufficient funding & insurance. 	<p>5: General Solutions</p> <ul style="list-style-type: none"> • Increase funding for culturally based mental health services. • IHS should provide resources to hire culturally sensitive staff & require sensitivity training before placement • Develop infrastructure so 		

	<ul style="list-style-type: none"> • Stigma & negative perceptions of mental health care in the community • Lack of recognition & resistance to accommodate tribal member's traditional healing methods. 	<p>sufficient care visits are affordable.</p> <ul style="list-style-type: none"> • Fund more mental health services to reach out to all communities. • Recognize & develop policies with Tribal input to recognize traditional methods of healing, practitioners, & elders. • Fund education for tribal members who want to enter the mental health field. 		
	<p>6: Available grants become depleted far too quickly & fragmented funding does not adequately address root problems</p> <ul style="list-style-type: none"> • One program will be funded at the expense of another. • Alcohol & drug programs don't get to tribes. • Alaskan organizations serve up to 50 tribes & don't have funds to reach the local community. • Matching funds issue – tribes don't have the resources to match funds & often are pressed for time to match. 	<p>6: General Solutions</p> <ul style="list-style-type: none"> • Long term general funding • Increase the years for grant periods • Build in planning years for grant periods • Build in planning years to increase capacity • Build in levels of grants • Hold Congressional hearings to determine the impact of funding on all tribes • Establish enhanced diversion programs for offenses • Matching: Offer additional time to tribes to match – 90 days. 		
	<p>7: Data collection</p> <ul style="list-style-type: none"> • In PL 280 states data is not disaggregated • No reliable data 	<p>7: General Solutions</p> <ul style="list-style-type: none"> • Enter into MOUs to share/receive crime data • Achieve PL 280 retrocession • Add tribal affiliation to disproportionate minority contract data collection to make states accountable 		
	<p>8: BIA alcohol & substance abuse program is no longer funded</p> <p>1. This BIA program has not been funded since 2006, the money went to IHS. As a result, some tribes lost funding.</p>	<p>No solutions offered</p>		

	<p>9: Registering juveniles under the Adam Wash Act</p> <p>1. Juveniles are not treated differently than adults under AWA.</p>	<p>9: General Solutions</p> <ul style="list-style-type: none"> • Notify tribal communities about AWA implementation, not just tribal councils. • Partner with states' administering agency to help implement AWA (technical assistance) • Expunge AWA crimes after juveniles turn 18 (like other juvenile crimes). 		
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