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# INDIAN JUVENILE DETENTION FACILITIES

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OVERSIGHT HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
NATIVE AMERICAN AFFAIRS  
OF THE  
COMMITTEE ON  
NATURAL RESOURCES  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

CONSTRUCTION AND OPERATION OF INDIAN JUVENILE DETENTION  
FACILITIES

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HEARING HELD IN WASHINGTON, DC  
NOVEMBER 8, 1993

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**Serial No. 103-59**

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# JUVENILE DETENTION FACILITIES

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MONDAY, NOVEMBER 8, 1993

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS,  
COMMITTEE ON NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:00 a.m. in room 1324, Longworth House Office Building, Hon. Bill Richardson (chairman of the subcommittee) presiding.

## STATEMENT OF HON. BILL RICHARDSON

Mr. RICHARDSON. I would like to welcome everyone to this oversight hearing on Indian juvenile detention facilities.

We will focus today on a very troubling issue facing Indian tribes, the need for juvenile detention and rehabilitation facilities. The facts before the committee are not pleasant: In 1988, 46 Indian tribes applied for a BIA-funded juvenile detention facility. To date, not one of these tribes has received a facility. There are only five juvenile detention facilities in all of Indian country. The BIA only has space to allow 309 juveniles nationally. Many of the facilities used to house juveniles are in a state of disrepair, some have been condemned. The BIA policies have prevented tribal facilities from receiving funds to make badly needed repairs and renovations. The BIA has not promulgated standards for the operation of juvenile detention facilities. In all the facilities operated by the Bureau of Indian Affairs, there is not one counselor, teacher, or social worker. Because of a lack of program standards and a lack of adequate staff, many juveniles in these facilities are without access to adequate health care, educational services, counseling, and mental health services.

Congress has recognized that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children. This Nation has a moral and legal obligation to ensure that the rights of Indian children are properly respected. We must ensure that Indian children who are housed in these facilities have the same opportunities to receive an education, adequate health care and counseling as other children. We cannot and must not turn our backs on these children.

I look forward to hearing the testimony today, and I would pledge my firm commitment to address this troubling situation. At this time, I ask that the background memorandum be made part of the record.

[Background information follows:]

**BACKGROUND FOR NOVEMBER 8TH OVERSIGHT HEARING  
ON INDIAN JUVENILE DETENTION FACILITIES**

**BACKGROUND**

The Bureau of Indian Affairs is responsible for the construction and operation of juvenile detention facilities on Indian lands. The construction of Indian juvenile detention facilities is actually carried out by the Office of Construction Management, in the Department of the Interior, while the Division of Law Enforcement Services of the Bureau of Indian Affairs, is responsible for the staffing and operation of these facilities. Under P.L. 99-570, the Anti-Drug Abuse Act of 1986, the Bureau of Indian Affairs received funds for the construction and renovation of juvenile detention facilities for Indian youth. Prior to this Act, the Bureau of Indian Affairs carried out its responsibilities under the broad authority of the Snyder Act of November 2, 1921 (42 Stat. 208, 25 U.S.C. 13). In 1988, the Bureau of Indian Affairs published a listing of 46 Indian tribes that have applied for a juvenile detention facility. Since the publication of this list in 1988, not one facility on the list has been opened. Under the current process, the Bureau of Indian Affairs only designs 20 % of the facility per year. It takes 5 years to complete the designs for a single facility. According to Bureau of Indian Affairs estimates, it will take nearly 7 years to complete construction of the first juvenile detention facility from the priority list.

There are only 5 juvenile facilities in all of Indian country. They are located at the Gila River Indian Reservation, the Colorado River Indian Reservation, and the Tohono O'odham Reservation in Arizona, the Fort Peck Reservation in Montana, and the Chemawa Indian School in Oregon. These facilities range in size from a total of 32 beds to 2 beds. In addition, the Bureau of Indian Affairs is responsible for construction and operations of 34 facilities that house both adults and juveniles offenders. Although there are over 170 Indian tribal justice systems across the nation, very few tribal justice systems have access to appropriate detention facilities for juveniles. The Bureau of Indian Affairs only has space to house 309 juveniles throughout all of Indian country. These figures indicate an

overwhelming need to develop juvenile detention facilities for Indian country.

These detention facilities are either BIA operated or tribally operated pursuant to a Self-Determination Act contract. Although most of these facilities have been constructed with Federal funds, the Office of Construction Management has taken the position that their funds cannot be used to repair or renovate tribal facilities. Due to this policy, many of these facilities have significantly deteriorated and are in a state of general disrepair. In many instances, tribal and BIA facilities housing juveniles have been condemned because of health and safety problems. There are many questions as to whether the current condition of these facilities may violate existing Federal standards or the civil rights of juveniles housed in these facilities.

Although many facilities on Indian lands house both adults and juveniles, the Bureau has developed no standards for the operations of these facilities. There are no assurances that federal standards for housing juveniles are enforced at these facilities. There is some question as to whether the sight and sound requirements of Federal law have been adhered to in these facilities. Federal law prohibits the housing of juveniles in facilities where there is contact with adult inmates (ie. juveniles should not be housed in a manner that permits them to see or hear adult inmates.).

In all the facilities operated by the Bureau of Indian Affairs, there is not one counselor, teacher, or aftercare worker. These facilities are generally staffed by detention officers. Without adequate staff and without any approved program standards, there is a strong likelihood that juveniles' rights may be violated. Many of these facilities are operated as just a lock-up facility without access to adequate health care, educational services, counseling and mental health services. It is not clear how these facilities handle juveniles who are intoxicated or who may be suicidal. There is a serious need for operational standards for these facilities and community service providers to ensure that juveniles housed in these facilities receive adequate treatment and services.

**HEARING**

The Committee will hear testimony from the Bureau of Indian Affairs and the Indian Health Service about the condition of Indian juveniles facilities, the construction and renovation needs, and the programs in place in these facilities. Both agencies will discuss efforts to coordinate services to juveniles in detention facilities. In addition, the Committee will hear from several tribal witnesses who will describe their experiences in obtaining funds for the construction of juvenile detention facilities. Tribal witnesses include a tribe that has a juvenile facility which has been in operation for several years (Gila River Indian Community), a tribe that has just finished construction of a new tribal adult/juvenile facility (Cheyenne River Sioux Tribe), a tribe that is on the construction priority listing of the Bureau of Indian Affairs but does not have a facility (Sac and Fox Indian tribe), and two Indian tribes that are not on the BIA priority listing but want to develop juvenile detention facilities (Puyallup and Nez Perce Indian tribes).

Mr. RICHARDSON. I would like to remind all the witnesses that your written statements will be made a part of the committee record, so please try to summarize your statements within five minutes. The hearing record will remain open for two weeks.

The Chair recognizes, for any opening statement he may have, the gentleman from American Samoa.

#### **STATEMENT OF HON. ENI F.H. FALEOMAVAEGA**

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank you for the initiative you have taken, certainly as an outstanding leader of this subcommittee, in taking on some of these very important issues affecting the needs of the American native community throughout our country.

And I want to thank you also for following through with the legislation that we have just recently passed in subcommittee in recognizing some of these tribes that have been long overdue for recognition.

I do not have an opening statement but I look forward to hearing from our witnesses this morning. Thank you.

Mr. RICHARDSON. I thank the gentleman and I appreciate his diligence in attendance, his participation in all hearings and mark-ups of this subcommittee. As the Chair understands, the gentleman will be able to chair part of this hearing, and I want to thank him again.

We want to welcome the Honorable Mary Thomas, Lieutenant Governor, Governor-elect, the Gila River Indian Community, from Sacaton, Arizona, accompanied by Mr. Rod Lewis; Ms. Laura Yergan, Executive Director, Juvenile Detention and Rehabilitation Center, Gila River Indian Community, Sacaton, Arizona; and the Honorable Samuel Penney, Chairman, Nez Perce Tribe, Lapwai, Idaho.

Lieutenant Governor, Governor-Elect Thomas is very familiar to this subcommittee. She knows our procedures. We welcome her again and we would ask you to please proceed.

**PANEL CONSISTING OF HON. MARY V. THOMAS, LIEUTENANT GOVERNOR AND GOVERNOR-ELECT, GILA RIVER INDIAN COMMUNITY, ACCOMPANIED BY ROD LEWIS, TRIBAL ATTORNEY; LAURA YERGAN, EXECUTIVE DIRECTOR, JUVENILE DETENTION AND REHABILITATION CENTER, GILA RIVER INDIAN COMMUNITY; AND SAMUEL N. PENNEY, CHAIRMAN, NEZ PERCE TRIBE**

#### **STATEMENT OF MARY V. THOMAS**

Ms. THOMAS. Thank you, Congressman Richardson, members of the Subcommittee on Native American Affairs, and staff of the subcommittee. I bring you special greetings, as always, from the Pima and Maricopa Tribes of the Gila River, and we are happy to relate our experiences regarding the development and operation of our Juvenile Detention and Rehabilitation Center on our reservation.

The Gila River Indian Community is one of the largest Indian tribes in the country in terms of reservation population. The greatest resource of the Community is its children. The Community spent years lobbying both Congress and the BIA in our efforts to

convince both bodies that a facility was both highly desirable and legally mandated.

The most important criticism outlined in the program on a recent evaluation indicated clearly that the BIA was not in any position to manage the center. The lack of rehabilitative services and other issues concerning BIA's involvement convinced the Community in 1988 to contract under the self-determination concept the functions of the center.

On every reservation throughout the country, only the tribes themselves have the ability and motivation to care for their youth.

Because of the Gila River Indian Community's proximity to the Phoenix metropolitan area, gangs and gang affiliations currently exist among the center's residential population. There are locally organized subcultural peer groups that mimic larger urban gang activities. It is a known fact that there are eight known gangs right there on Gila River.

While some juveniles have affiliations with established Phoenix area gangs, this gang affiliation and activities contribute to an escalation of more serious and violent crimes that persistently threatens the well-being of the Community. We also have the Interstate 10 that dissects our reservation and the drug traffic is pretty well-known and it has been flowing onto our reservation because of the traffic.

The Gila River Indian Community established the center five years ago in an effort to meet the special needs of Pima and Maricopa children. We had no model to follow and no entity to consult with to obtain assistance and advice. The concept that a tribe could actually operate and manage a center was new, but we decided that we had to meet the needs of Community children, because to do less was to ignore our responsibility as a tribal government. We could not leave the health and welfare of our children in the hands of the BIA.

We will continue to assist the total family, and this assistance is an essential part of our rehabilitation program. The assistance of this committee—now and as the House Interior Committee—has been extremely helpful and very greatly appreciated.

The rest of my time will be shared with Mr. Rod Lewis and Ms. Yergan.

[Prepared statement of Ms. Thomas follows:]

**STATEMENT OF**  
**MARY V. THOMAS, LIEUTENANT GOVERNOR**  
**GILA RIVER INDIAN COMMUNITY**  
**TO THE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON NATURAL RESOURCES**  
**WASHINGTON, D.C.**  
**NOVEMBER 8, 1993**

**I. INTRODUCTION**

Congressman Richardson, members of the Subcommittee on Native American Affairs and staff of the Subcommittee, it is an honor and a privilege to appear before you on behalf of Pimas and Maricopas of the Gila River Indian Community (the "Community") of Sacaton, Arizona, to relate our experiences regarding the development and operation of our Juvenile Detention and Rehabilitation Center (the "Center") located on the Gila River Indian Reservation (the "Reservation").

Our Reservation is located immediately south of the Phoenix Metropolitan area along the Gila River and is bisected by U.S. Interstate 10. Our proximity to the greater Phoenix area has benefits and many drawbacks. However, the opportunity to participate in the economy of central Arizona is a key to our future.

The membership of the Community exceeds 13,000 and the on-Reservation population exceeds 8,000 members. Consequently, the Community is one of the largest Indian Tribes in the country in terms of Reservation population. With this population, the Community has assumed the task of providing a wide array of governmental services to its membership.

The greatest resource of the Community is its children. Unfortunately, today our children grow up in a time of rapid change and transforming value systems both in the world surrounding the Reservation and the world on the Reservation. The cultures outside the Community inevitably interface with and influence our traditional culture. When the external influences are reflective of the upsurge in juvenile violence the nation is experiencing on the whole, the Community's family systems are disrupted and our children are profoundly and adversely impacted. Too often we are unable to provide the support and control that was traditionally an essential feature of our society. As a result, we must deal with children who are not able to conform to

**STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
GILA RIVER INDIAN COMMUNITY  
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the existing cultural and behavioral standards nor to those which are recognized by our society as a whole of which we think as being traditionally of the Pima and Maricopa.

The Community now operates and maintains a Center through a P.L. 93-638 contract with the Bureau of Indian Affairs (the "BIA"). The services provided at the Center are varied and we believe beneficial to the children afforded these services. However, maintaining the Center and providing the services is an extremely challenging task. No matter how difficult the challenge, we believe that the Community must operate the Center and provide these essential services. Operation of the Center has become a possibility only through years of hard work and commitment by members of the Community.

**II. BACKGROUND OF THE CENTER**

Children's issues have never been afforded a high priority with the BIA and the rehabilitation of children involved in the Reservation justice system has been virtually ignored as a priority in BIA program planning. The Community spent years lobbying both Congress and the BIA in an effort to convince both bodies that a facility like the Center was both highly desirable and legally mandated. For instance, in 1981, Governor Alexander Lewis wrote the BIA complaining of the failure of the BIA to allocate funds for the Center. Similarly, in a 1983 letter, Governor Dana Norris expressed similar concerns regarding the lack of BIA efforts and demanded immediate action.

When appropriations were allocated by Congress in 1985 for construction of the Center, the BIA then neglected to plan and allocate funds for the staffing of the Center. Our Children's Court Judge and BIA Criminal Investigator developed a staffing pattern for the new Facility in 1985, which was ignored. As a result, the Center once constructed in 1986, did not receive juveniles until 1987, because the BIA did not provide funds for staffing and operation.

In 1987, the BIA conducted a Program Evaluation of Law Enforcement Services at Pima Agency and part of the evaluation concerned the BIA operated Center. First, the Center had not adopted a meaningful and effective policy and procedure manual. The Center administrators and detention officers were untrained, morale was low, and a high employment turnover rate existed.

The Program Evaluation was critical of the physical layout of the Center. The Program Evaluation stated that the structural design was "nonconducive to proper jail management and

**STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
GILA RIVER INDIAN COMMUNITY  
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inmate supervision." The building was planned in a "Lineal Design" configuration with numerous hallways and corridors thus making proper supervision of inmates by Center staff personnel difficult. Of course, the Community was not allowed input into the design. The BIA pre-designed the building in Albuquerque and constructed the facility on the Reservation.

The most important criticism outlined in the Program Evaluation indicated clearly that the BIA was not in any position to manage the Center. Either through ignorance or simple mismanagement BIA personnel did not comply with the legally mandated "sight and sound" requirement. In addition to being legally required, common sense indicates that children and adult detainees must be separated. However, adults and children shared common areas such as the kitchens, dining rooms, and even sleeping accommodations. The BIA had not drafted written policies and procedures governing or enforcing the "sight and sound" concept.

Planning for the Center was so poorly performed that from time to time the meals for the children for many days at a time consisted of raisins and oatmeal because supplies for proper nutritional meals had not been ordered or even planned. The Community assigned our Nutrition Educator to the Center to plan meals for the detained children.

In 1987, the Center opened and initially was operated and maintained by Law Enforcement Services, BIA, but with a restricted focus. After the Center opened, Governor Thomas White wrote and complained that the Community had not been consulted regarding the operation, philosophy, or mission of the Center. For instance, the BIA's planed to simply detain and house children without planning for the rehabilitation, counseling, or education of juveniles detainees. Moreover, there were no plans to provide any services to the families of the detainees, to provide mental health services, or to treat alcohol or drug related problems of the detained children.

The lack of rehabilitative services convinced the Community in 1988, to contract the functions of the Center. Through the efforts of Community personnel, the BIA was persuaded to offer rehabilitative services and an Interagency Agreement between the BIA, IHS, and the Community for these services was entered into in June, 1987. The services provided through the Interagency Agreement were Pima traditional counseling, a course in Pima traditions, a talking circle, suicide intervention and counseling, an IHS infirmary sick call, and educational programming offered by the Sacaton Public School District.

**STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
GILA RIVER INDIAN COMMUNITY  
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The BIA was and remains unable to operate and maintain a Center such as that on our Reservation. The BIA lacks the vision, the commitment, the creativity, and enthusiasm necessary to properly and efficiently deliver rehabilitative services to our Community youth. On every Reservation throughout the country, only the Tribes themselves have the ability and motivation to care for their youth.

Gila River Indian Community has operated its own Center since September of 1988. During this time, it has become apparent that the detention center must function cohesively within the Community and particularly the Community's children's justice system, social services program, and other treatment providers. A Center such as ours cannot effectively impact the issues confronting native American adolescents in isolation. It must fit into the Community and it must be recognized that the Center will place additional demands for services on the Community.

**III. THE CURRENT CENTER PROGRAM**

The Center emphasizes rehabilitation as part of its program. Our concept of rehabilitation consists of a holistic and traditional approach that addresses the needs of the whole individual; such as the O'otham Oidak (fields of the People) Farm/Garden Project which revitalizes the Pima/Maricopa tradition of farming among the O'otham young people. In furtherance of this concept and to remain sensitive to Community needs, the Center is constantly re-evaluating, modifying, and reshaping its programs as needed.

**A. The Population Served**

The Center serves males and females between the ages of 10-17 years. This group of children represent a diverse group reflecting three primary legal statuses: Children in Need of Care (CINOC), status offenders (runaway, truancy, and curfew violations) and serious offenders who, in terms of existing criminal code provisions, would be deemed offenders of violent crimes if charged as adults. Because of limited available resources, and a need to provide otherwise unavailable safe and secure housing, the Center has served as the primary placement for young people in the Community who require extraordinary treatment. This includes those who are emotionally troubled, physically and emotionally abused, suicidal, and mentally ill.

The Center's population is an extremely high risk group who exhibit self-destructive behaviors. It is well known that

**STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
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Native American youth have the highest rate of suicide among adolescents in the nation, and those that are brought to the Center are often in this high risk group.

Substance abuse characterizes a high percentage of the offenses of young people entering the Center. Minor consumption of alcohol and inhalant use typify other charges. Often these young people come from alcoholic and dysfunctional families and have been victimized, abused, and neglected. These Native American young people also suffer from a lack of cultural identity and low self-esteem.

Because of the Community's proximity to the Phoenix Metropolitan area, gangs and gang affiliations currently exist among the Center's residential population. There are locally organized sub-cultural peer groups that mimic larger urban gang activities; while some juveniles have affiliations with established Phoenix area gangs. This gang affiliation and activity contribute to an escalation of more serious, and violent crimes that persistently threatens the well-being of the Community.

**B. The Juvenile Detention and Rehabilitation Center Program**

Contracting of the Center represents the Community's desire to take responsibility for the welfare of its young people. The mission for the Center is both to protect the Community while serving the needs of youthful offenders and their families. It appears that the destructive and socially unacceptable behaviors of our youth result from a lack of viable and healthy alternatives for coping with environmental stressors and a poor sense of self.

The Center programs were designed to meet the Community's mandates for services and to address the rights and needs of those detainees that had been left unaddressed by the BIA. In addition to secure detention and rehabilitation programs, the Center implements a wide range of integrated Community-based programs. Each program component directly responds to a need of this population. These programs include:

(1) Education: The JDRC operates two unique alternative schools; one located in the detention center and the other serving adjudicated young people in the Community. Their purpose is holistic: to teach a variety of appropriate education, vocational and life skills, and to provide a climate conducive to redirecting young people towards more positive behaviors, within a framework of cultural relevance. Education is seen as a

STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
GILA RIVER INDIAN COMMUNITY  
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primary intervention for this population, as it can directly impact self-confidence and self-sufficiency.

The schools offer residents the opportunity to earn eighth grade and GED certificates and to complete high school coursework in cooperation with local schools. This population of young people have a long history of failure in regular school settings and often have special needs that are not met effectively. In the words of one JDRC resident, "School is the place that hurt my spirit."

(2) Counseling and Case Management Services: Individual, group and family counseling is provided by two counselors on a regular basis in the Center. In addition, counseling sessions assist in determining appropriate interventions and referrals and often victimized young people disclose instances of past abuse. The counselors must work with the families of the detainee to help facilitate their transition back into the home.

(3) Culture and Traditional: In order to provide our detained young people with a stronger sense of their Pima/Maricopa identity a variety of traditional activities have been incorporated into the program. This includes: building a traditional shelter (vato), planning and participating in JDRC-sponsored pow-wows, traditional food and jewelry making, traditional arts and crafts, and helping refurbish traditional housing in Gila River's Heritage Park. The building of a traditional sandwich house is in the planning stages.

A traditional teacher works with our detainees enhance their spiritual and cultural awareness. He does this through groups which are both educational and experiential, consisting of blessings, guided meditations, and the relating of traditional songs and stories. He also meets with individual residents to help them find spiritual solutions to their problems.

(4) Substance Abuse Prevention and Education: The Community's Alcohol and Drug Abuse Program provides substance abuse prevention and education groups, as well as placements for substance abuse treatment. In addition, linkage with an off-reservation Alcoholics Anonymous Association make possible weekly AA groups. We are currently planning an AA's "Bridging the Gap" program which links residents with an AA sponsor who makes contact with the resident after release and escorts the resident to a community-based AA meeting.

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GILA RIVER INDIAN COMMUNITY  
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(5) Recreation and Exercise: The Center's recreation and exercise program provides organized team sports, weight-lifting, and morning exercise. This area of the Center's program is somewhat limited due to lack of a gym or large enough recreation yard to conduct other activities. However, improvements are being sought to increase the variety of activities available, as this is a critical need of this population.

Recreation and exercise for this population is more than a luxury; it is a necessity in order to reduce acting out behaviors. In detention settings, these young people build up an excess of energy that needs a healthy outlet. Otherwise this pent-up energy could be released in a harmful aggressive manner. This also teaches health coping mechanisms to deal with their frustrations, anger, and stress.

(6) Staff Roles, Incentive Program, Discipline: The adolescent care workers and support staff at the Center serve as positive role models who strive to maintain a balanced approach between structure, boundaries, discipline and support, and attempt to create an environment of respect. This is a critical function, as these workers set the tone for the program and are its direct implementers. They supervise and interact with residents on an on-going basis and attempt to assess, respond to, and de-escalate problems before they reach a crisis level. The nature of staff/resident relationships has the potential to positively impact resident behavior. Residents respond very positively to staff personnel they respect.

Another method of positively impacting resident behavior currently utilized by Center staff is the incentive program, which helps residents learn responsible behavior and respect. Residents can earn points throughout the day for maintaining a good attitude, volunteering to help in extra project, participating in all parts of the program, and complying with rules and expectations. As residents show progress in behavior and attitudes they can earn and move to higher phases, (up to 3) and the additional privileges that go with such promotions.

All of the above methods address resident behavior and discipline; however, clear guidelines are maintained through a write-up and sanctioning procedure which can range from loss of privileges to extra work assignments and finally to time-out and segregation.

**STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
GILA RIVER INDIAN COMMUNITY  
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(7) Safety, Security, and Control: The Center utilizes hardware, such as locked security doors, a cell area and razor ribbon. However, the primary method to maintaining security is good staff supervision and monitoring. This requires staff who are keen observers and who are adept at managing large groups of residents.

A major responsibility of the Center is to maintain a safe environment. It is important that the staff be especially aware of those residents who are at high risk for suicide, assault, and escape. Particular attention is devoted to detainees with special medical or mental health needs. In furtherance of this effort, detainees may be placed in Intensive Observation and monitored in short intervals or, in some case, continually.

(8) Community-Based Programs: The Community-based programs provide the young people who enter the JDRC with a continuum of care in the Community. In the past, the Center was providing services to a significant group of young people that could be better served outside the Center with the active participation of the child's extended family. Therefore, our focus has shifted to developing integrated community-based programs such as a traditional farm/garden project, a youth diversion program, probation, aftercare, an alternative school. A wilderness survival program is being planned.

(9) Staff Training and Staffing: The role of the direct line staff is critical in working effectively to improve resident behaviors and attitudes. Training of the staff must be comprehensive and incorporate topics specific to the adolescent population along with detention and security procedures. Center staff are encouraged to and are afforded regular opportunities to give input into the operation of the Center.

The Center staff consists of 15 full-time and 10 "on-call" Adolescent Care Workers, as well as 10 support staff. This ensures a ration of approximately 1:6, staff to residents. This ratio is necessary to provide intensive supervision for the residents. In addition, 8 additional staff members implement the community based programs.

#### **IV. THE CURRENT BUDGET**

The Center has always experienced difficulty in obtaining sufficient funding to support its diverse and varied programs. The following is a brief summary of the budget for the Center.

STATEMENT OF MARY V. THOMAS, LIEUTENANT GOVERNOR  
 GILA RIVER INDIAN COMMUNITY  
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**FY93:** (There is currently a small discrepancy in actual budget figures) however the figures below represent the latest figures available.

Direct Budget Total:	\$ 1,059,943.00*
TSS Pass-Through:	( 40,612.00)
Actual JDRC Direct Budget Total:	<u>\$ 1,019,331.00</u>
Indirect Budget Total:	\$ 136,270.00
Total JDRC FY93 Budget:	<u>\$ 1,155,601.00</u>

**FY94:**

Current FY94 Budget Total:	<u>\$ 1,000,000.00</u>
Projected FY93 Carry-Forward	85,000.00
Projected Fac. Maint, Support:	23,000.00
Pascua-Yaqui Contract:	7,000.00

Total Projected FY94 Budget: \$1,115,000.00\*\*

- \* Includes \$7,000.00 contract monies for the Pascua-Yaqui Indian Community.
- \*\* Indirect cost amount not yet known.

**V. CONCLUSION**

The Community established the Center five years ago in an effort to meet the special needs of Pima and Maricopa children. We had no model to follow and no entity to consult with to obtain assistance and advice. The concept that a Tribe could actually operate and manage a Center was new. But we decided that we had to meet the needs of Community children because to do less was to ignore our responsibilities as a Tribal government. We could not leave the health and welfare of our children in the hands of the BIA.

Our Center, in and of itself, cannot resolve the many problems our youth face. Primary responsibility for the welfare of children is in the hands of the immediate and extended family. We will assist the total family and this assistance is an essential part of our rehabilitation program.

The assistance of this Committee and the House Interior Committee has been extremely helpful and greatly appreciated.

I thank you for this opportunity to express the concerns of the Community.

Mr. RICHARDSON. Go ahead, Mr. Lewis.

Mr. LEWIS. Mr. Chairman, my part of the presentation is to focus on the difficulties we have had in getting our center going. At the beginning, the Bureau of Indian Affairs was operating and administering the center and we encountered many difficulties, as the Governor-elect said. We lobbied for many years attempting to get funding for the center and then finally getting the BIA to allocate the funds necessary to build the center.

One of the most important barriers or problems we faced was that once the building, the juvenile rehab center, was constructed, there was no money for staffing or providing for supplies for the center. So we had an almost one-year period in which the center simply stood vacant and could not receive children or juveniles into the center.

Once the center began to operate, we continued to have difficulties with the Bureau of Indian Affairs. The problem with the Bureau of Indian Affairs was that they failed to coordinate the opening and developing the policy with the tribe. They simply just opened up the center without input from the tribe, and this in itself caused a lot of difficulty because the tribe itself was not familiar with how the center was going to operate.

Unfortunately, the BIA did not know how to run the center and they simply failed to get any advice from any responsible party. For instance, they opened up the center without any written policies and procedures regarding how the center was actually going to operate, and this criticism comes from their own internal review which they prepared in 1987.

The physical plant itself does not lend itself well, as Laura Yergan will relate later on. It does not lend itself to proper control of the children that are placed in the center. Again, the center was planned and the blueprints were put together in Albuquerque without really any sense of what the present layout at Gila River was like, and they just slapped it in there without really any planning. The design is poor.

Perhaps the most important problem that the BIA caused was the sight and sound concept; that is, the separation of children from adults out of sight and out of sound also, and this was ignored. For instance, when the BIA was running the center, we had difficulties in separating children from adults in the kitchens and the dining rooms and even in sleeping accommodations. They simply were not aware that you should not mix children and adult detainees in common areas, and this caused a lot of difficulty.

One of the most important problems that illustrate how the BIA was not able to maintain the center was meals. They simply did not plan for meals, did not have a nutritionist available, and for days on end, many times the children would eat raisins and oatmeal for breakfast, lunch and dinner. That caused a lot of difficulty, simply because they did not plan food orders in advance.

Another major problem, the last which I will mention, is the lack of rehabilitative services. People were simply placed in the center when the BIA was operating it and simply stored there. There was nothing, no programs for the families, no programs to deal with any kind of special problems, like abuse of alcohol or drugs, no counseling, no ADAP visitors. And these are the real serious prob-

lems that caused the community to step in and eventually contract the center, the operation and maintenance of the center, through Public Law 93-638 contract.

We took that function over and we think we have done a very fine job since that time.

It is difficult but perhaps Laura Yergan can take it from this point and describe how the center functions now.

Mr. RICHARDSON. Go ahead, Ms. Yergan.

#### STATEMENT OF LAURA YERGAN

Ms. YERGAN. First, let me say it is an honor for me to be here, Mr. Chairman, and members of the committee. I truly appreciate the opportunity to testify on behalf of the Gila River Indian Community and its children.

As Rod said, during the days of BIA, which were just prior to my arriving there, there were a lot of problems, and when I arrived the tribe had very clear mandates for services that were to be provided to the youth in the center. Previously, they were warehoused and constitutional rights were not being ensured.

One of the things that we focused on is making sure that there is an array of programming available with a continuum of care into the community to follow these kids once they leave detention.

I am sure we have all heard about high recidivism rates, and that is not much different for the kids in Gila River. However, in the five years I have been there, I have learned that we have got to focus on community-based programs in addition to the detention and rehab program, because we have to pull the families in and keep the kids in the community. And that is what our efforts the last couple of years have been focused on doing.

The population that we serve is extremely diverse, and this is problematic in and of itself. These kids range, males and females, from 10 to 17 years old. That is a pretty broad age range right there; a 10-year-old is pretty different than a 17-year-old. These kids come to us with sexual, physical, emotional abuses that they have experienced. There are emotionally handicapped, educationally deprived, mentally ill.

The center serves quite a diverse group of people and that is primarily because there are limited resources for these kids in the community. And so that can be problematic, but we do take them all, and we very carefully try to ensure their needs are addressed through the rehab programming that we provide.

What makes the juvenile detention and rehab center somewhat unique in Gila River, I think, is that Gila River is the only community currently who runs its own detention program with rehabilitation programming, and this has a very strong cultural emphasis to it. We work with traditional healers in the Community who come in and work with the kids, do counseling—we have two family counselors who do individual, group and family counseling.

We have a philosophy that is holistic in its approach. Again, we address the physical, the mental, the psychological and spiritual needs of those kids, and I think that is the only way that you can effectively deal with them. And, again, as I said, the family centering is most important, because when these kids leave the center, even if they have been there for six months and you have worked

with them intensively and they go back to the same home environment, you are setting them up to revert to the same behaviors and have to respond to the same problems that initiated the behavior to begin with. That, I think, is significant to note.

Another thing that makes the center unique is our attempting to provide an array of programs of alternative schools, and I need to emphasize this in terms of rehabilitation programming. Education is extremely therapeutic for these kids, and it truly offers them a way out. I think it is all too often overlooked in detention programs, even nonreservation programs, and I have worked in those as well and run them.

I think a strong educational component, a strong counseling component, which we are very much striving to do in our center, we provide those services, is critical. We have an alternative school in the center and one in the community, and so that the good work that is done by the school while the kids are in the center can be continued while they are in the community.

In terms of talking about some of the issues that we have dealt with, I would like to just focus a little bit on the facility. And as Rod said, there definitely are some problems, and if this committee is considering oversight of the building of other such facilities, I would certainly like to say that design and quality of construction are absolutely important.

The facility we are in is extremely poorly designed. It is a lineal design, which does not provide for visibility. And what happens is it requires additional staff, which makes it much more costly to run. It is poorly constructed and what happens there is that the plumbing backs up, sewers back up, things fall apart continually, and again, the costs to maintain the center are much higher than they would have to be.

I think that the other thing is the sign in front of the center says rehabilitation center, but it was certainly not designed with that in mind. There are no offices in there, no private meeting areas. There is absolutely inadequate office space, and these are things I certainly would hope would be kept in mind when looking at facility design.

One of the things that is very important for this population of youth is exercise and recreation, and we have a very limited outdoor area for kids to play. It can cut down on behaviors. They get pent-up energy, and they need a place to release it. We have difficulty providing that for them adequately in the center because of the fact that we have limited outdoor space and limited indoor space.

The facility is approximately 8,000 square feet, and as I said, quite broken up by the design, which makes it much more costly to run. So I hope that the committee will consider these things when looking at building other detention centers in the community.

The last area I would like to focus on with the time remaining is the networking in the community and dealing with the increased demand on existing services in the community. When a new entity such as the rehab center exists, we are doing assessments on kids, we are doing referrals to all existing services, and we have placed an increased demand on these facilities, other agencies, to provide

services, and they are not adequately able to provide them. They do not have the staff. They have not focused on this population.

It is absolutely critical in planning these facilities to look at the needs: What you have now and what it is you are going to need; what kind of demand you will place on these services for facilities.

A recommendation is for a task force, which ties in with that, so that all the juvenile justice agencies specifically, as well as nonjuvenile justice, can work together. The problem we have had, that I have contended with, is coordination—cohesive working relationships with law enforcement, with the children's court. And what happens is these kids can fall through the gaps if we are all not working as a cohesive team.

This is important to consider also for juvenile detention centers in Indian communities. I think that there are good models out there. I think the rehabilitation model is an excellent model. There are many others. There is the reform model. But it focuses on the individual youth. It focuses on their needs and issues and the causes for their behavior.

In the written statement that was handed out to you, there were some statistics in it, and it indicates that we have a significant number of kids who are children in need of care and status offenders who represent victimless crimes. These are nonserious offenses. These are kids in our center. These are part of this diverse group of kids that we serve, and these are kids that should probably not end up in detention at all. They are not offending youths, but they are with us because there is no other place to safely or securely keep them.

Mr. RICHARDSON. Thank you.

[Prepared statement of Ms. Yergan and attachments follow:]

**LAURA YERGAN, EXECUTIVE DIRECTOR**  
**GILA RIVER INDIAN COMMUNITY**  
**TO THE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON NATURAL RESOURCES**  
**WASHINGTON, D.C.**  
**NOVEMBER 8, 1993**

**I. INTRODUCTION**

Congressman Richardson, members of the Subcommittee on Native American Affairs and staff of the Subcommittee, it is a great honor and privilege to appear before you on behalf of the Pimas and Maricopas of the Gila River Indian Community (the "Community") of Sacaton, Arizona, to relate our experiences in endeavoring to establish community-based programs along with recommendations based on our experiences in operating the Juvenile Detention and Rehabilitation Center (the "Center") located on the Gila River Indian Reservation ("Reservation").

**II. COMMUNITY-BASED PROGRAMS**

Although the Community continuously strives to address the issues of its young people, there remains a need for additional community-based programs and services. One of the strengths of the Pima and Maricopa cultures has been strong family and kinship structures. Unfortunately, for many of the young people who come through the Center, that strength has been lacking. With a unique and revitalized approach, the community-based component of the Center, therefore, is attempting to provide to adjudicated young people an array of family-centered experiences and opportunities for learning.

Giving something back to the Community and contributing to the whole are traditional values of the Pima and Maricopa people. These values have been incorporated into the community-based programs. Through work on community projects, these young people can work *constructively*, rather than *destructively*, in their community; an important component of the rehabilitation of these young people. The community-based programs have already contributed to several Community projects and are developing others; such as, the building of a traditional sandwich house.

These programs provide young people who have re-entered the Community after detention, with a continuum of care and programs, while, additionally, providing the tribal children's court with community-based alternatives to incarceration. These

**STATEMENT OF LAURA YERGAN, EXECUTIVE DIRECTOR  
GILA RIVER INDIAN COMMUNITY  
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alternatives provide an additional resource to the tribal children's court by expanding upon the more conventional resources - restitution and community service - that have been available. They are:

**A. O'Otham Oidak Traditional Farm/Garden Project**

O'Otham Oidak, "Fields of the People," symbolizes the revitalization of the traditional activity of farming for the Pima and Maricopa people. Under the direction of a Farm Manager and Center staff, youth are instructed in planting and caring for crops. The ten-acre farm consists of an orchard of several hundred deciduous, citrus and Christmas trees; with its first crops consisting of a field of experimental popcorn, several acres of sweet and tamale corn and three acres of assorted vegetables. This first harvest was shared in the wider community by groups such as the elderly nutrition program, the Reservation's hospital and the community service centers.

The farm project has created unique linkages with juvenile justice and non-juvenile justice agencies, while receiving invaluable support and contributions from the Community and the BIA Pima Agency. It serves all detention and community-based adjudicated young people and provides them with the opportunity to learn about their heritage as Pima and Maricopa people through helping to operate this 10-acre farm and a small experimental garden. In the near future, these young people will also learn to operate farm-related enterprises; such as, selling produce and making traditional foods to sell.

**B. Vechij Himdag Alternative School Program**

Vechij Himdag, "The New Way," symbolizes the traditional and spiritual life of the Pima and Maricopa people as they move into the future. This new program provides the youth, as symbols of this future, with unique opportunities for learning and growth. Funded through a federal grant (see below), this program provides a holistic educational program that goes beyond regular education by incorporating several unique aspects: Pima and Maricopa culture, cooperative and experiential learning, individualized lessons, and vocational, social, cognitive and life skills. Given the high prevalence and devastating effects of alcohol and inhalants, substance abuse education will also be interwoven into the school's curriculum.

Two teachers and an aide work intensively with 12 adolescents in small, intensive classroom settings. All students have been through the children's court and have often been unable to function successfully in a regular school setting. The

**STATEMENT OF LAURA YERGAN, EXECUTIVE DIRECTOR  
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alternative school is linked with local schools so that eighth grade certificates, and high school diplomas, as well as GEDs, can be awarded.

**C. Youth Diversion Program**

Partially funded through a state grant (see below), diversion serves early offenders, alternative school students, and adjudicated youth who have been referred for aftercare services. Diversion has recently been revised and expanded into a three-month program with a strong experiential emphasis that assists young people and their families to engage in activities meaningful to them. Each family designs their own projects, develops their own objectives, and commits to working together through project completion. The goal of the program is to create healthier relationships between parents and children. Through a sense of shared achievement, in a non-threatening context, it is hoped that families can be helped to create healthier bonds.

**D. Probation**

Unique to most detention centers is the fact that the JDRC oversees juvenile probation for the community. This component needs revision, as it has not had a significant impact on the probation population. As an agent of social control, the probation officer in Gila River has had limited power to take immediate action against a violator; e.g. he has not been able to file his own violations or conduct field urinalyses, and it was not until the past year that he has been able to present testimony in court. To increase its effectiveness revision of the children's code, which is in process, will vest the probation division with extended powers.

**E. Wilderness Survival Program**

This program is in planning stage and is expected to be implemented in 1994. Throughout the country, variations of this type of program are being successfully utilized with juvenile populations. The most successful programs have provided intense emotional experiences in which youths are challenged to achieve, alone and as part of a team. The Gila River wilderness program will emphasize such experiences, while interweaving Pima and Maricopa spiritual values and ceremonies; such as, rites of passage. Youths will also learn to identify and use native plants and the skills necessary for desert survival and tracking.

**III. Considerations in Establishing Juvenile Detention and  
Rehabilitation Centers in Tribal Communities**

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(1) Community Input: Opportunities for community input and involvement should be incorporated into the planning process of a juvenile detention and rehabilitation program. It is also important to keep community members informed during and after this process. Without this, the community can misunderstand the mission, philosophy and goals of the program.

(2) Community Relevancy: Models for programs and interventions based solely on anglo culture cannot be directly implemented and must be adapted to the societal values of the Native American community. If programs are not culturally sensitive and adapted, they simply will not work.

(3) Transition Time: The transition time during which a juvenile detention facility is transferred from BIA to tribal administration is a critical period during which the tribe makes final and detailed plans to take over the operation of the facility with minimal problems. This is also an area which can be too often overlooked.

(4) Facility Design and Construction: The facility should be of a design that:

- is modern and cost efficient to operate and maintain
- provides for the highest visibility
- provides for maximum safety
- is of a size and spaciousness appropriate to population
- provides adequate space for recreational activities
- is of high quality construction

(5) Rehabilitation Programming: The juvenile detention center should provide comprehensive services to address the needs, rights and the Native American culture of its juvenile population. This includes:

- humane treatment and environment
- comprehensive individualized educational program
- individual, group and family counseling
- traditional programs and activities
- parent and family contact, counseling and other involvement
- substance abuse education and groups
- instructional work assignments and projects to teach vocational skills
- recreation and exercise
- assessment and referral
- case management and case review
- incentive program (points and phases)
- religious services and activities

**STATEMENT OF LAURA YERGAN, EXECUTIVE DIRECTOR  
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(6) Staffing Needs and Staff Training: Staffing must be adequate to provide continual supervision of the entire resident population, and intensive supervision for those who are high risk or have special needs. The most effective staff to resident ratio is approximately 1:6 or 1:8. In order to maintain this ratio, a pool of "on-call" staff is necessary. Training must be on-going and provide staff with a good understanding of the Native American adolescent population. This can include a wide range of topics relevant to working with this population, such as; depression and suicide, adolescent issues, sexual abuse, communication, non-violent crisis intervention.

(7) Establishing Community-Based Programs: Establishment of alternative community-based programs to: provide the children's court with an array of alternatives to incarceration, provide a continuum of care and supervision within the community, and facilitate reintegration back into the community after incarceration. These programs should incorporate traditional values and customs and a strong emphasis on family participation.

(8) Linkages with Other Service Providers: Establishing cooperative linkages with local agencies is vital to serving the needs of the juvenile population and to minimizing those young people who fall through the gaps. These linkages should include:

- legal advocacy group to ensure provision of these services
- behavioral health clinic for more intensive and on-going counseling, when appropriate
- tribal social services for multiple services; such as sexual abuse and child welfare referrals, parenting support
- alcohol and drug abuse program for substance abuse treatment or placement
- Indian Health Services for medical and mental health evaluation and treatment

(9) Upgrade Existing Community Services: There is a need to augment staff and services of community service providers to meet the increased demand and specific needs of the juvenile population brought about by the addition of a juvenile detention/rehabilitation center. This should also include justice system agencies such as courts, law enforcement and prosecutorial services. The result of not doing this is overtaxed agencies that cannot provide adequate services to this population.

(10) Health Services: There is a need for 24-hour care; both medical and psychiatric. Indian Health Service needs the resources to be able to provide medical assessments to determine level of toxicity or alcohol in the blood with immediate follow-up

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medical care and treatment when indicated. This includes detoxing for those who shown signs of serious toxicity or intoxicification.

(11) Availability of Mental Health Services: Mental health treatment must be made available to this population, when needed, to ensure proper care is given and rights are maintained. Detention should be considered an inappropriate alternative to mental health treatment. Title XIX should also provide these services to Native American youths in detention, since a high number of those needing such services (due to victimization, neglect and abuse) do, in fact, become detained.

(12) Children's Code: The tribal children's code should be revised and up-dated commensurate with the opening of a comprehensive juvenile detention and rehabilitation program so that, as appropriate, new procedures and services can be reflected. Keeping it current is critical and requires periodic revision to reflect changing needs and issues. A consideration here is to limit parent's ability to file ungovernable or incorrigible charges against their child, to minimize dependency on the system and the effects of rehabilitation.

(13) Juvenile Task Force: Establishment of an on-going task force comprised of juvenile justice and child welfare agencies can facilitate communication and resolution of systemic issues involving coordination of roles, efficiency and effectiveness of the juvenile justice system.

(14) Parent Accountability: Holding parents at least partly accountable for the offenses of their children, should be considered an important factor in reducing juvenile crime. This might be accomplished through court-mandated parent involvement in their child's program while in detention, requirement to seek services, fee for detention and court services, or more serious court sanctions.

(15) Transfer to Adult Court: In very serious, repeat or violent offenses, juvenile cases should be transferred to adult court to be tried as adults. These offenders are often less amenable to rehabilitation and should not be mixed with younger or status offending youths.

#### IV. Conclusion

While this statement represents the knowledge gained through our own learning experiences, it is important that each tribe create its own model unique to its community structure, and its special cultural heritage. The primary element that all of the above primarily represent is the need for a holistic approach to

**STATEMENT OF LAURA YERGAN, EXECUTIVE DIRECTOR  
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those problems facing Native American young people and their families. As each tribe seeks their own wisdom, directions and solutions, these recommendations are offered in the hope that they may gain from our experiences.

The need for tribes and federal agencies to work together with mutual cooperation and respect, is of paramount importance if these programs are to impact the problems facing Native American young people today. The support and assistance of federal agencies is valuable to tribes and critical in the process of Indian self-determination.

The assistance of this committee and the House Interior Committee has been extremely helpful and greatly appreciate.

I thank you for this opportunity to express the concerns of the Community.

**GILA RIVER INDIAN COMMUNITY  
JUVENILE DETENTION AND REHABILITATION CENTER  
STATISTICAL DATA  
OCTOBER 1, 1992 - SEPTEMBER 30, 1993**

**FREQUENCY OF INTAKES AND RECIDIVISM RATES**

INTAKE DATA PER RESIDENT	NUMBER OF INTAKES	PERCENTAGE OF POPULATION
ONE INTAKE	185 RESIDENTS	51 %
TWO INTAKES	69 RESIDENTS	21 %
THREE INTAKES	42 RESIDENTS	13 %
FOUR INTAKES	16 RESIDENTS	5 %
FIVE INTAKES	10 RESIDENTS	3 %
SIX INTAKES	4 RESIDENTS	1 %
TOTAL RECIDIVISM RATE	2 OR MORE INTAKES	43%
CHRONIC RECIDIVISTS	3 OR MORE INTAKES	22%
AVERAGE INTAKES	PER ADOLESCENT	2

The Juvenile Detention and Rehabilitation Center had 598 intakes for this period, accounting for 326 young adults between the ages of 10-17, entering detention. Data collected by Voorhis Associates, Inc. for 1990 will be used to create a comparison between this current data and that represented by the 1990 report. Voorhis Associates, Inc., recorded an average of 2.8 bookings, while 55% had only one contact with the Center. Comparatively, in 1993, 57% had only one contact, marking a 4% decrease in recidivism. Chronic recidivism also decreased, with 45% of young adults having 3 or more intakes in 1990 and only 22% recidivating 3 or more times in 1993. The average number of intakes went down, dropping from 2.8 in 1990 to 2 for 1993. Voorhis Associates, Inc., reported that "an astonishing number of youth had 4 to 9 contacts." The highest number of intakes in 1993 was 6, although more young adults served longer sentences in 1993. Delinquency, in general, is escalating in the community, but the data reveals that the young adults detained at the Center do not recidivate as frequently as they did in 1990.

**GILA RIVER INDIAN COMMUNITY  
JUVENILE DETENTION AND REHABILITATION CENTER**

**POPULATION SERVED: NON-CRIMINAL AND CRIMINAL OFFENSES**

<b>CHILDREN IN NEED OF CARE (CINC)</b>	<b>2 % OF ALL INTAKES</b>
<b>CINC + STATUS OFFENSES</b>	<b>6 % OF ALL INTAKES</b>
<b>CINC + CRIMINAL OFFENSES</b>	<b>6 % OF ALL INTAKES</b>
<b>STATUS OFFENSES</b>	<b>18 % OF ALL INTAKES</b>
<b>CRIMINAL OFFENSES</b>	<b>40 % OF ALL INTAKES</b>
<b>CINC + STATUS + CRIMINAL OFFENSES</b>	<b>9 % OF ALL INTAKES</b>
<b>CRIMINAL + STATUS OFFENSES</b>	<b>19 % OF ALL INTAKES</b>

Twenty-three percent of the population served at the Center involved young adults who were legally classified as Children in Need of Care. Of this percentage, 2% of the intakes were CINC's who had no status or criminal offenses, but were held in detention for their own safety and security because no other resources existed to meet their emotional and psychological needs; while 6% of the CINC's had only status offenses, reflecting a total of CINC intakes with no criminal offenses of 8%. Voorhis Associates, Inc. reported only 7.3% for the CINC intakes in 1990, so that current data reflects only a slight increase. CINC's who entered with a status or criminal offense often remain in detention past their sentencing due to lack of resources.

**GILA RIVER INDIAN COMMUNITY  
JUVENILE DETENTION AND REHABILITATION CENTER**

**SUMMARY OF CHARGES**

<b>CRIMES AGAINST PERSONS</b>	<b>31 INTAKES</b>	<b>5 %</b>
<b>CRIMES AGAINST PROPERTY</b>	<b>147 INTAKES</b>	<b>26 %</b>
<b>MINOR CONSUMPTION</b>	<b>127 INTAKES</b>	<b>21 %</b>
<b>DISORDERLY CONDUCT</b>	<b>65 INTAKES</b>	<b>11 %</b>
<b>CINC + STATUS</b>	<b>185 INTAKES</b>	<b>31 %</b>
<b>CT. ORDER &amp; PROB. VIOLATIONS</b>	<b>25 INTAKES</b>	<b>4 %</b>
<b>OTHER</b>	<b>12 INTAKES</b>	<b>2 %</b>
<b>SUBSTANCE ABUSE REL. OFFENSES</b>	<b>266 INTAKES</b>	<b>45 %</b>

A comparison of the Voorhis Associates, Inc. data for 1990 to the Center's data for 1993 demonstrates that substance abuse-related offenses has risen from 38% in 1990 to 45% in 1993 (this figure represents a total of all above offenses that had an accompanying substance abuse charge). Crimes against persons have decreased slightly, from 5.9% in 1990 to 5% in 1993. Crimes against property, however, have doubled, from 13% to 26%, and these figures reflect the high number of auto thefts and gang-related activities evident in the community. The minor consumption figure of 45% may be slightly skewed down because minor consumption charges might not be filed in all instances when more serious offenses have occurred. Disorderly conduct was almost always accompanied with a charge of minor consumption. It can be definitively stated that substance abuse remains a substantial problem among the juvenile population.

**GILA RIVER INDIAN COMMUNITY  
JUVENILE DETENTION AND REHABILITATION CENTER**

**LENGTH OF STAY**

<b>SERVED 1 DAY</b>	<b>45 RESIDENTS</b>	<b>15 %</b>
<b>SERVED 2 DAYS</b>	<b>47 RESIDENTS</b>	<b>16 %</b>
<b>SERVED 3 DAYS</b>	<b>50 RESIDENTS</b>	<b>17 %</b>
<b>SERVED 4-7 DAYS</b>	<b>66 RESIDENTS</b>	<b>22 %</b>
<b>SERVED 8-30 DAYS</b>	<b>59 RESIDENTS</b>	<b>20 %</b>
<b>SERVED 31-90 DAYS</b>	<b>20 RESIDENTS</b>	<b>7 %</b>
<b>SERVED 91 + DAYS</b>	<b>8 RESIDENTS</b>	<b>3 %</b>
<b>TOTAL</b>	<b>295 RESIDENTS</b>	<b>100 %</b>
<b>MISSING DATA</b>	<b>31</b>	

The average length of stay for a Center resident in 1993 was 14.4 days. Voorhis Associates, Inc. reported an average length of stay of 10.3 days for 1990, so that this figure has increased by an average of 4 days per resident. While the data for residents remaining 1-3 days remains comparable with that of 1990, this is not so for residents who are detained for 3 days or longer. Whereas in 1990 only 12% of the residents remained in detention from 4-7 days, in 1993 there were 22% who remained in detention for that period of time, illustrating that the length of stay is increasing. The most significant increase was found for those residents detained for more than 91 days. This percentage has doubled, jumping from 1.5% to 3%. In addition, the Center currently has 3 residents serving 365 days and 8 residents awaiting placement, which in some cases has resulted in a resident being detained for a year or more. As stated above, the number of juvenile crimes is escalating, and the juvenile justice system is responding to public concerns by detaining residents for longer periods.

1. Voorhis Associates, Inc.. PONI Needs Assessment. 1991: Lafayette, Colorado.

# JDRC O'ODHAM OIDAK FARM/GARDEN PROJECT

- \* FARMING RETURNS TO LAND TRACT # 1 - JDRC FARM/GARDEN PROJECT
  - \* YOUTH LEARNING TO WORK TOGETHER AND GROW TOGETHER
    - \* A RETURN TO OUR ROOTS, TAKING RESPONSIBILITY
    - \* A BRIDGE TOWARD TOMORROW, LEARNING NEW SKILLS
      - \* O'ODHAM OIDAK PROJECT:
        - ORCHARD
        - CHRISTMAS TREES
        - TRADITIONAL GARDEN GROWN FROM NATIVE SEEDS
        - DIABETES CONTROL THROUGH TRADITIONAL CROPS
          - VEGETABLE GARDEN
          - FARM STAND
        - FLOWER GARDEN AND ARRANGEMENTS
        - GREENHOUSE TECHNOLOGY AND SPICE GARDEN
          - ADOPT-A-TREE PROGRAM
  - \* DIVERSION AND REDIRECTION OF OFFENDING YOUTH
    - YOUTH PAYING RESTITUTION
    - MEETING COMMUNITY SERVICE OBLIGATIONS
    - LEARNING POSITIVE VALUES
    - REHABILITATING YOUTH

THESE ARE THE GOALS OF THE O'ODHAM OIDAK PROJECT - "THE FIELDS OF THE PEOPLE" - TO RETURN OUR YOUTH TO THE COMMUNITY AS HEALTHY AND PRODUCTIVE CITIZENS WHO CAN TAKE PRIDE IN THEIR WORK AND LEARN TO WORK CLOSELY WITH THE EARTH TO MAKE IT PRODUCE CROPS AND YIELD ITS FRUIT. COME JOIN US, WE HAVE ROOM FOR ANYONE WHO WANTS TO CONTRIBUTE OR HAVE THEIR OWN GARDEN PLOT, WORK IN THE TRADITIONAL GARDEN, AND TEACH OUR YOUTH THE O'ODHAM VALUES THEY HAVE FORGOTTEN.

**GILA RIVER INDIAN COMMUNITY  
THE JDRC VECHечи HIMDAG DIVERSION PROGRAM**

*The Vechechi Himdag ("New Way") Diversion Program is a new holistic and comprehensive 12 week program that attempts to address the issues facing the community, families, and children. This is an experiential family-centered program. Its goal is to help families develop interactive skills that promote communication and healthy bonding while addressing juvenile delinquency through a life skills and vocational program that also promotes health and nutrition, and participation in AA, Community Service Projects, team sports, and desert survival. Vechechi Himdag will also link families and adolescents with community resources, both agencies and individuals who can help guide the family back to wellness.*

**TARGET POPULATION**

- \* High Risk School Youth
- \* Early Offenders
- \* Vechechi Himdag Ali. School Students
- \* JDRC Aftercare
- \* Ct. Referred Adolescents
- \* Probationers
- \* Family Referred Adolescents

**PROGRAM COMPONENTS**

- \* YOUTH CHALLENGE PROJECT
- \* WILDERNESS AND DESERT SURVIVAL
- \* FAMILY UNIFICATION PROJECT
- \* MENTOR PROGRAM
- \* ENTREPRENEURSHIP PROGRAM
- \* BRIDGE-THE-GAP AA PROGRAM
- \* RECREATION PROGRAM
- \* LIFE SKILLS TRAINING
- \* O'OTHAM Oidak PROJECT
- \* MARTIAL ARTS TRAINING
- \* HEALTH & PHYSICAL FITNESS
- \* AA GROUP

**TWO IN ONE: YOUTH AND FAMILY PROJECTS**

*\* The Youth Challenge Project, a part of the Family-Centered Component, is a rite of passage and quest designed by the family for the adolescent to achieve. This can be a traditional or religious-based project, i.e. such as a run or vision quest, or any project meaningful to this family which can serve to bring the family closer together and help them achieve a new beginning for themselves and child.*

*\* The Family Unification Project is a long term project, task, or goal that the whole family will participate in together. This can include Wilderness and Desert Survival, or working together on arts, crafts trades, a garden in the back yard, etc. It is the family's task, with the help of their worker and mentors to design and achieve the goals they set for themselves.*

*\* The Youth Intervention facet of the program is designed to meet the needs of the youth in addition to the family-centered program. This includes an entrepreneurship program, recreation, life and vocational skills, working on the O'Otham Oidak Project, recreation, and health and physical fitness. AA, etc.*

*\* After completing this 12 week program families can be served through aftercare programs as they wish.*

**THE DIVERSION WORKER BECOMES THE MENTOR**

*Working with families and promoting traditional and cultural awareness through experiential groups, the diversion worker will meet families in their homes and groups in the various districts. Working as a mentor they will help the family establish goals and projects, and link them to resource people and agencies in the community.*

## Gila River Tribe Hoping to Reap Good Values

### Farm, Garden Project Dedicated

As I place the seed in each hole  
I think of the Old People doing  
This I sometimes wonder if I'm  
Doing it right.

As I lay down on my bed at night  
I dream about the old ways  
About my ancestors  
I wonder what it would be like to  
Live back in that time.

*Poem written by a young detainee  
Identified only as T.S.*

BY SUSAN EDMOND  
Staff Writer

SACATON — The feast included Buff (white tepary beans), Elk (white kidney beans), Fish (green beans), course-ground parched white corn, tortillas, lazy bread, stew, traditional fried white goat cheese, squash and chiles.

A dedication was held Wednesday for O'Oham Oidak or the "Fields of the People," the Gila River Indian Community's new farm and garden project.

Fifty to 70 people attended, said Myrtle Charles, the center's education coordinator. Others in attendance included elders, the community governor, the chief justice, members of the tribal council and administration, representatives from other agencies and tribal ally member youth from the center and other individuals who had helped with the project.

— Gila River, page 10



Staff Photo by Oscar Perez  
On Wednesday, a blessing, lunch and entertainment by the community governor, Thomas White and Lt. Gov. Mary Thomas were among the guests.

YOUTHFUL weeds at the O'Oham Oidak or the "Fields of the People," the Gila River Indian Community's Juvenile Detention and Rehabilitation Center's farm and garden project. The dedica-

## Gila River Farm

Continued from Page 1  
ject, she said.

Certificates of appreciation were given to those who made the project possible.

Contributors to the project included Gila River Farms, the Bureau of Indian Affairs' Pima Agency, the Irrigation and Rehab Program, Land Operations Management, the U.S. Soil Conservation Service, the University of Arizona, Arizona State University, 4-H Clubs of America, the National Institute of Health, Native Seeds/SEARCH, the tribal governor, the tribal council, the Health Education program, the Employment and Training program and others, said Sandie Dass, assistant director of the Juvenile Detention and Rehabilitation Center.

"People came together and worked together to make this happen," she said. "The idea caught fire, there was so much momentum."

Originally the plan was for a small garden, she said.

"All of a sudden we had 10 acres."

The tribal council had voted to let them use that much land.

Everything has happened with donations and volunteer help, she said. The program was looking for a grant and has not found one yet.

Laura Yergan, the center's executive director, said O'Otham Oidak's purpose is to introduce youths to the community's centuries-old tradition of farming.

Especially targeted are those who are detained, those in the Youth Diversion Program, those owing restitution or community service, those on probation or aftercare and those who are staying at the Community Residential Treatment Center.

Its goal is to return its youth to the community as healthy and productive citizens who take pride in their work and have learned to work closely with the earth to produce crops.

And because special benefits are gained when youths and adults work together, O'Otham Oidak is open to all community members.

"Come join us," says a flier. "We have room for anyone who wants to contribute or have their own garden plot, work in the traditional garden, and teach our youth the O'Otham values they

have forgotten."

A portion of the crops grown on the 10-acre farm will be given to elderly members of the community, Dass said.

Some will be sold to community agencies, some will be sold at market. Those who work their own plot may keep what they grow.

The project hopes to be completely self-sufficient at the end of three years, she said.

Already the young people and staff have partly planted the kitchen garden, she said.

They have planted 350 trees — lemon, orange and tangerine trees, Christmas trees, peach, apple and plum trees.

"They've done a lot of hard work," Dass said.

Between the rows of trees, they planted beans, peas, watermelon, squash, tamales corn, Mexican white corn, yellow sweet corn and experimental popcorn to see if it will grow in Arizona.

One acre of the farm is being planted in native crops, such as tepary beans, garbanzo beans, lentils, wild spinach, prickly pears and cholla.

"We want to get people to eat healthier foods," Dass said. "And native crops are much healthier."

Growing them in the community means they will be available to the community, she said.

Someday, too, there will be apricot and pecan trees, blackberries and strawberries and herbs.

Tribal Gov. Thomas White has agreed to let them use a greenhouse, too, she said.

The young people will learn to work the earth at the same time they will learn the traditions of their people, to work together and grow together, Yergan said.

After the harvest, they can sell the products of their labor. The young people will have a farm stand so they can learn retailing.

Hopefully next year, there also will be a flower garden, Yergan said, so the young people can make and sell wreaths and arrangements.

Anyone, even those who are not Gila River Indian Community members, can adopt a tree in the community garden for as little as \$5. For more information call Dass at 562-3373 or Casey Bilagody at the same number or 562-3351.

Mr. RICHARDSON. Chairman Penney.

**STATEMENT OF SAMUEL N. PENNEY**

Mr. PENNEY. Thank you, Mr. Chairman. I am pleased to be here on behalf of the Nez Perce Tribe. My name is Sam Penney, chairman of the Nez Perce Tribe executive committee. I would like to commend you on your efforts in holding this hearing so we and other tribes represented here today can share with you our concerns for our tribal youth and their families who are at risk.

The Nez Perce tribal court system was established in 1984 and is currently in a state of major transition. We have recently revised the qualifications for some of our court officers. We are also in the process of revising and expanding the tribe's code of laws to extend the tribe's jurisdiction.

I would like to point out on the letter that the tribe received that you were interested in hearing comments from tribes who currently do not have juvenile detention facilities. The Nez Perce Tribe is one of those tribes, and we are hopeful that one of the outcomes of this hearing will be a viable solution to the financial problems the BIA faces in law enforcement and other departments in these days of budget cutbacks.

With the changes in our law-and-order code, we are anticipating that there will be a dramatic increase in caseload. In 1991, there were 43 juvenile cases filed in Nez Perce tribal court; in 1993 there were 70 cases filed, an increase of 67 percent in only two years. We anticipate the 70 cases will probably increase by as much as 100 percent.

Only a small number of those juveniles were placed in detention facilities, but a lack of accessible placement resources may have been a determining factor in not placing more children in a locked facility for a short period of time.

In planning for this increased caseload, there would be a great need for a juvenile detention facility to hold the juveniles who are adjudicated into detention through the Nez Perce tribal court system. Our current methods of detaining these juveniles are inadequate, unsatisfactory, and costly.

Because of our rural location, far from major population areas, transportation costs to an existing detention facility are astronomical. A few examples would be: Coeur d'Alene, Idaho, is a round trip of 240 miles; Spokane, Washington, is a round trip of 260 miles; to Yakima, Washington, it is a round trip of 440 miles; and a round trip to Seattle, Washington, is approximately 700 miles. As you can see, we do not have many suitable choices.

A recent alternative is a new Nez Perce county facility that is 20 miles away, but which costs \$150 per day to house one juvenile. This is so cost prohibitive that it is a very difficult decision to make as to where to send a juvenile who is ordered to be detained through the expensive facility located close by or to a less expensive facility with a very high cost of transporting the juvenile.

The transportation dilemma is doubled by the requirement under Nez Perce tribal law-and-order code that a preliminarily inquiry be held within 24 hours of initial detainment of the juvenile. Thus, a juvenile initially transported to a facility for one day may have to be retrieved for the court hearing back at tribal law-and-order

court and possibly transported back to the facility in which they are being held.

Added to this very difficult problem of housing is that most of the detention facilities are almost at full occupancy. The newest and closest facility has only eight beds available and is utilized by five other counties. The facilities that are further away are also at capacity most of the year. With the rising occurrences of violent juvenile behavior and the anticipated increase in caseload due to the changes in the Nez Perce tribal code, the situation becomes drastic and requires a workable solution.

The tribe does not want juvenile offenders to go unpunished because a facility may not be available or cost affordable. Local school officials have stated to me that some of the repeat offenders know they will not be punished for their offenses; therefore, they do not regard punishment deterrent to illegal behavior. We need to send them a strong message that illegal behavior will be penalized.

Two recent examples were at the Lapwai High School in Lapwai, Idaho, where a student stabbed another classmate, I believe, eight times. Because there was no place to put him, that juvenile was back in school the next day. The only thing that the court can do is release them to the parents, and understandably, the administration of the school and students were fearful of this individual.

Another example is a juvenile who moved to the Nez Perce Reservation and promptly committed several delinquent acts, including three assault and batteries, two thefts, and several possession/consumption violations. It took four weeks to find an available detention facility for this individual. After he was released on probation, which he immediately violated, it took another four weeks to find another placement resource.

Again, the same negative message is sent to the community; that nothing is being done to punish these juveniles for their illegal behavior, and the safety of the community remains at risk.

A Nez Perce juvenile detention center would provide supportive services to juveniles held in detention by the Nez Perce tribal court. The local school district, the Indian Health Services, the BIA, social services, and other tribal services are willing to take part in the rehabilitation of many of these troubled youths.

Next week the National Institute of Corrections will be visiting Lapwai. I understand they deal mainly with adult facilities, but we will be interested in what they have to say and what kind of facility we may be able to consider in the future and we hope to have more information after this study is concluded.

The Nez Perce Tribe also understands that tribes that are presently building detention centers have been on a waiting list for an average of six years after submitting requests.

In conclusion, Mr. Chairman, rather than allowing the problem of juvenile offenders to become so out of control that we will not be able to handle it properly, we need financial help now so the problem does not become unmanageable. We need a timely method with the necessary funding to enable us to take the responsibility for the welfare, education, and rehabilitation of our troubled youth in order to prevent habitual offenders.

The primary purpose of detention facilities would be for juveniles who are a danger not only to themselves but to the community at

large and to assure that juveniles would receive due process throughout the proceedings in Nez Perce tribal court.

I'd like to thank you for this opportunity, Mr. Chairman.

[Prepared statement of Mr. Penney follows:]

**TESTIMONY OF SAMUEL N. PENNEY  
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE**

**Before the House Subcommittee on Native American Affairs  
November 8, 1993  
JUVENILE DETENTION FACILITIES**

Good morning, Mr. Chairman. My name is Samuel N. Penney. I am Chairman of the Nez Perce Tribal Executive Committee, the governing body of the Nez Perce Tribe. I am pleased to be here as a witness at the oversight hearing on Juvenile Detention Facilities. I would like to commend you for your efforts in holding this hearing so we, and the other tribes represented here today can share with you our concerns for our tribal youth and their families who are at risk.

We are not among the tribes who have current facilities for juvenile detention, although we certainly have the need. Hopefully, one of the outcomes of this oversight hearing will be a viable solution to the financial problem the BIA faces in Law Enforcement and other departments in these days of budget cutbacks.

**Tribal History**

The Nez Perce Tribal headquarters are located in Lapwai, Idaho, which is a rural area in the northcentral area of the state. Our tribal enrollment is approximately 3800 members. The 1990 Decennial Census lists 724 youths (348 males and 376 females) under age 18 on our reservation. Originally our tribe occupied some thirteen million acres. The present day reservation consisting of about 750,000 acres, includes portions of the counties of Nez Perce, Lewis, Idaho, and Clearwater.

**Tribal Judicial System**

The Nez Perce tribal court system was established in 1984 and is currently in a state of major transition. We have recently revised the qualifications of court officers to require:

- \* the chief judge be an attorney with judicial experience
- \* the associate judges be licensed attorneys, and
- \* the prosecutor also be an attorney.

- \* McCall, Idaho, a round trip of 360 miles;
- \* Owyhee, Nevada , a round trip of over 100 miles

Facilities operated by other tribes or tribal organizations can be found in Yakima, Washington, a distance of 440 miles round trip; or in Seattle, Washington, a round trip of 700 miles. As you can see, we do not have many suitable choices.

A recent alternative is a new Nez Perce County facility that is twenty miles away, but which costs \$150 per day to house one juvenile. This is so cost prohibitive that it is a very difficult decision to make as to where to send a juvenile who is ordered to be detained -- to the expensive facility located close by, or to the less expensive facility with the very high costs for transporting the juvenile. (We were informed by a consultant with the National Institute of Corrections that the \$150 charged by the County of Nez Perce is one of the highest rates in the country.) The transportation dilemma is doubled by the requirement under Nez Perce Tribal law of a preliminary inquiry with 24 hours of the initial detainment of the juvenile. Thus, the juvenile is initially transported to the facility for one day, then retrieved for the court hearing at Lapwai, and possibly transported back to the selected facility if such detention is court-ordered.

The person transporting the juvenile is generally a BIA Law Enforcement Officer. The reservation community goes without one officer (from a very small BIA force of 7) for a period of 6-24 hours during the transportation process. The costs for the officer's time is added to the overall transportation costs, as well as the hardship placed on the community by his absence.

Adding to this very critical problem of housing an adjudicated juvenile is the fact that the detention facilities are almost always at a full occupancy. The newest and closest facility has only eight beds available and it is utilized by five other counties. (According to the BIA statistics, their detention facilities average 16 beds.) The facilities that are further away are also at capacity most of the year. With the rising occurrences of violent juvenile behavior and the anticipated increase in caseload due to the changes of the Nez Perce tribal code, the situation becomes drastic and requires a workable solution.

We are also in the process of revising and expanding the tribe's code of laws to extend the tribe's jurisdiction and regulatory authority over a wider range of subjects, including increased authority over juvenile matters.

We are anticipating that these changes will dramatically increase the caseload because not only will more cases be heard, but the tribal court will be able to retain jurisdiction over more complex cases because of the increased legal abilities of the judges and prosecutors.

Currently, through the Public Law 280 processes, the state of Idaho has concurrent jurisdiction over "juvenile delinquency and youth rehabilitation". However, the state has been unwilling or unable to effectively address the juvenile delinquency problem on the Nez Perce Reservation.

In 1991, there were only 43 juvenile cases filed in the Nez Perce Tribal Court. In 1993, there were 70 juvenile cases filed, an increase of 67% in only two years. We anticipate the 70 cases will probably increase by as much as 100 percent. Only a small number of those juveniles were placed in detention facilities, but a lack of accessible placement resources may have been a determining factor in not placing more children in a locked facility for a short period.

### **Commentary**

In planning for this increased caseload, there would be a great need for a juvenile detention facility to hold the juveniles who are adjudicated into detention through the Nez Perce tribal court system. Our current methods of detaining these juveniles are inadequate, unsatisfactory, and costly.

Because of our rural location, far from major population centers, transportation costs to an existing detention facilities are astronomical. Currently, juveniles who have been adjudicated through the Nez Perce Tribal Court are sent to state-run facilities in:

- \* Coeur d' Alene, Idaho, a round trip of 240 miles;
- \* Spokane, Washington, a round trip of 260 miles;

The Tribe does not want juvenile offenders to go unpunished just because a facility might not be available or cost affordable. With a valid threat of immediate detention, many of these juveniles will not re-offend, and may be willing to inform against those adults who are contributing to their delinquency and perhaps, will not behave criminally in the first place. Local school officials have stated to me that some of the repeat offenders know they won't be punished for their offense therefore, they don't regard punishment as a deterrent to illegal behavior. We need to send them a strong message that illegal behavior will be penalized.

At the same time that violations of the juvenile code are increasing, the type of offenses appear to be moving more toward acts of violence. One juvenile was recently arrested for stabbing another individual eight times. Because there were no detention facilities available when he was picked up, the juvenile was released to the custody of his parents and back in school the next day while awaiting his preliminary inquiry. Understandably, school officials and classmates were fearful of this juvenile and disturbed that the wrong message was being sent -- that no punishment may be imposed for committing a violent criminal act.

Another example is a juvenile who committed three gang-related felonies in another state, moved to the Nez Perce Reservation and promptly committed several delinquent acts, including three assault and batteries, two thefts, and several possession/consumption violations. It took four weeks to find an available detention facility for this individual. After he was released on probation, which he immediately violated, it took another four weeks to find another placement resource. Again, the same negative message is sent to the community that nothing is being done to punish these juveniles for their illegal behavior and the safety of the community remains at risk.

### **Plan of Action**

A Nez Perce Tribal Juvenile Detention Center would provide supportive services to the juvenile held in detention. The local school district is committed to working with the Nez Perce Tribe on alternative schooling while the juvenile is serving his sentence and out of the public school system thereby compensating for any loss of schooling. This would include individual assistance with schooling while in the center and also

assistance making the transition back into the public school system at the appropriate time.

Other services available to the juvenile would be counseling emphasizing the importance of cultural and values. Tribal elders and other community leaders would be utilized as resources in providing instruction and recommendations for dealing with delinquent juveniles. The Indian Health Service has two mental health workers in the local service unit which is also located in Lapwai. This resource could be utilized to assist the juvenile before, during, and after his incarceration. The social services programs at the BIA would be another potential resource for counseling for the juvenile. For example, the BIA may be able to help with funding for care of the juvenile outside of his home.

A consultant with the National Institute of Corrections is scheduled to meet with Nez Perce tribal leaders next week (November 18, 1993) to survey and assess the needs of the community and to determine the feasibility of success of such a undertaking. After this study is conducted we will have the information necessary to determine whether the project would be a self-sustaining endeavor over a three to four year period.

We fully expect that with the tribal use of such a facility combined with other area jurisdictions's use of the facility on an 'as available' basis, the requested funding would only be necessary for the first few years. The Bureau of Indian Affairs has no more funding available for this type of facility. Tribes that are presently building their BIA funded detention centers have been on the waiting list for an average of six years after submitting their request.

Rather than allowing the problem of juvenile offenders to become so out of control that we won't be able to handle it properly, we are striving to stay ahead of it. But we need the financial help now, --not six years from now -- so that the problem does not become unmanageable. We need a timely method and the necessary funding to enable us to take the responsibility for the welfare, education, and rehabilitation of our troubled youth in order to prevent habitual offenders. The Nez Perce Tribe solicits your support for a future juvenile detention center.

Thank you for this opportunity to testify before this subcommittee.

Mr. RICHARDSON. Chairman Penney, do you have BIA funds paying for the cost of a juvenile facility off-reservation?

Mr. PENNEY. No, most of those costs are picked up by the tribe.

Mr. RICHARDSON. So there are no BIA funds?

Mr. PENNEY. The only funds that are utilized by BIA, is when BIA transports—the BIA police officer is usually the one that transports the juvenile to a facility.

Mr. RICHARDSON. Now, to both the Governor-Elect and the Chairman, has the gang violence that is screaming across our cities also become a problem on reservations—formation of gangs; gang violence; that kind of activity?

Ms. THOMAS. Mr. Chairman, at Gila River, because of the recruitment that is going on from the Phoenix area and the eastern part of Los Angeles, it has spilled over onto the reservation.

In order to be established into this gang activity, you have to perform some act, and I believe this is where our crimes are coming from, mainly the vandalism and stealing of cars and also drive-by shootings. We had occasion to come across some of those just this past year.

Mr. RICHARDSON. Now, again for both of you, in the formation of these gangs, do they form their own Native American gangs or do they become part of the larger Los Angeles-Phoenix component?

Ms. THOMAS. I guess I would call them our sub-gangs. There are major gangs, like in the city of Chandler, just to the north of us, and they form these little groups there. As I mentioned, there are eight known on our reservation now, and they are becoming very aggressive and they mimic the other gangs in California, our sister State.

Mr. RICHARDSON. Chairman Penney, you have had an outbreak of gangs on your reservation?

Mr. PENNEY. Mr. Chairman, I don't think there is probably any community in this country, rural communities included, that are free from gang activity. I do believe that some of the local juveniles are forming their own gangs.

We have what we call a community care team, which is made up of Indian and non-Indian individuals throughout the community. They have formed a community care team, a gang task force, to look into this problem and report back to the executive committee and others on what the situation is in our area.

Mr. RICHARDSON. What kind of assistance has the BIA provided, either one of you, for specific gang activity? Have they provided any, Chairman?

Mr. PENNEY. For the Nez Perce Tribe, I don't think specifically there has been funding for gang-related activities. The only thing that is currently being done by the BIA law enforcement is trying to get some of the kids into the DARE program which we hope will be a deterrent for them to not become involved in those type of activities.

Mr. RICHARDSON. Governor-Elect Thomas, is this the same type of thing for you; do you have any specific directed funds from BIA just specifically for gangs?

Ms. THOMAS. No, Mr. Chairman, not at all.

Mr. RICHARDSON. Do you think we need legislation to improve the operation of juvenile construction detention facilities and to

deal with the fact that there is a construction backlog? Governor-Elect Thomas?

Ms. THOMAS. Yes, we definitely need that. Some of our problems at Gila River, as we had mentioned, was just poor design, poor planning that went on and the Community had no input in it. I think it is important that the Community takes a strong part in it.

Mr. RICHARDSON. Let me ask our expert, Ms. Yergan. Recognizing that these facilities are high-risk, what kind of programs do you think should be developed in these facilities? What kind of staff, BIA staff, are needed, in your opinion?

Ms. YERGAN. The staff of the detention and rehab center needs to be able to understand this population. If they don't have training in a wide range of topics beyond just basic detention security procedures, they are not going to be able to effectively work with this group of kids.

As a detention and rehab center, we cross over two areas. We are doing treatment in a sense; and we are providing safety and security and control and management of these kids. And so the staff have got to be very versed and very adept at dealing with a younger child in need of care, status offending youth, or an older, serious repeat-offending youth.

As a parent, very honestly, you are combining a couple of roles. You have got to be able to be nurturing and supportive, while at the same time getting across very clear guidelines and rules of behavior and having to deal with some very big, tough kids. So the staff has got to have good training; they have got to be sensitive.

And I have to say that no staff person that has come to us over the five years that I have been there has ever had prior training. So you are dealing with staff who need everything. They need to understand security procedures, detention procedures, as well as the specific population that they are dealing with.

So I hope that answers the question.

Mr. RICHARDSON. We have plans to introduce legislation to streamline this process.

Let me say that we also invited the Inspector General's office to testify. We will have witnesses later today in the hearing that will basically state that some of their facilities were marked for condemnation, they were so unsuitable. While the IG is not appearing because their report is preliminary, they will appear at the next hearing. We do plan to initiate some legislation to deal with this problem.

I would like to now recognize the gentleman from American Samoa to not only ask some questions but also preside over the hearing. I will remind my colleague that we have three panels and that the Chair will try to get back but I know that the hearing and the entire Indian nation will be in the good hands of the gentleman from American Samoa, as usual.

Mr. FALEOMAVAEGA [presiding]. Thank you, Mr. Chairman.

You know, I recently served as lieutenant governor of my tribe. I've always been curious about why some tribes call their chiefs chairman and others call them governors and governors-elect. Is there some problem with this?

And perhaps if the insular areas are allowed to have non-voting delegates in the Congress, why can't the Native Americans have representation in the same form. But anyway, that is a side issue, Mr. Chairman, I wanted to note for the record.

I do have a couple of questions for our witnesses this morning. I first want to say that please don't feel as if because this whole committee dais seems somewhat empty that there is no attention given to the testimonies. We certainly recognize the tremendous distances that some of you have had to travel to come and testify before the committee.

One thing I will note for the record is that Chairman Richardson is a member of the leadership of the House and for this reason he has had to do all these types of things and coming in and out of the committee hearings. But certainly we want to assure you that he is a very aggressive and a very dynamic leader, in my humble opinion, and I am very, very happy that we have someone of the caliber of Congressman Richardson taking the lead as chairman of the Native American Subcommittee, which by the way is for the first time in the five years that I have served as a member of this committee. I consider this to be a very historical move by the committee here—the fact that we now have a subcommittee specifically addressing the issues of Native Americans.

So I want to commend the gentleman, even though he has left. I wanted to assure our friends here who have traveled far and wide to come here and make their appearance this morning. I am also very happy that we are leaving our friends from the Indian Health Service and the Bureau of Indian Affairs to testify last so that they will have an opportunity to hear from our friends who have come from the various regions of our country to testify, especially representing their several tribes.

Usually we have our friends from the administration testify first and then afterwards they leave, without them getting the benefit of the testimonies that have been heard so far. So I am glad that this is the procedure that we are following.

Just a couple of questions to Governor-elect Thomas.

Am I correct that it was by your own initiative that you have taken six years to build this facility? Was this done in close consultation with the Bureau of Indian Affairs or was this done by the Gila River Indian Tribe?

Was this done on your own or was this in consultation with the BIA?

Ms. THOMAS. The term "consultation" kind of strikes me when they don't want to listen to you. We had to grab their ear first and put this into their minds. I would like Rod to tell you just a few points on how we got the BIA to listen to us.

Mr. LEWIS. Well, we have gone through the process applying for a center and this took a great many years, maybe 15 or 20 years.

Finally, we were able to get their attention, get on the priority list, and that took a significant amount of lobbying, trying to convince BIA and Congress that we ought to have funding for the center. So that was a very difficult, major job in itself.

The problem was once the center was constructed by BIA funds, then they took over and basically mismanaged the center. No rehabilitative services, no separation between children and adult pris-

oners, poor planning as far as the meals, the things I related earlier.

And at that point the tribe decided to contract with the center and take away the operation and maintenance from the center. We operate the center now with BIA funds but without the BIA supervision.

Mr. FALEOMAVAEGA. We are talking about how many juveniles in this facility?

Ms. YERGAN. Currently we have about 28 kids. The official capacity for keeping spacing per child is 32, but we have often gone over that, as high as 47 or 48.

Mr. FALEOMAVAEGA. What is the total enrollment of the Gila River Community anyway?

Ms. THOMAS. There are over 13,000 with about 9,700 living on the reservation itself.

Mr. FALEOMAVAEGA. How many young people do you have on the reservation under 18 years of age?

Ms. THOMAS. I think below the age of 18 there are about 47 to 48 percent.

Mr. FALEOMAVAEGA. But for your immediate consideration, this facility is providing for the needs of 32 juveniles?

Ms. YERGAN. Yes.

Mr. FALEOMAVAEGA. Am I correct?

Ms. YERGAN. Yes.

Mr. FALEOMAVAEGA. Chairman Penney, I noted in your testimony, you have 724 youths, but you are not referring to all of them as juveniles, are you?

Mr. PENNEY. I am just referring to tribal youths; there are other non-Indian members on reservations, also.

Mr. FALEOMAVAEGA. Following up the Chairman's question, you say some of these youths are involved in gangs in Seattle and Tacoma, Washington.

Mr. PENNEY. Well, from reading the paper here and other areas, I think the gang activity is spreading to the rural areas. Spokane, Washington, which is about 100 miles north of the reservation, there has been increase of Los Angeles gang activity. So I think it is potentially; it is going to be spreading out to the reservation areas.

Mr. FALEOMAVAEGA. The reason why I ask is that my own tribe is very much seriously in this area of gangs. I don't know if you heard the term SOS. Have you heard of SOS? It is not "save our ship"; it is "sons of San Juan". And we do have some very serious problems with gangs in the Seattle/Tacoma area with my own tribe, as well as in the Los Angeles tribe. That is why I was wondering if some of the members of the Nez Perce Tribe are involved in that.

Well, I think your points are well taken, and I am very, very confident, and hopefully also with the help of our good friends from the minority side of the committee, or the subcommittee, that we will be doing this on a strong bipartisan basis and see if we can address this issue. There apparently is a national scope for the program, as administered by the Bureau of Indian Affairs. But let's wait and see our friends from the Bureau, then they can clarify some of the questions and the problems that you raise. Hopefully

not just the money issue, but the question of perhaps the limited resources.

This is always the response that we get and where do we go from there is another question. But, hopefully, we will try and find a solution to the problems that you raised.

I want to thank you all for testifying this morning. As the Chairman said, the record is open for the next two weeks. If you have additional information or any questions or any suggestions or recommendations you may want to offer the committee or the staff, you are welcome to provide further input into this.

Ms. THOMAS. Thank you, Congressman Faleomavaega.

There is an interesting article at the end of our testimony, it is a news article highlighting this, we call it O'Otham Oidak, which is people's farmland going back to the farming, and we are leaving it open to our children to take part in that, in our center. It has been highly successful and I hope that you can read it maybe even come see it sometime.

Thank you.

Mr. FALEOMAVAEGA. I have always prodded our chairman, and also our ranking minority member, to visit that part of the country. I understand it is very nice and warm and a lot better than here.

But you are all welcome to join my tribe in Samoa; buy your own ticket, but I would be very happy to receive you.

Thank you for coming.

Our next panel this morning, we will have the Honorable Roleen Hargrove, the council member of the Puyallup Tribe, Tacoma, Washington, accompanied by Mr. Rory LaDucer, tribal police chief. Also, the Honorable Elmer Manatowa, principal chief of the Sac and Fox Nation from Stroud, Oklahoma, accompanied by Ms. Eugenia Tyner-Dawson, director of community services, and Mr. Kevin Keckler, the president of EKM, Incorporated. Also, we have Mr. Charles Fischer, the administrative officer of the law enforcement department, the Cheyenne River Sioux Tribe from Eagle Butte, South Dakota.

I would like to welcome all of you. We would like to ask the Honorable Roleen Hargrove to start off this morning.

**PANEL CONSISTING OF HON. ROLEEN L. HARGROVE, COUNCIL MEMBER, PUYALLUP TRIBE, TACOMA, WA, ACCOMPANIED RORY LaDUCER, TRIBAL POLICE CHIEF; HON. ELMER MANATOWA, PRINCIPAL CHIEF, SAC AND FOX NATION, STROUD, OK, ACCOMPANIED BY EUGENIA TYNER-DAWSON, DIRECTOR, COMMUNITY SERVICES, AND KEVIN KECKLER, PRESIDENT, EKM, INC.; AND CHARLES FISCHER, ADMINISTRATIVE OFFICER, LAW ENFORCEMENT DEPARTMENT, CHEYENNE RIVER SIOUX TRIBE, EAGLE BUTTE, SD**

#### **STATEMENT OF HON. ROLEEN L. HARGROVE**

Ms. HARGROVE. Thank you, Mr. Chairman. My name is Roleen Hargrove. I am with the Puyallup Tribe of Indians. Mr. Chairman, what I want to begin with this morning is to share with you who we are and where we are located. The Puyallup Tribe of Indians is dubbed an urban reservation. Two-thirds of the city of Tacoma is located on the Puyallup Reservation, along with the municipali-

ties of the city of Fife, which is located in the center of our reservation, along with portions of the city of Puyallup, the town of Milton, Pierce County, and the port of Tacoma.

Along with the tribe being an urban reservation come the problems of an urban setting. This morning both yourself and Chairman Richardson had asked the question, Are there gangs on reservations? Sir, there definitely are gangs on reservations.

Our testimony this morning gives you a breakdown as to the statistics and the programs that we have created at Puyallup over the approximately last five years, to look at starting with the alcohol/drug programs and in the last few years adding gangs to that list, unfortunately.

What I want to share with you, rather than going through verbatim the testimony, is to share with you a story I think that says it all as to what we are dealing with on Puyallup Reservation.

Earlier this year, we had a drive-by shooting approximately two blocks from our tribal center. One of our tribal members was in his bedroom sitting in his brother's wheelchair. His brother was laying on the bed, and the boy was playing Nintendo. A drive-by shooting occurred. The boy sitting in the chair was shot. His mother was sitting in the living room watching television. The boy went into the living room and collapsed before his mother. The intent of the drive-by was for the young man's older brother.

Both these young men have been involved with gangs for some time. The thing that is happening, there is a lot of denial on the part of the parents on the reservation. The young man died. He was 18 years old. This was on a Tuesday. The funeral was held on a Friday.

Our law enforcement had to call in the local police department, city of Tacoma, city of Puyallup, and others to assist in that funeral because of fear of retaliation. This funeral for me was a reality check.

Attending that funeral, I was told that there were four different gangs represented at that funeral. I could not believe the young people that were blatantly, blatantly, doing their signs, strutting their stuff, proud to be wearing their colors. And these were children from prominent families within the Indian community.

Our tribe provides services for approximately 32,000 Indian people that live on Puyallup Reservation. This was on a Friday. There were two 13-year-old children that had been brought into our law enforcement office, which was right directly below my office in a condemned building. Our administration is centered in an old Indian Health Service facility.

These two 13-year-olds were brought into protective custody because they had been implicated in this drive-by shooting. You talk about you having SOS in Samoa. We have IBG. Our youngsters are tattooing on their knuckles IBG, proudly.

What is wrong with this picture? We were very fortunate in that the Area Director for the Bureau of Indian Affairs, Stan Speaks, who immediately responded, called Ted Quasula the National Director, who immediately responded. They provided us at least one-time monies to hire a juvenile officer to assist us in the things that are happening at Puyallup.

The city of Tacoma is in the top ten for crimes in the United States. It is number three in gang-related activities on the West Coast, behind Los Angeles and Oakland, California. Gangs are moving in. Our young people are creating their own gangs. Something needs to be done.

Congress has a crimes bill that is moving forward now. We need our apportionment of those funds. These issues need to be addressed.

Those two young boys that were held in custody were scared to death, scared to death. We have a program known as Pathways in our school system. This is a program that specifically is geared toward youngsters that are susceptible to moving into gangs because their older siblings or even their mother or father are involved in gangs. These are 11-, 12-, 13-year-olds; we have intensive counseling for them. We are available for them after school.

I attended a session with these youngsters shortly after this had transpired. And I asked those young people what is your biggest fear, what do you fear the most? You don't need to share with me openly, but please just write it down for me.

There were 15 youngsters in that session; 13 of those 15 youngsters identified being shot. Our chief of police, his nephew, a gang member, 16 years old, shot four times in the back, a few blocks, again, from our center, shot in the back. And his response was, he will be able to go up the ladder, a status symbol; to be shot is a status symbol.

What is the romanticism of these kids? We are losing them. We are losing them. These are babies. We have a young man that attempted to remove himself, to get out of a gang.

The gang went to his home, literally dragged that young man, again, another 16-year-old, out of his home and beat him to almost death. The mother came to his rescue. They beat her. The father, the three of them, ended up in the hospital. The mother was three months pregnant. One life lost is one too many.

We do have requests in, and these are again issues that we have been addressing for a long time. We do have a request in to the Appropriation Committee for \$174,000 to increase our law enforcement. We have requested \$128,000 to fund planning and design for a jail facility under the PONI system through the Bureau; and we are also asking to pass legislation for troubled courts.

Something needs to be done. Our staff down in the school are continuously adding and looking for programs. They developed, and I will leave, this is a rough copy, the PAVE program, Puyallups Against Violence. And I will leave that for the record.

[The document follows:]

# Path of

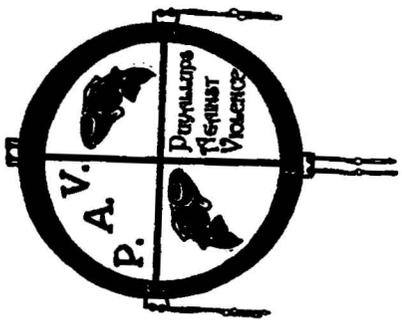
May you be well  
and can be well.  
May you have a good mind.  
and be a good heart.  
May the spirit well with you  
and can be a good heart.  
and be a good heart.

All our children  
and our women

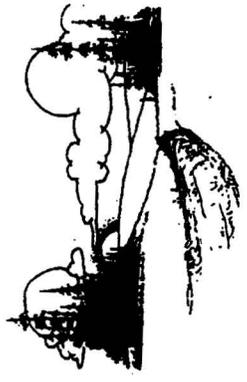
# Peace

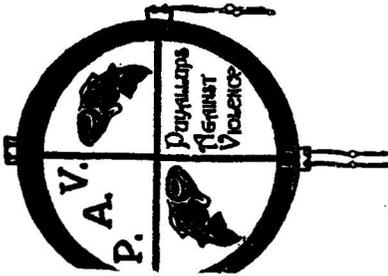
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Tacoma, WA 98418-0370  
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PAVING THE WAY  
INTO THE FUTURE





ARRESTS  
 Drive-by  
 Drive-by assault  
 Kills Tacoma teen  
 in East Side home  
 dead.  
 wounded  
 gun battle  
 Native  
 tradition  
 hope  
 spirit  
 Respect  
 enriching lives  
 everywhere.

A.V. is committed to making the and to combat the Native American  
 overlessness leads to hopelessness  
 of helplessness.  
 he changes will start with after school and  
 ceated activities geared toward PROVIDING  
 OSTIVE WAYS to help our young people to  
 -al in real issues in their lives.  
 he following agencies will be involved:  
 yyalup Tribal Government  
 ound of Trustees  
 yyalup Health Authority  
 yyalup Tribal Police Department  
 yyalup Tribal Housing Authority  
 Adeline Cheek Tribal Treaty College

# Change Choices



Walk with the Spirit

Ms. HARGROVE. But we are doing our part and we are asking Congress, please, do your part to help us in our endeavor. The mother of the young man whose health has literally deteriorated, is in the hospital. She is dying. This was her baby. She has given up.

With that, I would like to turn it over, thank you, I would like to turn it over to our chief of police.

[Prepared statement of Ms. Hargrove follows:]

TESTIMONY OF ROLEEN L. HARGROVE, COUNCIL MEMBER BEFORE THE  
THE U.S. HOUSE OF REPRESENTATIVES NATIVE AMERICAN AFFAIRS  
SUBCOMMITTEE ON NATURAL RESOURCES CONCERNING  
THE PUYALLUP TRIBAL ACTIONS TO  
DEVELOP AND OPERATE A JUVENILE REHABILITATION  
AND DETENTION FACILITY

Mr. Chairman, my name is Roleen L. Hargrove. I am a member of the Puyallup Tribe of Indians Council and I along with the Tribal Police Chief, Mr. Rory LaDucer, have been designated by our Tribe's governing body to present testimony today regarding efforts to comprehensively address the development and operation of a Juvenile Rehabilitation and Detention Facility within the Reservation. Our Tribe appreciates the important role this committee has played in protecting and enhancing human services to Indian people over the years, and this committee's advocacy for tribal consultation in the development and administration of Indian programs.

*\* Three of our youth have been murdered in gang related activities in 1993.*

*\* Four of our youth have been maimed by felonious assault in gang related activities in 1993.*

Our testimony today is organized as follows:

- I. A brief **BACKGROUND STATEMENT** of the context of juvenile issues faced by the Tribe and by our law enforcement officers,
- II. A description of our **COMPREHENSIVE SOLUTIONS**,
- III. The description of **PROGRAMS WHICH REQUIRE COMMITTEE ASSISTANCE TO ENHANCE THE DELIVERY OF COST-EFFECTIVE JUVENILE REHABILITATION AND DETENTION FACILITY PROGRAMS.**

## I. BACKGROUND STATEMENT:

### A. Puyallup Tribe Reservation Location

The 18,061 Puyallup Tribal Reservation is located within the densely urbanized Tacoma-Seattle Metropolitan area of Washington State, please refer to Figure No. 1, Washington State: Tacoma-Seattle Metropolitan Area. Over 2/3 of the City of Tacoma, all of the City of Fife and Town of Milton and portions of Puyallup lie within the Reservation. The Port of Tacoma is within the Reservation, please refer to Figure No. 2, The Puyallup Tribe Reservation Map. The Reservation is bisected by Interstate 5 and proposed arterial road configurations and capital facility projects will further fragment Tribal properties during the next decade.

### B. Indian Population Dynamics in an Urban Environment

The 1993 Puyallup Tribal Enrollment numbers 1,739. Our Total Reservation population numbers 80,884; the Area-Reservation Indian Service population is 32,419 (200 Tribes and Alaskan Village members) as documented by the State of Washington. 1,050 Puyallup Tribal youth and over 20,000 other Indian youth under 24 years of age live in the Reservation Area. The Tribal population & numbers of Indian in the Urban Service Area have increased by over fifty (50) percent in the last nine years; we anticipate the growth rate will continue during the next decade.

### C. Statistical Information on Violent Crime

The Puyallup Reservation Service Area has been experienced a major increase in violent crime since the late 1980's. The Puget Sound Council of Governments (PSCOG) has documented increases of 45% in Violent Crimes, 64% in Thefts, 19% in Burglary, 29% in Rape, 46% in Assaults and 126% in Drug-Related Crimes. Our jurisdictional neighbor, the City of Tacoma, is ranked 9th in the Nation for violent crimes and 4th for reported rapes.

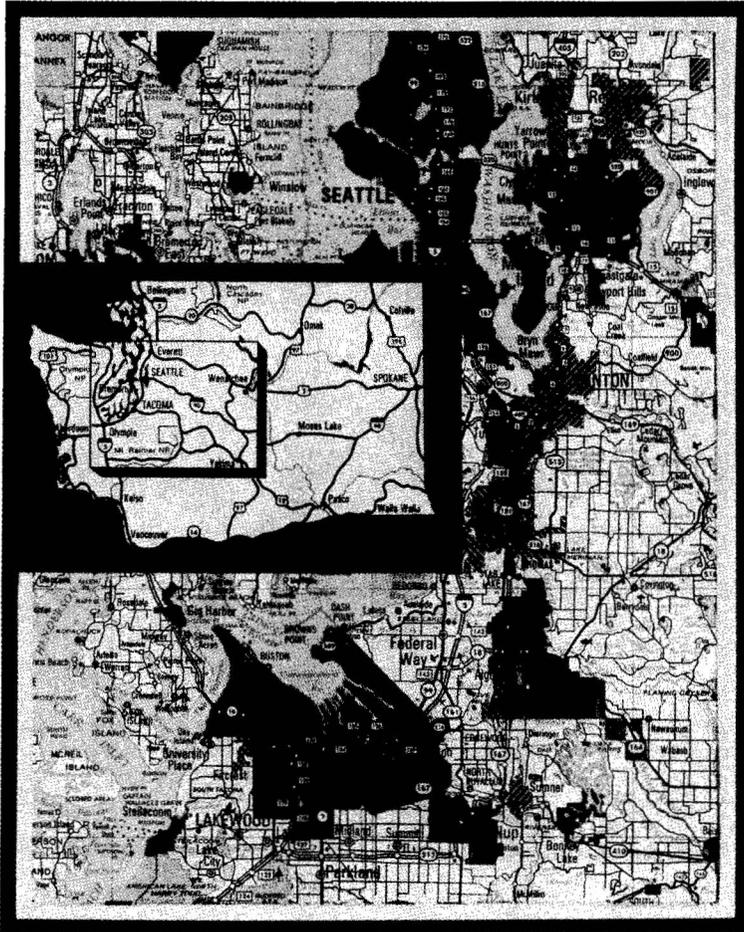
### D. Gang Influence on Tribal Youth

The gangs have infiltrated our grade, middle and high schools and threaten the integrity of law enforcement on the Reservation. Over 80 Tribal youth wearing gang paraphernalia and showing gang signs attended the recent funeral of a member slain in a gang drive-by shooting. *Three (3) of our youth have been murdered and four seriously maimed during the last year.* In November 1993, twenty-one (21) recognized and affiliated gangs operate adjacent to and within the Reservation boundaries.

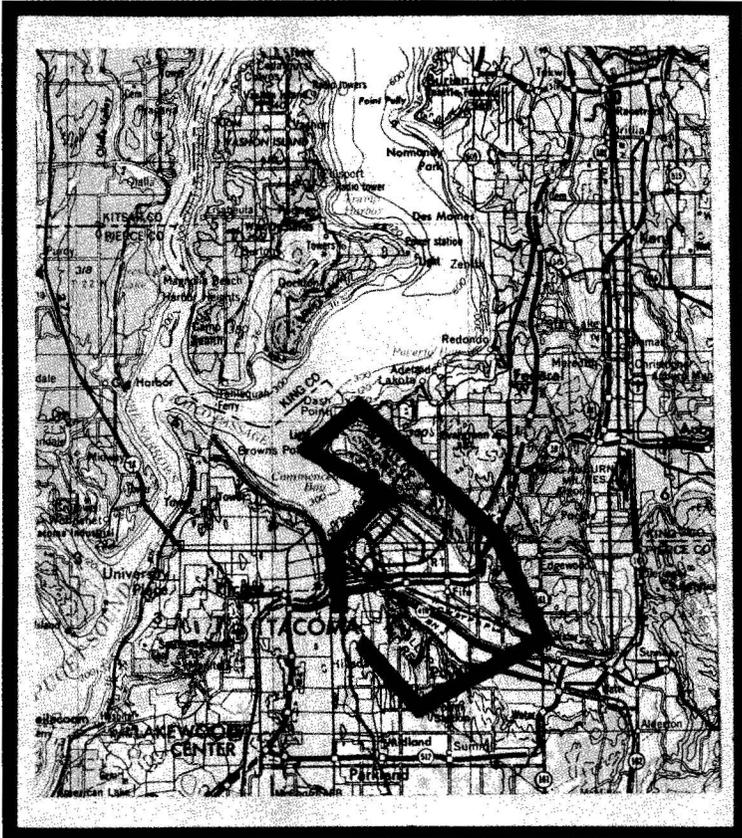
### E. Jurisdictional Context and Land Ownership

Portions of Pierce County, and the Cities of Tacoma, Milton, Puyallup and all of Fife and the Tacoma Port Authority are within the Reservation. Under Duro the Tribe is responsible for law enforcement services for all Indians on Reservation and within our Service Area.

Washington State  
City of Tacoma-City of Seattle Metropolitan Area  
Figure No.: 1



The Puyallup Tribe Reservation Map  
Figure No. 2



#### **E. Jurisdictional Context and Land Ownership, Continued**

The Tribe and its Members own approximately 900 acres, or 5%, of land on the Reservation. Most of the 900 acres were returned to the Tribe in 1989 as a result of the Puyallup Tribe of Indians Settlement Act. The scattered land ownership pattern and recent development of Tribal housing on Reservation parcels compound effective law enforcement and emphasis patrolling.

#### **F. Inter-Jurisdictional Cooperation**

The Puyallup Tribe and Tribal Law Enforcement Program has formalized Government-to-Government agreements with Pierce County and City of Tacoma Law Enforcement agencies including cross-deputization of enforcement personnel. The Tribe and others are participating in the Safe Streets and GREAT Program (Gang Resistance, Education and Awareness Training). County and City Law Enforcement personnel encourage the Tribe to provide emphasis patrol throughout the Reservation as means to counter gang activities and their increasing impact upon Tribal Member juveniles.

#### **G. Difficulties in Maintenance of Law Enforcement**

Funding for the existing Tribal Law Enforcement Office is insufficient to acquire personnel and equipment to effectively counter the surge of gang related activity on the Puyallup Reservation. Current duties of law enforcement personnel include, only when time is available, the DARE program, working with our Youth Leadership and Juvenile Programs and in patrol of the Reservation. We have no means to provide emphasis patrol in areas most impacted with gang presence.

#### **H. Lack of Detention Facility Space**

The very limited holding and detention facilities on the Puyallup Reservation are housed in a building condemned due to asbestos contamination, we must vacate the building in 1994. Plans are underway to move the holding and detention facilities to a temporary modular structure in 1994. The modular facilities are being designed to physically separate the detainees by gender (male/female) and age (adult/juvenile). These facilities, however, will not be adequate to handle the volume of potential detainees nor will it provide any relief to County and City Jail Facilities which cannot provide service to Indians. The Tribe has been provided limited funding in the amount of \$ 100,000 to develop the modular facilities. We project the overall cost to be \$400,000. The BIA, County and City have also recognized the need for a Regional Facility.

#### **I. Tribal Funding and Program Support**

The Puyallup Tribe continues to provide considerable funding and program support for the Law Enforcement and Juvenile Programs. Specifically, the Tribe funds all Jail, Dispatch and Food Costs for Law Enforcement personnel and operates Youth Leadership, Teen Pride, Counselling and Job Readiness Programs. These programs are based upon the premise that Tribal youth need to see and experience real alternatives to gang membership. These support and programmatic efforts have a real cost.

## II. COMPREHENSIVE SOLUTIONS:

During the last five (5) years the Puyallup Tribe has incorporated a number of programs which, when taken as a whole, do implement a comprehensive strategy and provide real alternatives for the rehabilitation of families and juveniles rather than their incarceration.

### A. The Community Response

At a basic level, the issues of juvenile membership and participation in street gangs is being managed with three (3) interwoven responses:

#### 1. Deny Gang Lifeblood by Cutting off Their Access to New Members.

The constant theme of gang members participation is "it's like family, they support me, they make me feel good, it's a place to go, they help me get the right clothes!"

As we have struggled to understand the "whys" of gang membership - we are left with a clear vision, gang membership is a substitute for family. Many gang members have stated "...it's like another family that cares and sustains us." This is not an indictment of the community nor of the families within it. It becomes an indictment when we, as a community, fail to act. We have chosen to act.

#### 2. Strategically Implement Comprehensive Programs which Provide Counselling, Job Training and Placement, Enhancement of Youth Leadership, the Provision of Alternative Recreation and, most importantly, Foster Activities which Bind Family Generations to a Common Vision of a Healthy and Self-Sustaining Community.

Over the last five years the Tribe has assembled a team from within the Reservation and through intergovernmental agreements with contiguous jurisdictions to counter gang activities and to provide rehabilitation programs to our youth. This approach includes the following functional areas:

### Functional Areas

#### Education

The Chief Leschi School coordinates program and service delivery from Day Care through High School and recently been involved in the creation of Medicine Creek College for all members of the community.

The school also coordinates educational, counselling, referral and career development programs with other components of Tribal government.

#### Community Economic Development

The development and implementation of a Community Overall Economic Development Plan (COEDP) which links together the opportunities and allows strategic implementation of programs.

Functional Areas**Medical**

Puyallup Health and Dental Clinic,  
Mental Health Center, Drug/Alcohol  
Counseling Center.

**Law Enforcement**

Inter-jurisdictional MOU/MOA's with  
contiguous urban towns, cities  
and Pierce County, assignment of  
Tribal Law enforcement officers to  
the GREAT, DARE and Safe Streets  
Programs.

**Employment and Training**

Referral to and counselling by the  
Tribal Small Business, JTPA and  
Job Readiness program in  
coordination with the Tribal  
Employment Rights Office (TERO)  
for placement of youth in gainful  
training and employment  
opportunities.

**Counseling**

Youth Leadership, Youth and Housing  
Authority Recreation, Children's and  
Family Service Counseling,

**Tribal Court**

Development and passage of a juvenile  
code, increasing use of Court staff  
in counselling and referral of  
juveniles to the appropriate support  
action network, institutionalization  
of the Court Counsellor and Guardian Ad Litem  
position.

**Intergovernmental Agreements**

The Tribe, Pierce County and the City  
of Tacoma have formally agreed to  
coordinate activities in the areas  
of enforcement, early intervention  
and referral (the GREAT, Safe Street  
and DARE Programs) and have initiated  
advisory programs in all grade levels  
within the Chief Leschi School system.

3. **Strategically Incorporate all of the Programs Detailed Above into Tribal Court and Detention Facility for their use. Activate the Juvenile Rehabilitation and Detention Facilities to Provide Comprehensive Program Supports to the Clientele.**

The Tribe has requested it's independent judicial branch (Tribal Court) to join in the overall comprehensive strategic approach to solve issues facing juveniles. Our legislative and judicial branches are working from a common script to access and use a wide array of programs in working with the juvenile population.

Rehabilitation and detention of juveniles are two small but critical points in the comprehensive strategy. We have discussed above, some of our efforts to redirect youth and in so doing, to deny further membership and participation by our community youth in the gangs on our Reservation.

We are facing many challenges with our juvenile members - not the least of which is antiquated facilities.

### 1. Existing Facilities

The current law enforcement detention facilities within our administrative building have been certified by the BIA to be functionally obsolete. Moreover, they have also been condemned for many educational functions due to asbestos contamination.

### 2. Cost of Facility Development

The Tribe and BIA have agreed that the development of a new 20 bed Modular Detention Facility would better suit the current and programmed needs for the Puyallup Reservation. Accordingly, the BIA has committed the amount of \$ 100,000 for the facility. The Tribe, based upon preliminary engineering estimates for facility construction, will have to provide some \$ 400,000 for the balance of the facilities.

### 3. Design and Construction Criteria/Process

The Tribe and BIA have researched to find the relevant architectural and security standards to govern the construction of modular detention facilities. We have obtained and used the: U.S. Department of Interior, Bureau of Indian Affairs - Division of Law Enforcement Services Adult and Juvenile Detention Standards, (1991) and the Guidelines Concerning Operational Issues and their Impact on the Design of Indian Country Detention Centers, 1989 (Office of Construction Management - Policy, budget and Administration).

As important, the Tribe has benefitted from consultant services provided by the U.S. Department of Justice, National Institute of Corrections Jail Center Technical Assistance Report 93-J1245, A Detention Facility and Operations Review and Assistance for Transition to a New Facility, prepared by James A. Rowenhorst, 1993.

### 4. Adult/Juveniles and Male/Female Detainees

The Criminal justice system has solid experience in requiring the visual and vocal separation of differing client populations within detention facilities. The requirement to separate Tribal youth by gender and from the adult prison population has been included within our facility design standards and incorporated into the facility operational planning.

### 5. Program Availability to Juveniles Incarcerated or in a Deferred Sentence Program

The Tribe has listed above the functional areas of assistance to juveniles residing within the Puyallup Reservation. Individual programs and a brief description of activities are listed below:

<u>Program Name</u>	<u>Program Service Delivery</u>
Chief Leschi School:	The School System including programs from Day Care through High School offers educational and counselling services through coordination with the Tribal Children's and Family Service Divisions in addition to the Court and Law Enforcement Staff.

- Children's Services:** Substantial Tribal funds are allocated toward staffing this program which provides counselling and referral to educational, health and social services.
- Family Services:** This Tribally funded Program provides a full range of assessment and counselling for families experiencing juvenile issues. Counselling includes outreach services in coordination with Children's Services.
- Law Enforcement:** This program receives considerable financial support from the Tribe particularly in the area of juvenile officers who conduct educational, DARE, Safe Streets and emphasis patrol activities in and around those institutions offering services to juveniles. Of critical importance, the law enforcement personnel work with the schools and grade school children concerning the pitfalls of gang membership and in the promotion of alternatives offered by the tribal community.
- Medicine Creek College:** The Tribe has recently instituted and funded a college for high school graduates and adults within the Reservation. This institution offers a wide array of job skill courses and coordinates with the JTPA, TERO programs in referral and job placement activities.
- Puyallup Medical Center:** Full range of medical, social and psychological counselling and referral.
- Puyallup Dental Center:** Basic dentistry services.
- Puyallup Mental Health Center:** Full range of socio-psychological counselling and referral services.
- Substance Abuse Center:** Provision of thirty (30) day in-patient treatment and counselling for substance dependency including counseling and referral services.
- Tribal Court:** This program is funded substantially from tribal revenues and offers the services of a Judge, Children's Court Counsellor, Guardian Ad Litem and prosecutor. The Children's counsellor is extensively involved in referral and educational services in conjunction with families and the School System.
- Tribal Employment Rights Office:** Assessment of job skills and referral to employment opportunities in each of the Tribal Centers and in the Tribal Business Development Center. The TERO Program coordinates with the Job Training Partnership Act (JTPA) Staff, Job Readiness and Puyallup Educational Departments.

**Youth Recreation:** The Puyallup Nation Housing Authority sponsors a recreational program for juveniles living in Tribal Housing Complexes throughout the Reservation. Additional recreational opportunities, for the entire family, are sponsored by the Tribal Education Department.

### III. PROGRAMS REQUIRING COMMITTEE ASSISTANCE:

As has been discussed in Section II above, the Tribe is expending a large effort to counter gang and other issues facing our many juveniles. We have indicated that Tribal funds have also been expended to implement and operate these programs. We have reached the limit of our staffing and financial capacity to further impact gang issues on the Puyallup Reservation.

We have previously requested consideration by the U.S. House of Representatives for additional assistance to counter what amounts to urban guerilla actions and life threatening impacts to the many juveniles who look to the tribal Government for assurance in all matters of health and security.

We have reprinted below sections of our testimony before the House Appropriations Subcommittee on Interior and Related Agencies in which we identified programmatic support required to more fully address issues of gang violence and juvenile issues for our Tribal members.

**Objective Number 1: Funding for Law Enforcement Patrol On-Reservation to Counter the Infiltration and Actions of Gangs.**

**LAW ENFORCEMENT.** The Tribe's Top Priority. We are responsible under *Duro* and we have a moral obligation for Law Enforcement to serve, protect and enforce Tribal Laws. The Indian Service Area population has tripled since 1984; the Tribe has not received any additional Law Enforcement funds. Increases in violent crime have occurred throughout our Reservation since the 1980's. For example, an increase of 45% in Violent Crime, 64% in Thefts, 19% in Burglary, 29% in Rape, 46% in Assaults and 126% in Drug Related Crimes (PSCOG, 1991).

In February 1993 twenty-one recognized gangs operate on our Reservation (City of Tacoma); they have infiltrated our school system. A young Tribal member was slain by a drive-by gang shooting in February 1993. Gangs threaten law enforcement integrity on the Reservation. The Tribe has formalized Agreements with Pierce County, the City of Tacoma and four city Law Enforcement Agencies including cross-deputization. Local governments stress the need for Tribal Law Enforcement emphasis patrols in the community as a means to counter gang activities.

**We request that \$ 174,732 be added to our base budget for Law Enforcement to conduct comprehensive law enforcement to assure Health and Safety for Indians within the Area.**

**Objective Number 2: Funding of Pre-Construction Project Development for a Regional Jail Facility.**

**REGIONAL JAIL FACILITY.** Puyallup operates the only long-term Indian detention facility within western Washington State. Our facility closes in 1993 due to asbestos contamination. We will open an interim holding facility in fall 1993. This facility will not handle the volume of detainees nor will it provide relief to local governments. We want to develop a Regional Jail Facility and provide services to Northwest Tribes. The Regional Facility will be developed pursuant to the BIA Planning of New Institutions process. The Puyallup Tribe has received extensive support and endorsement from 56 Tribes in the Affiliated Tribes of the NW (ATN!), the BIA, Pierce County and the City of Tacoma for development of a Regional Jail Facility on the Reservation. The Puyallup Reservation is centrally located resulting in cost-effective management and operations.

**We request that \$ 128,497 in project funding be provided to complete required planning pursuant to the P.O.N.I. for pre-construction activities of a Regional Jail facility.**

**Objective No. 3: BIA P.L. 93-638 Contract - Chief Leschi School Complex Planning.**

**CHIEF LESCHI SCHOOL COMPLEX.** Congress appropriated 1992 funds for school construction and planning activities. We expected the BIA, Office of Construction Management (OCM) and Facilities Management and Construction Center (FMCC) to cooperate with the Tribe in planning of the new school complex.

Our children have waited eighteen (18) months. The BIA, OCM and FMCC have delayed signing a P.L. 93-638 Contract for school planning and design. Our children and staff are located in temporary modulars - the old school facilities were condemned because of asbestos contamination and structural obsolescence.

**We urge the Committee to direct the BIA to work with Tribe and a Contract pursuant to P.L. 93-638 be implemented for planning activities for the new Chief Leschi School.**

**Objective No. 4: Increase in Federal Support - Indian Student Equalization Program**

**INDIAN SCHOOL EQUALIZATION PROGRAM.** The Chief Leschi School currently receives \$ 2,593 per Weighted Student Unit (WSU). The Tribe and School Board have completed analysis of the program costs to provide educational services promoting competitive National Level Standards; the cost is \$ 3,500/WSU.

Chief Leschi School faces a short-fall of \$ 461,663/year, 509 Student @ \$ 3,500/WSU.

**We urge the Committee to advocate for a \$ 3,500/WSU rate as a quality education is the essential ingredient of an economic recovery and business competitiveness.**

**Objective No. 5: Pending Outcome of National Health Care Reform, we ask that Tribally managed community-based health care delivery system funded through IHS remain intact.**

**Objective No. 6:** The Committee acknowledge that Indian Health Care has never been funded at an appropriate level to maintain standards of quality care.

**IHS HEALTH CARE FUNDING.** We urge the Committee to increase the availability of operating funds at the Health Center or Delivery of Service Level. This can be accomplished through OMB's requirement to reduce IHS administrative expenses by 14% over four years.

We urge the Committee to advocate for increased catastrophic health care funds. Catastrophic health cases have often been depleted the Tribe's contract health budget by the fourth quarter resulting in forced denial of all subsequent urgent/emergent referrals.

**Objective No. 7:** Increase in Federal Support for Title II, ICWA, P.L. 95-608.

**TITLE II, ICWA FUNDING.** The Puyallup Children's and Family Service Program can cost-efficiently utilize all ICW funds for intervention and support services to children and families within the Service Area. Pro-active involvement has proven to substantially reduce the incidence of delinquency, teen pregnancy and physical, mental, alcohol and substance abuse which customarily end in the Tribal Court.

Children's and Family Services faces a short-fall of \$80,433.

**We urge the Committee to advocate for an increase in Title II ICWA, P.L. 95-608 appropriations and that BIA contract on the basis of Tribal Self-Determination.**

**Objective No. 8:** Resubmittal of Legislation to Enhance the Tribal Court System.

**TRIBAL COURT FUNDING.** At present we have the framework for an adequate Court System; we do not have sufficient funding to operate a minimally acceptable Court System. We are unable to retain Public Defender, Guardian Ad Litem and Protective Service Investigator staff. Lack of funds precludes purchase of the Federal Digest, Federal Rules Decisions and Washington State Reporter, we cannot access legal information from the Lexus Data Base.

The Tribal Court faces a short-fall of \$ 137,000.

**We urge the Committee to request the House Committee on Natural Resources, the Subcommittee on Native American Affairs and Senate Committee on Indian Affairs to resubmit legislation to enhance the Tribal Court Systems and resolve differences between H.R. 4004 and S. 1752 versions in the 102nd Congress. We further request that funds be placed with the Tribes through a National Commission rather than the BIA.**

**Objective No. : 9** Clarification and Amendment as Required of the 1989 Puyallup Land Claim Settlement Act to provide for the use of funds designated for a 20 bed youth facility to be reprogrammed into the development of a Youth Recreational Facility.

Mr. Chairman, Members of the Committee, we thank you for this opportunity to discuss Puyallup Tribal requests.

Mr. LADUCER. I would like to thank the committee for the opportunity to speak, to elaborate a little bit after Mrs. Hargrove, that we have been battling this problem for approximately five years. And there is a comment I heard earlier that we are getting L.A.-type gangs into our area. They are not L.A.-type gangs. They are L.A. gang members coming up from Los Angeles, who have been identified in Los Angeles, to Tacoma and recruiting our youth.

They are intimidating our elders. They are recruiting our young. And when they can't recruit them, then they are committing violent acts against them.

We are sending the wrong message out to our Indian people that we can't protect them. They don't like to report the crimes into the police department because they are afraid because we don't have detention facilities to lock these violent offenders up, that that night they will be victims of a drive-by. We have lost three tribal youth this year.

We had three deaths of kids under the age of 15. We have had four that have been maimed, one being my nephew. We have had numerous drive-bys done on houses, properties, and it is breaking up the Indian community as we know it.

The Puyallup Tribe law enforcement is commissioned with Tacoma and Pierce County. This has been an ongoing effort of ours along with the tribal councils to try to unite our forces. It has had some impact, but not nearly as much as we have hoped for it to be.

We go to weekly gang meetings with them to identify the present gangs, the recruits. And we have 21 known affiliated gangs in or around the Puyallup Reservation. My officers are stressed. I only have eight officers to help to combat this problem. They don't know where to turn, and I don't know which direction to give them any longer.

I don't have the opportunity to put them in a non-crime area or nonviolent crime area and shift the other personnel over there to help combat it. They work it day and night. Our present facilities that we do have, which are funded by the tribe, are inadequate, outdated, and condemned. But still we got to plug on, we got to do what we can do. We need help. We can't continue on this way.

One of the cases that we had was a gentleman coming home from our Puyallup tribal bingo hall. Picked up his six-month-old child, 3:00 o'clock in the morning, he didn't make it home. The child was in a restraining seat in the back of his vehicle and the father was shot and killed before he made it home.

Can't continue on this way. We need somewhere where we can detain these people, these violent offenders, get them into our programs, get them into our alcohol and drug programs, get them into counseling, rehabilitation, whatever we need to do, but we need to get them off the streets. We need places to incarcerate these people until which time they are rehabilitated and gone through our judicial system and freed.

We have been getting requests from other tribes in the Northwest such as Lummi, Nisqually and Squaxin. They are noticing an increase in gangs also in their area. They are asking us for our expertise. We don't have any more, can't give any more. We need

more officers; we need better facilities; we need more community involvement.

I would like to thank you for listening to me.

Mr. FALEOMAVAEGA. Thank you very much for a very moving testimony.

#### STATEMENT OF HON. ELMER MANATOWA

Mr. FALEOMAVAEGA. Mr. Manatowa.

Mr. MANATOWA. Thank you, Mr. Chairman. My name is Elmer Manatowa, principal chief of the Sac and Fox Nation from Oklahoma, and with me today Eugenia Tyner-Dawson, director of community services, and project director for our Juvenile Detention Facility Project; and also Mr. Kevin Keckler, president of EKM, Incorporated, who is representing their firm as our project consultant.

The Sac and Fox Nation appreciates this opportunity to provide our comments in promoting the critical need for juvenile detention centers for Indian tribes. You have copies of my written comments and recommendations and I today would like to read a little bit of our written comments and verbalize a little more on that, Mr. Chairman.

Mr. FALEOMAVAEGA. By all means, without objection, all your statements will be made part of the record.

Mr. MANATOWA. Thank you. In particular, we would like to provide comments relating to, number one, our experiences working with the Bureau of Indian Affairs system on our project. What we have been contending with regarding juvenile matters without a facility, what type of programs we intend to offer within our juvenile facility and our population.

The Sac and Fox Nation was ranked first in the Nation as a result of applications solicited by the Bureau of Indian Affairs in their 1989 request for proposals for Indian detention facilities construction projects. The Bureau of Indian Affairs process for the construction of juvenile centers, of course, is performed under the Planning on New Institutions [PONI]. In 1990, they approved our project and we moved forward into the needs assessment phase, which was not completed until 1991.

We are unaware and unsure of why it took so long for us to complete the process to be into design and into the area of construction. We are not there yet today. We are progressing, but we are still working.

Oklahoma has one of the largest or has the largest Indian population in the country. And there is not one existing facility in the State for Indians. The Bureau of Indian Affairs, specifically Law Enforcement Services and the Facilities Management and Construction Center, have been extremely receptive to this concept of juvenile centers, especially for us in Oklahoma, and have supported us in moving forward in this fashion.

However, until we added this project to our compact of self-governance, the project moved very slowly through the BIA system, which presented us with frustration after frustration. Earlier last month, and then two years ago, I testified before the Senate. And they were asking me how self-governance was working and what process we went through.

I said it is like pulling teeth out of a live alligator. Have you ever done that? This is how working with the BIA was. It seems that that live alligator has a few teeth that have been pulled and the facilities management and the other agencies that are involved in juvenile detention now have learned that we mean business and have been very cooperative with us.

And I thank them for their effort. EKM, Incorporated, our consulting firm, has been instrumental in assisting us through the PONI process. We recently completed the programming phase of our project in September 1993. We are now completing the organizational phase and architectural selection phase, which is planned for completion today, November 8. We will move immediately into the design phase and plan for completion of this project phase by March 31, 1994.

I want to especially commend the U.S. Department of the Interior representatives for the Office of Self-Governance and the Office of Construction Management for assisting in bringing this project into our Compact of Self-Governance. The Sac and Fox Nation is without any facilities of its own to house adult or juvenile offenders.

We are able to contract with local county jails for adult offenders. However, there is limited bed space for juvenile offenders in the State of Oklahoma for all populations.

And if you are not aware, Oklahoma not only has the largest Indian population in the United States, more tribes, one of the highest States in number of tribes. We have some 40 different tribal governments located within the State of Oklahoma. In the past, we were able to send juveniles to the Oklahoma County juvenile facility, but due to bed space shortages they had to close their doors to jurisdictions outside Oklahoma County.

There is a small pretrial facility in Pittsburg County. Pittsburg County in Oklahoma is in the southeastern part of Oklahoma which is the home of what is called Big Mac, the big adult prison facility in the State of Oklahoma. And here we had to send some of our juveniles down to the hard-core adult facility just to get some service for them.

The Big Mac, or the Pittsburg facility, remains at capacity and we are unable to send our juveniles to this facility any longer. Other facilities in the State of Oklahoma do not recognize our tribal court orders for placement of juveniles.

We are out any facilities whatsoever for juveniles in need of detention for long-term treatment care. The Sac and Fox Nation has endured recent misunderstandings regarding our process in this project. Congress was informed earlier this year that we would not be ready to initiate construction of our facility in fiscal year 1994. We did not know who stated this or why it occurred.

It was unfortunate that we were not consulted at any time prior to information being submitted to Congress, and therefore part of the appropriations for our prison facility was left out of the language on the Senate appropriation side. We were successful in having that language replaced and put back in.

I can assure you that we are ready to proceed on schedule to begin the construction phase of our facility next spring. The total 1993 project cost is estimated at \$8,808,000, plus some others, and

the 1997 total project cost will be \$10.3 million. The latest congressional conference committee report indicated to us that \$4,000,000 will be available to us next year, with the remaining funds needed to be appropriated in the next fiscal year.

We urge Congress to ensure our fiscal year 1994 project construction costs remain intact for appropriation this fiscal year. Furthermore, it is imperative that Congress recognize the need to appropriate our balance of construction dollars in fiscal year 1995, and we ask your continued support of our project to ensure it reaches completion.

A new juvenile detention facility will finally provide us with the opportunity to take the responsibility for care in healing of youthful Native American population in these communities. We are working collectively with other Federal, State, local representatives, to ensure the cooperative effort with all involved and affected.

We have been meeting with the State of Oklahoma on a regular basis in the past few weeks to ask their input in helping us design a facility that will hopefully be in line with what they want for the State of Oklahoma. We have approached the operation of our facility in a unique fashion.

Although we will rely upon the BIA to supplement the funding of the facility for the first few years of operation, it is being operationally designed to become a self-sustaining facility. Ultimately, the BIA will end up supporting some of these costs through individual tribal court budgets to other tribes that are using the facility.

And what we are saying here is that we have offered our facility to any of the other 40 tribes that live in the State of Oklahoma. And that is where we say that the BIA will be funding some of those costs, because a lot of the dollars come down for court costs and other costs to other tribes, which will enable them to bring their juveniles into the center.

Ideally, the Sac and Fox Nation would like to be able to concentrate the provision of educational programs and services for our Native American population under preventive measures. However, the current plight of juvenile delinquency forces us to face the immediacy of providing a secure environment to address intervention measures for juveniles at risk in our community.

Mr. Chairman, I am going to complete my verbal remarks and allow my colleagues to address you for a few minutes. And I would like to ask that our testimony be allowed to remain open for the next two weeks, I believe, in order that we may be able to get to you our recommendations on legislation and to further expand on the recommendations that we have outlined in our testimony.

Thank you, sir.

Mr. FALEOMAVAEGA. Without objection.

[Prepared statement of Mr. Manatowa and attachments follow.]

WRITTEN TESTIMONY OF ELMER MANATOWA  
PRINCIPAL CHIEF  
SAC AND FOX NATION

BEFORE

THE SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS  
OF THE  
COMMITTEE ON NATURAL RESOURCES

OVERSIGHT HEARING ON THE CONSTRUCTION  
AND OPERATION OF INDIAN JUVENILE DETENTION FACILITIES

NOVEMBER 8, 1993

Mr. Chairman and respective members of the Subcommittee on Native American Affairs of the Committee on Natural Resources. I am Elmer Manatowa, Principal Chief of the Sac and Fox Nation, and with me today is Eugenia Tyner-Dawson, Director of Community Services and Project Director for our Juvenile Detention Facility Project, and Kevin Keckler, President, of EKM, Incorporated, representing their firm as our Project Consultant. The Sac and Fox Nation appreciates this opportunity to provide our comments in promoting the critical need for juvenile detention centers for Indian tribes. In particular, we would like to provide comments relating to: 1) our experiences working with the Bureau of Indian Affairs system on our project; 2) what we have been contending with regarding juvenile matters without a facility; 3) how we see our facility operating in the community once constructed; and, 4) what type of programs we intend to offer the juvenile population in our facility.

INTRODUCTION

The Sac and Fox Nation appreciates the expressed interest by the Subcommittee on Native American Affairs of the Committee on Natural Resources for holding this hearing to elicit information on tribal issues regarding Indian juvenile detention facilities. I thank you for inviting the Sac and Fox Nation to this Hearing to provide testimony about our particular project on such an important issue that is not only affecting Indian tribes, but the entire country as well.

EXPERIENCES WORKING WITH THE BIA SYSTEM

The Sac and Fox Nation was ranked first in the Nation as a result of applications solicited by the Bureau of Indian Affairs in their 1989 request for proposals for Indian detention facility construction projects from Indian tribes. The Bureau of Indian Affairs process for the construction of juvenile detention centers is performed under the Planning on New Institutions (PONI), a multi-phase process for facility construction that was implemented under the Anti-Drug and Substance Abuse Act of 1986. In 1990, they approved our project to move forward into the Needs Assessment Phase which was not completed until February 1991. We are unaware of why it took this amount of time. It was following the completion of this phase of the PONI process, that it was determined that the Sac and Fox Nation would seek funding for a "regional facility" concept to accommodate numerous tribal needs in Oklahoma and surrounding areas. Although Oklahoma has the largest Indian population in the country, there is not one existing facility in our State for Indian tribes.

After reviewing the Needs Assessment, we have proceeded with a sixty (60) bed facility to house Native American juvenile residents for all interested tribes which is to be designed for expansion to plan for anticipated escalating juvenile criminal/delinquent trends.

The Bureau of Indian Affairs, specifically, Law Enforcement Services and the Facilities Management & Construction Center have been extremely receptive to this concept and have supported us in moving forward in this fashion. However, until we added this Project to our Compact of Self-Governance, the Project moved very slowly through the BIA system which presented us with frustration after frustration.

Once the Project became a part of the "Self-Governance Project", we were able to move forward in a more expedited manner. The Sac and Fox Nation is one of twenty-eight tribes participating in the Self-Governance Demonstration Project, P.L. 100-472. We are prototyping this BIA construction project under the freedom and flexibility that the Self-Governance Demonstration Project allows. We have been able to omit the majority of the cumbersome Federal Acquisition Regulations (FAR), many of which, in our opinion, do not apply to Indian tribes. Furthermore, as a result of accepting more responsibility for administering this project ourselves, we have been able to eliminate the BIA's time consuming reviews that normally occur throughout the PONI process.

EKM, Incorporated, our Consultant Firm, has been instrumental in assisting us through the PONI process. We recently completed the Programming Phase of our Project in September, 1993. We are now completing the Organizational Phase and Architectural Selection Phase which is planned for completion today, November 8, 1993. We will move immediately into the Design Phase and plan for completion of this phase by March 31, 1994.

We want to especially commend the U.S. Department of the Interior representatives from the Office of Self-Governance and the Office of Construction Management for assisting us in bringing this project into our Compact of Self-Governance. Also, we want to express our appreciation to the BIA representatives from the Division of Law Enforcement Services and Facilities Management & Construction Center. Unlike the strong resistance presented by other departments, divisions and agencies of the BIA that we constantly fight to overcome since becoming a Self-Governance Demonstration Project Tribe, representatives of these four offices have embraced the philosophy of Self-Governance as it pertains to our efforts to construct a juvenile detention facility. It has been a rare and welcomed change in attitude on the part of the BIA. Through this project, we have developed a sense of partnership with these offices of the Department of Interior which has brought with it, a breath of fresh air to BIA Indian affairs.

In a recent meeting held between representatives of the above named offices and representatives of the Sac and Fox Nation to discuss activities and schedules of our PONI project, the Acting Director of the Office of Construction Management commented that they were closely observing our project in hopes of learning a better process from us. I cannot tell you how much we appreciated this comment because we believe we do have something of value to offer and we are glad for their willingness to learn from the Sac and Fox Nation.

**RECOMMENDATIONS**

- 1) The PONI process utilized by the BIA is a good process; however, this process can be refined by limiting the time frames for BIA/Tribal reviews between phases.
- 2) The Clinton Administration in its efforts to "Reinvent Government" proposes to provide more authority and responsibility at the local level. Provide tribes more authority to adjust their priorities for budgeting as needed and to make decisions at the local level that are currently being made by the BIA.
- 3) Federal Acquisition Regulations (FAR) should not apply for those tribes managing their construction projects under P.L. 93-638 contracts or Compacts of Self-Governance, except for specification standards for construction.

**CURRENT TRIBAL CONDITIONS WITHOUT A FACILITY**

The Sac and Fox Nation is without any facilities of its own to house adult or juvenile offenders. We are able to contract with local county jails for our adult offenders; however, there is limited bed space for juvenile offenders in the State of Oklahoma for all populations.

In the past, we were able to send juveniles to the Oklahoma County Juvenile Facility, but due to bed space shortages, they had to close their doors to jurisdictions outside of Oklahoma County. There is a small pre-trial facility in Pittsburg County, but it remains at capacity and we are unable to send our juveniles to this facility any longer. Other facilities in the State of Oklahoma do not recognize our tribal court orders for placement of juvenile delinquents. We are without any facilities whatsoever for our juveniles in need of detention or long term treatment and care. Because of these circumstances, our Tribal Juvenile Codes call for reverse certification of juvenile offenders of certain crimes at the age of fourteen to be tried as adults, when clearly juvenile punishment and rehabilitation is the appropriate answer. For the most part, the juvenile delinquents are turned back out into our community with little protection provided for public safety because of our small Law Enforcement Division. Our juvenile population is in need of proper treatment, responsible care and specialized supervision. It is indeed a desolate situation in which despair reigns.

The Sac and Fox Nation has endured recent misunderstandings regarding our progress in this project. Congress was informed that we would not be ready to initiate construction of our facility in Fiscal Year 1994. We do not know who stated this or why it occurred. It was unfortunate that we were not consulted at any time prior to this information being submitted to Congress. I can assure you that we are proceeding on schedule to begin the construction phase of our facility next spring. The total 1993 project cost is estimated at \$8,818,924 dollars. Project costs for juvenile detention are escalated at 4% per year. At that rate, in 1994 total project costs will be \$9,171,680 dollars and 1997 total project costs will be \$10,316,893 dollars. The latest Congressional Conference Committee Report has indicated to us that \$4 million will be available to us this year, with the remaining funds needing to be appropriated next fiscal year.

We urge Congress to insure our Fiscal Year 1994 project construction costs remain intact for appropriations this fiscal year. Furthermore, it is imperative that Congress recognize the need to appropriate our balance of construction dollars in Fiscal Year 1995. We ask for your continued support for our project to insure it reaches completion.

#### **RECOMMENDATIONS**

- 1) Appropriations for juvenile detention facilities must increase. There are several tribes on the priority listing that have been unable to pursue projects.
- 2) Insure funding appropriations continue flowing to the tribes until project completion. Numerous delays occur throughout the PONI process while tribes await annual appropriations for multi-year projects.

#### **NEW FACILITY OPERATIONS IN THE TRIBAL COMMUNITY(S)**

The Sac and Fox Nation looks upon the construction of the regional juvenile detention center as an answer to many of our local community juvenile problems. It will not only answer our immediate needs for housing Native American juvenile residents, but is being offered to all Indian tribes in the area. We are also negotiating with the State of Oklahoma to house Native American juveniles from non-Indian jurisdictions in our proposed facility and we are very hopeful that these negotiations will be successful. The Sac and Fox Nation is a responsible and capable Tribe and we intend to accept full responsibility for the custody and safety of the juveniles and the protection of the surrounding communities while the juveniles are under our care. The Sac and Fox Nation will be seeking full accreditation with American Correctional Association for our Juvenile Detention Facility. We desire to adopt the proposed BIA Detention Standards as we believe these are acceptable minimal standards which should be considered for all Indian juvenile detention facilities.

A new juvenile detention facility will finally provide us the opportunity to take the responsibility for the care and healing of the youthful Native American population of the communities. We are currently working collectively with other Federal, State and local representatives to insure a cooperative effort with all involved and affected.

We have approached the operation of our facility in a unique fashion, although we will rely upon the BIA to supplement the funding of the facility for the first few years of operation, it is being operationally designed to become a self-sustaining facility. Daily per diems will be charged for users of the facility.

Ultimately, the BIA will end up supporting some of these costs through individual tribal court budgets for the tribes using the facility; however, those tribes with local tax and revenue bases can supplement costs for housing juveniles from their respective jurisdictions. If negotiations with the State of Oklahoma and any other interested State jurisdictions are successful, additional revenues will become available which are not presently provided by the BIA. We are also looking at the feasibility of housing juvenile residents in which Federal delinquent charges are involved.

**RECOMMENDATIONS**

- 1) Minimal standards for BIA detention facilities should be established to provide for efficient and effective operations of the facilities.
- 2) Insure appropriations for Tribal Court Budgets are increased to pay for the expense of juveniles placed in detention facilities.

**JUVENILE DETENTION CENTER PROGRAMS**

Ideally, the Sac and Fox Nation would like to be able concentrate on the provision of educational programs and services for our Native American juvenile population under preventive measures. However, the current plight of juvenile delinquency forces us to face the immediacy of providing a secure environment to address intervention measures for juveniles at risk in our community which is a high priority.

The Sac and Fox Nation has been adamant to insure adequate programming will be in place for the juvenile detention facility. We feel that it is vital to provide a sense of identity for Native American juveniles in relation to their own Native cultures and traditions, and as such, this facility will prioritize sensitivity to Native cultural beliefs which have sustained Indian people through millennium. Recent experiences by our Tribal staff through visits at local State operated facilities have resulted in findings of little or no Native American programs for the juvenile population we propose to serve. We will be able to provide this crucial missing ingredient towards rehabilitating Native American juveniles.

Along with recognizing the need for Native cultural healing processes, we will provide programming needs typical to all juvenile populations. Although financial resources are limited, the Sac and Fox Nation has a number of existing programs designed to benefit the population of the facility; i.e., mental and substance abuse counseling and programs, family violence support groups, community service programs, vocational education and higher education scholarship programs, food service programs, and an on site health clinic with outstanding medical services that includes contract service capabilities for optometry, dental and other health related services, etc.

The programming of our facility to date has included in the physical design of the facility, positive progressive behavioral rewards. A juvenile which displays progressive behavior patterns towards rehabilitation will be rewarded by enhancements in their living conditions. Juveniles with negative attitudinal, disruptive or confrontational behaviors will be placed in bleak surroundings with minimal required comforts. Other living areas and programs in the facility will graduate in comfort and privileges in accordance with the juvenile behaviors.

Other Federal Departments and Agencies have not been involved enough in the programs for juvenile detention facilities. For example: U.S. Department of Education, Office of Indian Education; U.S. Department of Health & Human Services, Office Substance Abuse Prevention and Administration for Families and Children; and the U.S. Department of Agriculture, Food and Nutrition Service.

It should be noted that the Indian Health Service has been involved in the PONI process under a Memorandum of Agreement with the BIA; however, their active involvement could increase for programming needs.

Ultimately, it is our desire to provide continuous support to the juvenile to assist them with reintegration once they leave the facility and return to the community. We are limited in being able to assist juveniles that return to communities other than our own. However, we will work towards encouraging other Tribes to do the same.

#### **RECOMMENDATIONS**

1) Congress and Federal Departments should recognize programming needs that are specific to tribal cultures and traditions as a part of the rehabilitation process of Native American juveniles.

2) Funding appropriations for all Federal Departments and Agencies responsible for the education, health and general well-being of Native American juveniles should have earmarked funding for Indian juvenile detention facilities.

3) Cost sharing regulation requirements between Federal Departments and Agencies should be waived so that the different Federal Departments and Agencies individual programs can be easily coordinated and/or consolidated for the purposes of supporting juvenile detention facilities for planning, design, construction, management and delivery of programs.

#### **CONCLUSION**

We believe the Sac and Fox Nation has been able to demonstrate successful options for the planning, design, construction and operation of a juvenile detention facility as a Self-Governance Demonstration Project Tribe. We are able to re-design programs and re-allocate our resources according to our priorities which we believe will assist us in becoming better managers of our Facility. However, the Demonstration Project will end in 1996. We urge this Committee to strongly consider supporting permanent legislation for Self-Governance, not only for the tribes currently participating in the Demonstration Project, but also for additional tribes who desire to participate in Self-Governance Project.

In closing, I want to thank you Mr. Chairman and members of this Committee for listening to our ideas and concerns regarding our juvenile detention center. I ask for your support and commitment on behalf of our Indian children as they are our future. Thank you.

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**EXECUTIVE SUMMARY**

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The pre-architectural program has identified the need for approximately 29,600 net square feet of space. The juvenile detention facility is organized in a campus style design with the courtyard being used for a variety of functions including, exercise, visiting, and counseling.

The facility is divided into the following components, them being: intake and receiving, housing, health care, programs, visitation, food service, support, and detention administration.

Based on the latest estimates of circulation requirements, the 29,600 net square feet will result in approximately 49,000 gross square feet of building(s). Based on an approximate gross square footage of 49,000 the total 1993 construction costs amount to \$5,982,989 dollars.

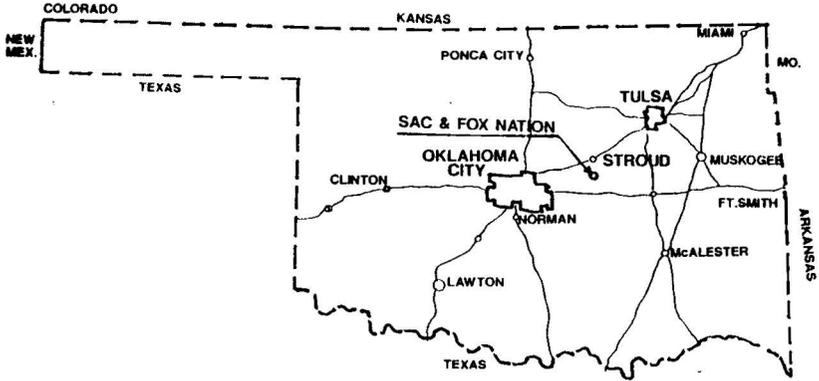
Once additional project costs are calculated, including: site work (10%), furnishings (5%), A/E fees (6%), additional A/E services (1.5%), consulting (1.5%), special equipment (5%), and contingency and supervision (15%) the total 1993 project cost is estimated at \$8,818,924 dollars. Project costs for juvenile detention are escalated at 4% per year. At that rate, in 1994 total project costs will be \$9,171,680 dollars and 1997 total project costs will be \$10,316,893 dollars.

The juvenile detention facility will be located on a 20 acre parcel located east of State Route 99 and approved by the Nation's Business Council. The site is owned by the Nation and has excellent access characteristics, has available utilities, and is large enough to support future expansion.

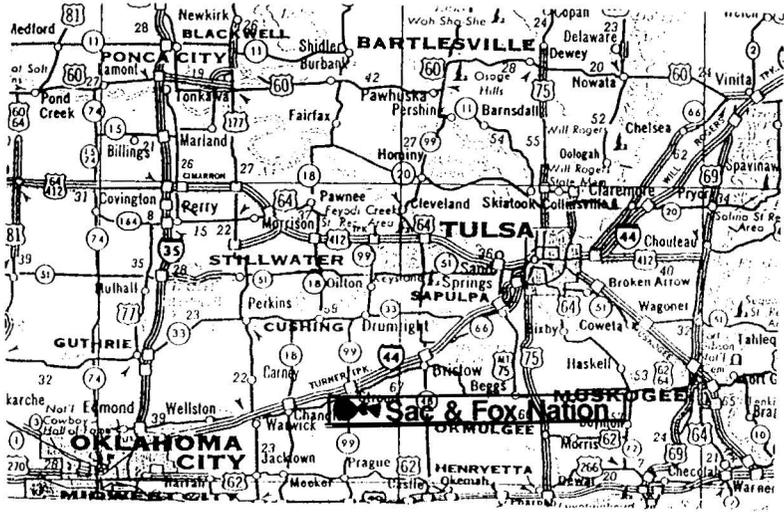
A staffing plan has been developed for the juvenile detention facility. The plan uses a shift relief factor to compensate for the need for seven day a week operation. There are 9 administrative staff, 35 detention staff, 5 program staff, 5 food service staff, 3.5 medical staff, and 3 maintenance staff for a total staffing compliment of 61 people. Based on 1993 salary estimates, with benefits calculated at 30% and a 75:25 ratio between salaries/benefits and operation/maintenance costs, this results in a total operating budget of approximately 1.9 million dollars.

Because this is a regional juvenile detention facility that will be used by various agencies (other Tribes and counties serving Native American youth) throughout the State of Oklahoma, per diem projections have been developed to offset operational costs of the facility. If the juvenile detention facility leased a low of 10 beds per year at \$90 per day the Sac and Fox Nation would generate \$328,500 dollars a year. If the juvenile detention facility leased a high of 40 beds per year at \$120 per day the Sac and Fox Nation would generate \$1,752,000 dollars a year which would significantly offset the operational costs of the facility.





**REGIONAL MAP**  
**State Of Oklahoma**



**AREA MAP - Sac & Fox Nation**



201 East Simpson St., Lafayette, Colorado 80026 303/673-0366 Fax: 303/665-8056

**Gail Elias**  
Vice-President/Secretary

**John Milosovich**  
Vice-President/Treasurer

17 September 1993

TO: PONI Committee, Sac and Fox Nation  
 FR: Kevin C. Keckler, Principal   
 RE: Juvenile Detention Facility Design Schedule

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Listed below is the design schedule that was developed by the PONI team and EKM, Inc. during the site visit on September 14, 1993.

<u>Date</u>	<u>Activity</u>
9/23/93	Direct mailings to architects selected by the Sac and Fox Nation.
9/26/93	Begin advertisement for architect in various newspapers throughout U.S.
10/15/93	Advertisement closing date at end of business day (4:30 PM).
10/20/93	Completion of shortlist by PONI team and EKM, Inc.
10/20/93	Contact A/E firms on shortlist to schedule interviews.
10/26/93	Conduct interviews @ Tribal Headquarters.
10/27/93	Develop recommendation of A/E firm to present to Business Committee.

<u>Date</u>	<u>Activity</u>
10/28/93	Approval of recommendation by Business Committee.
11/01/93	Initiate contractual issues (review, revisions, & signing of contract).
11/05/93	Completion of contractual issues (review, revisions, & signing of contract).
11/08/93	Issue Notice to Proceed for design phase of project.
12/03/93	Submittal of 20% drawings.
12/31/93	Submittal of 40% drawings.
02/14/94	Submittal of 70% drawings.
03/11/94	Submittal of 99% drawings.
03/21/94	Submittal of 100% drawings.
03/31/94	Completion of the design phase of project.

FILE COPY  
NUMBER

9/15/89


Law Enforcement Services  
MS: 1342

MAY 23 1991

To: Director, Office of Tribal Services  
From: Chief, Division of Law Enforcement Services  
Subject: Completion of Detention Projects

As you are aware, in 1988 the Division of Law Enforcement Services in coordination with the Facility Management & Construction Center (FMCC) and the Office of Construction Management identified 16 detention projects as priority for construction. This was accomplished through the April 1988, P.L. 99-570 selection of 11 juvenile detention projects, and the March 1989 adult/juvenile detention selection of 5 other projects. These projects are:

1988 P.L. 99-570

1. Ft Peck Tribe
2. Cheyenne River Sioux Tribe
3. Navajo Tribe/Tuba City
4. Navajo Tribe/Chinle
5. Oglala Sioux Tribe
6. Ute Mountain Ute Tribe
7. Navajo Tribe/Crownpoint
8. Tohono O'odham Nation
9. Navajo Tribe/Kayenta
10. Navajo Tribe/Shiprock
11. Mississippi Band of Choctaw Indians

1989 Adult/Juvenile

1. Sac & Fox Nation
2. Ute Mountain Ute Tribe
3. Gila River Indian Community
4. Salt River Pima/Maricopa Indian Community
5. Colville Confederate Tribe

It is our position that these 16 projects be included in FY/93 and out year funding requests. Considering the time that has elapsed, the money and man-hours already invested, and the dire need for detention facilities throughout Indian country, we recommend that FMCC proceed to complete the 16 projects in all phases of FONI, through construction. To make the initial substantial investments and not follow through would be an injustice and waste of government funds.

We would appreciate your support by the assignment of a high priority to this request in order to complete all of our critical goals.

Mr. MANATOWA. I would like for Eugenia Tyner-Dawson to testify.

Ms. TYNER-DAWSON. Thank you, Mr. Chairman. My comments will be brief and they are specific to recommendations of the Sac and Fox Nation on legislation for Indian detention centers.

We would like the legislation to consider directing all federal departments and agencies that are responsible for the care of juveniles to include the facilities as priorities in their missions, their programs and their services. We would also like the legislation to provide waiver authority of regulations to allow the tribes the flexibility needed when we run into such regulations that bring barriers in developing our programs and our services for the juvenile population.

We would also like the language to provide for participatory consultation with tribes in the development of regulations and we are suggesting a negotiated rulemaking process. The regulation process normally does not have adequate representation of tribal issues, their concerns and their needs.

We are also proposing that for the construction of the facilities, that the elimination of the federal acquisition regulations are necessary. They are cumbersome; they are near impossible for tribes to meet. We have been very fortunate in self-governance that the federal acquisition regulations do not apply for our construction project and it has helped us get through this process efficiently and we have sufficient tribal procurement regulations and policies in place that work quite well.

Of course, as a self-governance tribe, we ask that the legislation recognizing self-governance tribes be in the construction and operation of those facilities. We have also noticed that Congress is considering appropriations in a crimes bill and it is a very large amount of funding. We ask that there be consideration to earmark funds for the Indian juvenile detention facilities to ensure the funding will reach the tribes.

Thank you for allowing my comments.

Mr. KECKLER. Good morning. I would like to speak on some issues specific to juvenile detention and the issues I would like to speak about are the PONI process itself, the effect of juvenile detention standards, how appropriations should continue through the process to allow these facilities to be built, and the need for recognizing the programming needs that need to accompany the building itself.

In the PONI process, I believe this is a good process. The concepts are exactly the way tribes would like to see them. What IT does is it puts the decision-making in the tribe's hands. They are the ones that are going to have to operate this facility; therefore, they should be allowed to make decisions on how it should be constructed, which will help them ease their operations.

The process presently takes about six years to complete from the application phase through construction in the Bureau projects. However, in local or county jurisdictions that use this same process, it has been completed anywhere from 44 to 48 months, which is 2 years to 30 months less than what it is taking the Bureau projects.

And some of these projects that are now the size of these are getting up to \$15 million and cutting off two years in this process; that would save \$800 to a million dollars in escalation costs, and they are doing these in phases of four to five projects at once.

If they would save two years on each project, they would have enough funding to possibly build a sixth.

In terms of detention standards, I believe they are integral in the process of juvenile detention. Without them, we have no way to hold the existing facilities accountable for their actions. Therefore, there is a low standard in terms of what services are provided to juveniles.

The proposed standards offer a lot of minimal standards and programs, physical plant operations, administration. These, especially the physical plant, are real important. Without them you are still building facilities that are not in compliance.

I mean you don't have enough program space, some of the rooms are too small. What we want to do is provide programs and rehabilitate the juveniles. Without space it is impossible to do, or very difficult.

I would also like to speak about the appropriations of these. I think part of the delay in the process is that these projects are funded on an annual basis.

If a project in a certain phase misses completion by a month, they have to wait 11 months to go into the next phase. If you had continued funding for these projects, it would allow them to be complete within a four-year process without any undue delays.

I have seen where these projects have drawn—first ones that are in completion now have taken roughly six years, very long in terms of the six years. The tribal administration, it is possible for them to change at least two times during the project.

With this, you lose continuity in the local teams that have made a lot of decisions. The ones that initially made the decisions during the programming phase are not there now when the building is being constructed, so you have a lot of miscommunications, which hurts the project in terms of the final product.

I would also like to talk about the importance of agreements between Interior agencies. What we have is we have a juvenile detention center, whether or not the services that are being provided in this facility are any extra services. If this juvenile was out on the streets, you would be providing the services at another office.

What I would like to see is all the agencies involved in the social service system or criminal justice system develop interagency agreements where they will come to the facility and provide services if they can provide services, appropriate some funds so that the facility can hire these people to provide the services. This is the biggest piece.

All we have is a building and the idea is not to run a revolving door through the system. We want to get the kids in, provide counseling, alcoholism programming, educational services to the kids while they are there, and slowly move them back out of the system so they can become productive members of society.

That is about all I have. Thank you.

Mr. FALEOMAVAEGA. Thank you very much.

Mr. Fischer.

**STATEMENT OF CHARLES FISCHER**

Mr. FISCHER. On behalf of the Cheyenne River Sioux Tribe, I wanted to come before this committee and testify about our experiences in development and operation of the juvenile detention facility on our reservation. In September of 1991, construction began on a new generation facility which is planned using the planning of new institutions process.

Our new facility, which will open in the near future, will provide for the needs of our tribal place, the adult and juvenile detention and courts. It is a major change from our old facility which is similar to many others on many reservations, all of which I say is also true for adult facilities.

I will limit my comments to juvenile detention. The problems in our current facility are well documented. We have had litigation around incidents which occurred in the facility and the facility has been condemned.

The current facility cannot be used to house juveniles because it doesn't provide for adequate separation of adults and juveniles. Many of the following ways are expensive and some are ultimately destructive of the things that we are trying to sustain, but they are only options at this time.

One option is we take juveniles to the closest detention facility, more than 200 miles round-trip. This results in the isolation of the juvenile from his family. We believe this is critical to work with juveniles and their families even while they are in detention to avoid further weakening of the ties between the youth and the family and the community.

When we can, we place juveniles in non-secure, emergency shelters. The shelters are extremely reluctant to take acting-out, intoxicated adolescents which are a large part of the juveniles seen by our police department. Another option is to return juveniles to the parents and guardians who are often unable to manage the juvenile even with the hope of social service assistance.

This has led to a revolving door effect of juveniles in our court and social service systems. We see the juvenile program at our new facility as a way of helping stop this cycle.

We began the planning process in 1987 as one of the first projects built using the PONI process. It was not easy. But we believe that this process has resulted in a number of positive changes. The project was planned with a team of representatives from the tribe who made decisions about how we wanted the juvenile program to work.

This team included representatives from a number of programs that serve youth. This has led to a facility in which tribal, Bureau and Indian Health Service programs will provide services to juveniles. And the facility will provide social services, religious services, including traditional practices, mental health and substance abuse counseling, education programs including current health issues. We decided to use a variety of methods to provide those programs, including some new funds, some funds from existing programs, and some help from volunteers.

If we had not had the support of a number of people at all levels and if we had not used this process, I do not believe we would have these programs available for the facility today. Instead of a facility

in which we would hope to begin the healing process for juveniles, we would have created another juvenile warehouse which would ultimately not meet our needs.

By looking at the needs of the juvenile population together, many of the program entities on the reservations have begun to seek additional funding to widen the services they provide to this troubled population. A good example is the Indian Health Services' selection of the Cheyenne River Counseling Services to participate in the juvenile sexual offender program. This should help our program entities to strengthen their working relationships.

We are optimistic that we can continue to find ways for all our programs to work together effectively. We began preparing for operating the building at about the time construction began. This allowed us to develop the programs that I have mentioned, to develop operating manuals, and to hire and train staff, thus avoiding the embarrassment experienced by some projects in the past of having a building but no money to operate it.

We will soon be opening a facility that is one element of our youth service system. This facility has a designated and dedicated juvenile staff who have been trained in operating juvenile detention centers. Our facility and our program are being designed to allow us to meet modern juvenile detention standards. We look forward to being a model program and hope to share our experiences in this process so that others can learn from our experiences.

This process, though not easy, is not without problems. As I mentioned, we began this process in 1987. We did not have adequate funding for this facility when we started. As a result, we had several periods when the project was on hold while we secured additional funding. This led to changes in our project team.

Although we were able to survive these periods because we had a good clear picture of where we were going and had the support from the Bureau and the tribe, the longer the hold, the more difficult it is to start again.

These projects need to be moved more rapidly. To do that there needs to be a continued source of revenue for all stages of these projects, across multiple budget years. Just as there were changes on our project team, there were changes in personnel who worked on the project for the Bureau and the contractors that were used. We believe some of the difficulties we have experienced in construction and preparing could have been avoided if we had more program consistency.

When we began, we did not have any standards that would tell us what a good juvenile detention facility and programs were. Trying to adapt standards from other sources to our community, with its particular culture and programmatic needs, was not effective. We have worked with the draft of the BIA standards and feel confident we will meet any legal tests to come. Having standards in place that address the specific needs and concerns of detention and law enforcement in Indian communities would have made this process easier.

It is very difficult to coordinate all different budgets and budget cycles. We believe our decision to use some of our current resources for this program is the right one, but it is difficult to coordinate funding. There are many possibilities for our program in budget

submission, but failure to secure funding for a critical element because someone does not see the relationship between detention and education is troublesome.

In addition to coordinating capital and operating budgets, if you intend to use existing programs to provide services, you will need to coordinate a number of tribal, bureau and Indian Health Service program budgets. While we found it relatively easy to get support for this process at the local level, area and central office coordination of these budgets needs to be improved.

In closing, this project could not have happened if we had not had an extraordinary amount of support from the tribe and all tribal programs, from the BIA Division of Law Enforcement, and from the Indian Health Service, as well as Facility and Management Construction Center. There were many moments when the fate of our project was hanging by a thread. It could have turned out very differently. We are thankful that it has not.

We think your continued support for this type of planning project is critical. There are many other tribes who have the same needs we have; who need to use what we have learned to make their projects move more quickly. In the today's time, when we are all looking for ways to do things more efficiently, we cannot continue duplicating our services. We need your support at the top to make sure that all agencies that provide services to youth work together to meet these needs, both in and out of detention.

At the very least, we need to have agreements between the key agencies, such as the BIA Division of Law Enforcement, Indian Health Services, BIA Division of Social Services, BIA Office of Substance Abuse and BIA Education to support cooperative staffing and operation of these facilities.

In conclusion, I want to issue to each and every one of you an open invitation to come and visit our facility. We look forward to seeing you. Thank you for allowing me to present testimony on behalf of the Cheyenne River Sioux Tribe.

Mr. FALEOMAVAEWA [presiding]. Thank you, Mr. Fischer.  
[Prepared statement of Mr. Fischer follows.]

TESTIMONY OF  
THE CHEYENNE RIVER SIOUX TRIBE  
EAGLE BUTTE, SOUTH DAKOTA 57625  
BY FESTUS FISCHER, ADMINISTRATIVE OFFICER  
FOR CHEYENNE RIVER SIOUX TRIBE LAW ENFORCEMENT

\* \* \* \* \*

Hau! On behalf of the Cheyenne River Sioux Tribe, I greet you with a good heart and I extend my hand to you in friendship. For the record, my name is Festus Fischer. I am a member of the Cheyenne River Sioux Tribe and the Administrative Officer for the Cheyenne River Sioux Tribe's Law Enforcement Program.

It is an honor to have been invited here to speak by the Chairman of the House Subcommittee on Native American Affairs, Congressman Bill Richardson, about the Cheyenne River Sioux Tribe's experiences regarding the history, planning, design, construction, development, and implementation of the treatment component of the Tribe's Juvenile Detention Center, the facility itself and problems associated therewith.

OVERVIEW

The Cheyenne River Sioux Tribe is comprised of four of the seven bands comprising the Oceti Sakowin or Seven Council Fires of the Great Sioux Nation (Tetonwan Lakota), i.e., the Itazipco, Minnicoujou, Oohenonpa and Siha Sapa. The Tribe is located on the Cheyenne River Reservation, the exterior reservation boundaries contain approximately 2.8 million acres in North-Central South Dakota. See Act of March 2, 1889, § 4 (25 Stat.

888). Roughly, 12,000 Indians live on the reservation according to BIA Labor Force statistics (which the Tribe views as more accurate than census figures because of reporting bias).

Foremost among the myriad social problems facing the Cheyenne River Sioux Tribe are alcohol and substance abuse. These problems are of especially great concern to the Tribe because the BIA Labor Force statistics tell us that the median age of Tribal members is 19. So, we know that despite the ongoing efforts of the Tribal Law Enforcement's D.A.R.E. Program to educate children attending reservation schools about the dangers of alcohol and substance abuse, inevitably the numbers of youthful offenders and alcohol and substance abusers will continue to rise along with their presence in the population. Hence, we believe that in the not too distant future the need for the space to detain juveniles in the new facility will exceed its capacity.

With respect to the facility, it is outrageous that before the facility receives its first juvenile inmates, facility financial resources and available space within the facility will be inadequate to address the burgeoning numbers of juveniles who are in need of the services to be offered at the facility and who are court-ordered to participate in them.

The primary reason for this shortfall in resources is that the facility was planned without a thorough examination of reservation demographics. It is clear that the increase in the number of juvenile offenders parallels the increase in juvenile population throughout the reservation. In addition, according to

the latest statistics from the BIA and the Indian Health Service, the fastest rise in the numbers of any Cheyenne River Reservation age group is the population segment between the ages from birth to 19. Hence, the project planning for facility resources and the amount of funding necessary to hire personnel to properly operate the facility, should have been done with an eye to the future through analysis demographic data with an emphasis on the needs of our future leaders, our youth.

#### HISTORY

For more than two decades, the Cheyenne River Sioux Tribe has known that it was in serious need of a new law enforcement/detention facility. See Letter of C.R.S.T. Police Chief M. LeCompte to Bill Richardson, Chairman, House Subcommittee on Native American Affairs, November 3, 1993, p. 1 ("The building which served as a jail for nearly 35 years has been condemned due to critical deficiencies."). This was the major catalyst in the Tribe's efforts to obtain requisite funding for the construction of a new facility. In addition, in 1980, Dakota Plains Legal Services filed a habeas corpus action against the Tribe, on behalf of an Indian juvenile entitled White Shield v. Garreau. The case culminated in a stipulated agreement approved by the court. Before the United States District Court for the Central Division of South Dakota, the Tribe agreed to cease placing juveniles in the old facility. The Tribe recognized that the health and safety of the juvenile inmates was of paramount importance and that they should not be endangered any longer nor have their civil rights violated by being housed in a condemned facility. Id.

Two years Later, the Tribe was still attempting to bring the old facility into compliance. The C.R.S.T. Tribal Council Minutes of July 6, 1982, at pp. 28-31, record the correspondence between a Dakota Plains Legal Services Paralegal and the Tribe two years after White Shield, regarding the areas which the Tribe failed to improve at the old Tribal jail. Dakota Plains Legal Services Paralegal Ditton writes:

Juveniles are still being held in the same cell in the jail. I inspected the jail itself and the glass on the peephole was still shattered leaving jagged edges and there was water standing on the floor by the toilet. I suspect there may have been a leak from the toilet. There was one male juvenile in the cell. He had several magazines and toilet paper, but that appeared to be the extent of his personal possessions. I checked the shower and it was functioning with hot water, but it clearly had not been used for a while. In a large paper bag, rubbish was being stored in the shower. The juvenile told me he had not showered.

I later asked the chief of Police what he knew about the plans for a new juvenile facility. He said that he that one should be built just north of the jail. Apparently there is a holdup as there is not enough money. Plans have been prepared, the Special Officer, is involved.

Despite the extremely poor conditions for juveniles at the old facility, the Tribe was unable to obtain funding to renovate the existing (condemned) facility or to construct a new one for nearly ten years. Thus, per the District Court's order in White Shield, supra, juvenile offenders were routinely sent to the Standing Rock Sioux Tribe's Law Enforcement Detention Center at Fort Yates, North Dakota -- approximately one hundred five miles from Eagle Butte, one-way. Meanwhile, adult offenders continued to be housed at the old Tribal Law Enforcement/Detention Center/Courthouse.

CURRENT STATUS OF THE OLD FACILITY

In fact, as the SubCommittee meets here today, juvenile offenders are still routinely sent to the Standing Rock Detention Center, just as adult offenders continue to be housed at the old Tribal Law Enforcement/Detention Center/Courthouse.

PROBLEMS WITH THE NEW FACILITY

Leaving aside the adult detention situation, and focusing on issues relating to juveniles and their needs, problems with the facility include:

- 1) Despite the objections of the Tribe, for years, the project was referred to by the BIA as a renovation project. The approximately thirteen years it took the Tribe to obtain a special appropriation from Congress for the construction of a new facility in Fiscal Year 1987;
- 2) The amount of time it took the Bureau of Indian Affairs to initiate construction after Congress appropriated the requisite funds;
- 3) Project planning for facility resources, especially funding for personnel to operate the facility, failed to account for the future through demographics. Thus, the needs of our youth were not planned for;
- 4) Architects involved in the facility's construction failed to ensure the provision of appropriate security devices and/or measures to protect staff and inmates alike. In addition, the BIA did not have a formal review of the construction plans prior to initiating construction. This necessitated additional construction and in some cases the

dismantling and reconstruction of areas of the facility in order to ensure the safety of staff, juvenile and adult inmates;

- 5) Lack of requisite funding to finance the transition between the old facility and the new;
- 6) The lack of funding to provide for the employment of critical facility staff such as counselors to meet the needs of abused, suicidal, and alcohol or substance abusing juveniles;
- 7) Facility staff have not received training in the care, treatment and special needs of juvenile inmates/clients; and
- 8) No funding is available to provide such training to facility staff to meet the (special) needs of juvenile inmates/clients;
- 9) There is no single staff member or entity responsible for coordinating the delivery of services and/or the provision of resources to care for, treat and/or meet the special needs of juvenile inmates/clients;
- 10) There is only one Juvenile Probation Officer and he cannot possibly supervise the juvenile offenders already in the system. Therefore, juvenile offenders will not receive adequate supervision in the event they are sentenced to do community service work, are sentenced to probation instead of detention or upon completion of their sentence when they leave the Juvenile Detention Facility;
- 11) Funding for the Juvenile Detention Facility does not include money to provide teachers, tutors or educational

technology to juvenile inmates, although curriculum materials would be available from the BIA schools<sup>1</sup>. So, they will not have the opportunity to keep up with their classmates while they are under detention. Thus, as the inmates attain majority age, their educational levels and employment opportunities will likely be reduced. This will further strain the minimal social service monies available to the reservation;

12) The Tribe has not been notified officially on the funding allocated to operate the detention portion of the new facility in Fiscal Year 1994. The Tribe has requested, in writing, through the Agency Superintendent's Office a tentative budget to enable the Tribe to prepare for FY 1994, to date the Tribe has received no response;

13) In Fiscal year 1993, the Tribe received only \$450,000, i.e., one half of the funding necessary to operate the detention facility when fully operational. This was inadequate to allow for the hiring of requisite personnel to be trained to operate the facility when it became fully operational. The consequence was that the Tribe had to take money from the Law Enforcement patrol budget and use it to fund the remainder of the detention portion; and

14) The special appropriation for Fiscal Year 1994 needs to become permanent, reoccurring base funding. Otherwise, the

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<sup>1</sup> Currently, there are no educational staff that have the required security clearance to enter the secured portion of the facility. This is problematic since none of the detention staff have teaching certificates and so are not properly qualified to teach the juvenile inmates.

Tribe will never have the ability to develop the facility in a stable, consistent manner.

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ASSISTANCE FROM IHS AND BIA RESOURCES

In the Fiscal Year 1993 amendment to the Memorandum of Agreement between the Department of Health and Human Services' Indian Health Service (hereafter "IHS") and the Department of the Interior's BIA, page 2, section V (1) entitled Scope of Work, provides:

Juvenile Detention Centers -- The IHS will enhance BIA juvenile detention centers with substance abuse staff for a social detoxification program within funding constraints of Congressional mandates. The IHS will also be included in the planning and location of future centers.

Id. emphasis supplied. The IHS does not have any funding to provide a social detoxification program. The Aberdeen Area IHS channels money for detoxification to the Tribal Alcohol Program. So, except in narrow circumstances involving serious medical problems to inmates, there is no IHS funding at the local hospital. Moreover, the resources of the Tribe's Alcohol Program are seriously overtaxed in terms of its existing caseload throughout the reservation<sup>2</sup>. Therefore, it is unclear to what extent substance abuse staff will be available to implement the said social detoxification program.

At page 2, section V (2), the IHS-BIA agreement further provides that:

Adolescent Regional Treatment Centers -- The IHS will continue to enhance existing centers and maintain the

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<sup>2</sup> The reservation is about the size and shape of the State of Connecticut.

completion of additional centers as a priority. The BIA will work closely with IHS in identifying education resources (curriculum, libraries, recreational, facilities, computers, funds for teachers, etc.), within funding constraints. . . .

Id. emphasis supplied. Indeed, in a memorandum received November 3, 1993, from the BIA's Cheyenne River Agency Superintendent of Education Dr. C. Farlee:

Educational services would be provided to the juvenile as a cooperative effort between the school and the Center. The school would provide the curriculum, books and materials. Technology could be incorporated into the educational setting allowing for computer networking and instructional television. It would be recommended that an elementary and a secondary instructor be employed. Current funding levels would not allow for the technology or the employment of the instructors. The positions would be subject to a security clearance.

Id. emphasis supplied.

Even with a statutorily authorized memorandum of agreement between these two agencies -- each with a trust responsibility toward the Tribe -- the scope of work for both agencies is entirely contingent upon available funding. Thus, there is no certainty at all that there will be any assistance forthcoming from either agency.

Historically, lack of funding is the single most common excuse for the failure of federal agencies to provide requisite assistance to Indian tribes and their members. Accordingly, the Cheyenne River Sioux Tribe recognizes that the primary assistance it needs is in the form of hard dollars appropriated annually by Congress specifically for the ongoing operation of the Juvenile Detention Center.

Conclusions

As a member of the Cheyenne River Sioux Tribe and the Administrative Officer for the Cheyenne River Sioux Tribe's Law Enforcement Program, I ask for your assistance in helping the Tribe to meet the special needs of its youth, especially those who have been abused, neglected, fallen victim to alcohol or substance abuse and have become youthful offenders.

I urge you to join the Tribe in its quest for the necessary funding to employ the personnel needed to implement the programs critical to the operation of the facility and so the future of children throughout the reservation.

This is one area in which the United States' trust responsibility is the linchpin to ensuring that people who really care about Indian children can offer the youth "an ounce of prevention" by ensuring that there are programs to help the children least able to identify their problems or to seek appropriate solutions. If you believe as I do, that this is the only way to make the future better, then help us to ensure that the children get the help they need and deserve. After all, they're the reason we're all here today, aren't they?

In closing, I ask that you appropriate sufficient funding to help us help ourselves. It all starts with the children.  
Pilamaya pelo!

Mr. FALCOMVAEGA. The testimonies that have been given thus far, there seems to be a common thread here running from the witnesses in terms of the problems that we are confronted with. Inordinate delays in the process, whatever that process is; a lack of funding; restrictive regulations; and nonrecognition of the serious gang problems that some of the tribal members have shared with the committee this morning.

I suppose the option available for the committee here is to pursue some kind of a legislative route if this is the only way that we can resolve some of these problems. I wanted to ask Ms. Hargrove if the BIA has given the Puyallup Tribe any kind of assistance as far as gang activities are concerned? Have they sent funding of some sort to help the tribe or is this something that is not available from the Bureau of Indian Affairs?

Ms. HARGROVE. Mr. Chairman, the Bureau has been very cooperative with the tribe. The problem that we are having is not with the Bureau but, as you stated, the funding, or the resources to be able to provide the necessary programs or answers to our situation.

To give you an example, they did give us the one-time monies in the situations that we addressed earlier, over the last year, and they also sent up their representative out of Albuquerque, who just happened to come up during another funeral and had firsthand experience as to what we have been encountering on the reservation.

He did attend that funeral and the Captain was sharing this with me earlier, and I will pass it on to you. The gentleman, Mr. Armstrong, our chief of police, had taken him out to various locations of gang hangouts, and while he was at one of those, taking in one of those spots, he was taking pictures of the graffiti on the walls and was encountered by some gang members. So he immediately jumped in his car and booked out of there rather quickly.

So, yes, they have been responsive. Again, to the extent that their resources do allow them.

Mr. FALCOMVAEGA. Has the Puyallup Tribal Council specifically identified this as a very serious issue, as far as gang membership within the youth organization, within the council? I mean, how many juveniles are you referring to?

Ms. HARGROVE. On our reservation, again there are approximately 32,000 Indian people that live on the Puyallup Reservation. Of that, approximately 20,000 are below the age of 24. And, yes, the Puyallup Tribal Council does take this very seriously.

Mr. FALCOMVAEGA. You mentioned earlier this is an urban tribal organization, but you do have a reservation in that respect?

Ms. HARGROVE. That is correct. Again, two-thirds of the city of Tacoma is located on our reservation. Our reservation encompasses 1,800 acres.

Mr. FALCOMVAEGA. Are you receiving any assistance from the State and county levels of government by way of the expertise that is available in the State resources?

Ms. HARGROVE. Maybe I can have our chief of police respond to that one.

Mr. LADUCER. Yes, we work very well with the other municipalities in Tacoma and Pierce County. We have had joint training with them also. We meet weekly with them on the gang issues and for,

as I said, identification of new gang members or new affiliates that come into the area.

It is definitely an ongoing problem. The Puyallup Tribe has done their best in assisting the community, not just within the community but the community in general in trying to combat this problem. It is just overwhelming.

Mr. FALEOMAVAEGA. Is the Puyallup Tribe the largest tribe in the State of Washington, by way of population?

Ms. HARGROVE. As far as the——

Mr. FALEOMAVAEGA. Numbers.

Ms. HARGROVE. The services we provide, yes.

Mr. FALEOMAVAEGA. The numbers. Is your tribe the largest in the State of Washington?

Ms. HARGROVE. Tribal members, no. We are a smaller tribe. We have 1,800 tribal members, but, again, provide services for all Indians in the area.

Mr. FALEOMAVAEGA. I see.

Mr. Manatowa, you indicated in the State of Oklahoma there are 40 other tribes plus represented in the State. Do you consider this facility that you have suggested, that the services can also be made available to other tribes?

Mr. MANATOWA. Yes, sir, Mr. Chairman. We sent out information to the other tribes giving them the information on our center and asking them to reply to us. I would like to let Gina proceed here a little bit with the comments because she has been directly involved in this.

Ms. TYNER-DAWSON. Mr. Chairman, we have requested some form of intent on the part of the tribes and whether or not they want to utilize the facility. Information we sent out to all tribes in the State of Oklahoma, and 34 of those tribes have responded back to us in a positive manner. So there are only six remaining tribes that have not indicated to us positively or negatively that they desire to use the facility that we propose to construct.

Mr. FALEOMAVAEGA. The intent then, is to house how many juveniles at this facility?

Mr. MANATOWA. It is designed for, at this point, a 60-bed facility. I omitted earlier in saying this in my testimony.

Mr. FALEOMAVAEGA. Well, I want to thank all of you for your testimonies this morning. Again, the record will be open for two weeks if you want to provide the committee with additional information or materials for our review. Thank you very much.

We do have for our last panel, Mr. Wyman Babby, the Acting Deputy Commissioner of Indian Affairs and accompanied by Mr. Theodore Quasula, the Chief, Division of Law Enforcement; Mr. Jerry Schwiegert of the Office of Construction Management; Dr. Johanna Clevenger, the Chief of the Branch of Alcohol and Substance Abuse Program, Indian Health Service, accompanied by Mr. Tom Crow, Chief of the Branch of Environmental Health, Division of Environmental Health, Office of Environmental Health and Engineering, and Dr. Craig Vanderwagen, Director of Division of Clinical and Preventive Services.

Welcome to the hearing this morning and we will have Mr. Babby start our testimonies.

Mr. Babby.

**PANEL CONSISTING OF WYMAN BABBY, ACTING DEPUTY COMMISSIONER OF INDIAN AFFAIRS, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY THEODORE R. QUASULA, CHIEF, DIVISION OF LAW ENFORCEMENT, AND JERRY SCHWIEGERT, OFFICE OF CONSTRUCTION MANAGEMENT; AND DR. JOHANNA CLEVINGER, CHIEF, BRANCH OF ALCOHOL AND SUBSTANCE ABUSE PROGRAM, INDIAN HEALTH SERVICE, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ACCOMPANIED BY TOM CROW, CHIEF, BRANCH OF ENVIRONMENTAL HEALTH, DIVISION OF ENVIRONMENTAL HEALTH, OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING, AND CRAIG VANDERWAGEN, DIRECTOR, DIVISION OF CLINICAL AND PREVENTIVE SERVICES**

#### **STATEMENT OF WYMAN BABBY**

Mr. BABBY. Good morning, Mr. Chairman, and members of the committee. I am pleased to be here to discuss juvenile detention facility construction, operation, and other related issues. I have with me today, Mr. Ted Quasula, Chief of our Division of Law Enforcement and Mr. Jerry Schwiegert, who is representing Mr. Oscar Mueller, the Acting Director, Office of Construction Management in the Department. They will assist me in responding to any technical questions the committee may have.

The Division of Law Enforcement is responsible for detention operations and program planning for new facilities. The Office of Construction Management is responsible for construction and fiscal planning. The Bureau of Indian Affairs' [BIA] Facilities Management and Construction Center in Albuquerque is involved with planning, design and construction and repair of BIA detention facilities.

I will begin by providing a general background on detention services on the Indian lands we serve. We have 67 detention facilities, of which 41 are BIA owned, and the remainder are owned by the tribes. Together, the BIA and the tribes have 1,846 beds available. Indian reservations, without detention facilities, contract with local counties or cities for jail space. Contract costs vary from about \$25 to over \$100 per day.

At some locations, because there are no facilities either on the reservation or nearby off-reservation; juveniles simply are not arrested or incarcerated. Most youth offenders are arrested for alcohol-related crimes. There are times when juveniles are violent and combative, particularly when under the influence of alcohol or drugs. They are housed in adult detention facilities separate from adult inmates. These custody holdings are brief and usually a last resort and sometimes at the request of family members who cannot control the juvenile. Placing juveniles in the same cell space with adults is strictly prohibited.

We have only six facilities totally devoted to juvenile detention on Indian lands, with a total of 87 beds. Tribal judges are frustrated that there are no facilities to hold and control repeat juvenile offenders. Many juvenile offenders know there is little or no chance of being incarcerated for violating tribal ordinances. Tribal

judges have gone the limit in exercising alternatives to incarceration.

Most existing detention facilities are 20 to 30 years old and do not meet many standards for accreditation or current building codes. In fact, most of the facilities are in such poor condition that they need total replacement. Most facilities have far out-lived their life cycle, tend to be run down, and are severely overcrowded, especially on weekends.

Some facilities are merely holding facilities, without program services such as onsite health care, education, substance abuse, work release or recreation programs. Tribal judges have ordered some facilities to be closed and others to be repaired.

Many of the tribal facilities were built by the former Law Enforcement Assistance Administration under the Department of Justice in the early 1970s. Historically, in the BIA, detention facility needs have had to compete with school construction. The BIA has prioritized the latter under a formal application procedure. We believe it is important to say out front that our capability to provide detention services, either for adults or juveniles, has not met the demand.

Detention facilities are extremely expensive to build and to operate. A conservative estimate is \$2 million to \$10 million per facility to build and about \$700,000 to \$1.5 million to operate annually.

As provided for under the Indian Alcohol and Substance Abuse Prevention and Treatment Act, Public Law 99-570, the BIA published a Federal Register notice ranking applications for juvenile detention facilities for Indian youth. Forty-six applications were received and ranked. The Division of Law Enforcement, Office of Construction Management, Office of Facilities Management, Indian Health Service [IHS] and the National Indian Justice Center participated in the ranking. Criteria for ranking included service population, existing detention resources and youth crime rate. To date, only the number one ranked project for the Cheyenne River Sioux Tribe is near completion.

The most recent detention facility built is at the Fort Peck Indian Reservation. It began operation in July 1993. This facility was in the planning stage before the new juvenile detention facility priority listing was developed.

It is not feasible to build each of the 46 tribal applicants a separate facility. Since it takes so long to plan and build a facility, we have decided to focus on the top ten applicants. As stated, only the Cheyenne River Sioux project is nearing completion. The nine other projects are in various phases of planning, design and construction. In the fiscal year 1994 budget to Congress, we have included \$2 million for detention facility repair as a separate line item. Operational costs of new facilities also were budgeted.

We believe it is appropriate at this point to discuss the Cheyenne River facility, named after the late Walter Miner, Sr., for his many years of public service to the tribe. This facility was planned and designed with complete tribal input. A partnership was formed at the beginning involving many program officials, the Indian Health Service and BIA. A new generation facility which focuses on rehabilitation was constructed. Alcohol abuse weighed heavily on the type of construction for the facility.

The operations program includes social detoxification. Through a formal Memorandum of Agreement between IHS and BIA, IHS has agreed to provide health care resources at the facility, while BIA will provide funds for operations. We applaud tribal leadership and program managers for their efforts to reduce alcohol abuse and consider their efforts very promising. Other tribal leaders have already expressed interest in securing a similar facility which is needed at their locations. We believe it is time to stop building high security facilities and to concentrate on secure rehabilitation centers.

On a more positive note, we want to share some efforts by the Division of Law Enforcement to improve detention operations in BIA and tribal detention facilities.

We have established and filled two detention specialist positions to provide technical expertise and training to BIA and tribal law enforcement and detention personnel. They also serve as program experts for new detention facility planning, design and construction, and conduct reviews and inspections of field detention programs.

In order to keep abreast of the latest issues on detention, the BIA, at the headquarters level, has become associated with experts in the detention services field. We have worked closely with the Department of Justice's National Institute of Corrections and the Office of Juvenile Justice Delinquency Prevention. Both offices have actively provided expertise in planning, design, operation and training for both adult and juvenile detention facilities. The Chief of the Division of Law Enforcement Services serves on the National Sheriffs' Association Corrections and Detention Committee.

We have developed new standards for BIA and tribal adult and juvenile detention, community residential, and holding facilities. These standards will be published in Title 25 of the Code of Federal Regulations. They will provide uniform guidelines for facilities and program operations. The standards will also serve as a basis for developing policy, procedural manuals, and for providing training. These policies and procedures will enable Indian country detention centers to be professionally operated.

We have adopted a new process for new detention facilities entitled Planning of New Institutions (PONI). The PONI program is taken from the National Institute of Corrections (NIC) with some modifications to meet Indian country detention needs. It is a participative process consisting of six steps: application, validation, programming, design, transition and construction. This process will be published just before the top ten juvenile facility projects are completed and it will be used for future priority projects.

We also plan to publish a new process in the CFR for, ranking detention facility construction and repair projects, similar to the recently published proposed rule for Indian education facilities. We have already held public tribal consultation sessions. We believe a notice is important so that all tribes are made aware of the basis for new construction and repair. The proposal provides an opportunity for tribes and tribal organizations to apply for facilities construction projects which are new starts, major expansions, major replacements, improvements and repairs, facility component re-

placement, and additions and expansions of federally owned, leased or contracted law enforcement facilities.

The criteria for rating and prioritizing projects will be based on: one, the extent of the law enforcement problem; two, the alternative detention facilities; three, the support for the detention facilities by involved entities; four, the population served; fifth, the regional or joint use projects; sixth, the identification of pending court mandates; and, finally, the detention standards and building codes compliance.

Training for detention officers has been increased. The BIA provides law enforcement and detention training at the Indian Police Academy, located at the Federal Law Enforcement Training Center in Artesia, New Mexico. The many liability issues involved with detention facilities and operations required that we expand the training course from two to four weeks. Current standards mandate both tribal and BIA detention officers to satisfactorily complete the training course. In addition, we have formed a group of experts, including tribal and BIA personnel in charge of detention facilities, to help us develop a supervisory detention officer course. The course will be introduced this fiscal year.

Further, the BIA has a formal agreement with IHS for detention facility inspections. Annually, the Division of Environmental Health Services, IHS, inspects tribal and BIA detention facilities, then provides reports of deficiencies. Unfortunately, there are many reports reflecting poor facility conditions and reports involving faulty structural conditions. Sometimes, these deficiencies can be properly addressed within available resources.

Detention facility records-keeping is conducted manually. This makes it very difficult to gather timely and accurate statistics on a nationwide basis. The Division of Law Enforcement has been working hard to develop a nationwide automated law enforcement management information system. This new system is about 50 percent complete and the target date for full implementation is fiscal year 1996.

This system will allow BIA and tribal law enforcement to be a part of the annual Federal Bureau of Investigation crime report as required by Subtitle I of Public Law 100-690, the Uniform Federal Crime Reporting Act of 1988. We have planned and designed the new automated system to include detention records. This will ensure better data on detention facilities.

In February 1992, the Division of Law Enforcement joined the University of Colorado, Health Science Center, National Center for American Indian and Alaska Native Health Research, Suicide in Jails Advisory Committee. The committee is coordinating a study on the incidence and characteristics of suicides and suicidal behavior among Indian jail detainees. From the study, the meaning of suicidal behavior among American Indians will be better understood, which will lead to prevention strategies and intervention programs.

Finally, we would like to present two issues that require legislative action. The first has to do with specific congressional authority to the BIA to repair or renovate tribally owned detention facilities. Many tribes have requested that the BIA repair or renovate tribally owned detention facilities. Absent specific congressional lan-

guage, it is the BIA and OCM position that only BIA-owned detention facilities are eligible for improvement and repair through funds from the FMCC facilities improvement and repair construction program. Many tribes do not have adequate resources to maintain their facilities; therefore, considerable facility deterioration affecting safety exists.

Second, we believe we must bring to the attention of this committee the issue of young Indian offenders who commit serious federal offenses, particularly sexual abuse involving other children. United States Attorneys have denied prosecution, saying that the federal system does not have juvenile offender detention facilities. Consequently, these cases may be tried in tribal courts, where we know for sure there are limited or no detention, rehabilitation or treatment services. We strongly urge the United States Bureau of Prisons provide detention/rehabilitation capability for these young offenders that commit serious federal offenses.

I would like to emphasize that the Justice Department and the BIA are most interested in working with this committee and other government agencies to address the lack of juvenile detention and rehabilitation facilities and services on many Indian reservations.

This concludes my prepared statement. I will be happy to answer any questions the committee may have.

Mr. FALEOMAVAEGA. Thank you, Mr. Babby.

[Prepared statement of Mr. Babby follows:]

STATEMENT OF MR. WYMAN BABBY, ACTING DEPUTY COMMISSIONER OF INDIAN AFFAIRS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, AT THE OVERSIGHT HEARING BEFORE THE COMMITTEE ON NATURAL RESOURCES, SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS, ON THE CONSTRUCTION AND OPERATION OF INDIAN JUVENILE DETENTION FACILITIES.

November 8, 1993

Good morning, Mr. Chairman and Members of the Committee. I am pleased to be here to discuss juvenile detention facilities construction, operation and other related issues. I have with me today, Mr. Ted Quasula, Chief, Division of Law Enforcement (DLE) and Mr. Oscar Mueller, Acting Director, Office of Construction Management (OCM). They will assist me in responding to any technical questions the Committee may have.

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I will begin by providing a general background on detention services on the Indian lands we serve. We have 67 detention facilities of which 41 are BIA owned and the remainder are owned by tribes. Together, the BIA and the tribes have 1,846 beds available. Indian reservations, without detention facilities, contract with local counties or cities for jail space. Contract costs vary from about \$25 to over \$100 per day.

At some locations, because there are no facilities either on the reservation or nearby off-reservation, juveniles simply are not arrested nor incarcerated. Most youth offenders are arrested for alcohol related offenses. There are times

when juveniles are violent and combative, particularly when under the influence of alcohol or drugs. They are housed in adult detention facilities separate from adult inmates. These custody holdings are brief and usually a last resort, and sometimes, at the request of family members who cannot control the juvenile. Placing juveniles in the same cell space with adults is strictly prohibited.

We have only six facilities totally devoted to juvenile detention on Indian lands with a total of 87 beds. Tribal judges are frustrated that there are no facilities to hold and control repeat juvenile offenders. Many juvenile offenders know there is little or no chance of being incarcerated for violating tribal ordinances. Tribal judges have gone the limit in exercising alternatives to incarceration.

Most existing detention facilities are 20 to 30 years old and do not meet many standards for accreditation or current building codes. In fact, most of the facilities are in such poor condition that they need total replacement. Most facilities have far outlived their life cycle, tend to be run down, and are severely overcrowded especially on weekends. Some facilities are mere holding facilities without program services such as onsite health care, education, substance abuse, work release or recreation programs. Tribal judges have ordered some facilities to be closed and others to be repaired.

Many of the tribal facilities were built by the former Law Enforcement Assistance Administration under the Department of Justice (DOJ) in the early 1970's. Historically, in the BIA, detention facility needs have had to compete with school construction. The BIA has prioritized the latter under a formal application procedure.

We believe it is important to say out front that our capability to provide detention services, either for adults or juveniles has not met the demand. Detention facilities are extremely expensive to build and operate. A conservative estimate is \$2 million to \$10 million per facility to build and about \$700,000 to \$1.5 million to operate annually.

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worked closely with the DOJ's National Institute of Corrections (NIC) and the Office of Juvenile Justice Delinquency Prevention. Both offices have actively provided expertise to our planning, design, operation and training on both adult and juvenile detention facilities. The Chief, DLE, serves on the National Sheriffs' Association Corrections & Detention Committee.

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Finally, we would like to present two issues that require legislative action. The first has to do with specific congressional authority to the BIA to repair or renovate tribally owned detention facilities. Many tribes have requested that the BIA repair or renovate tribally owned detention facilities. Absent specific congressional language, it is the BIA and OCM position that only BIA owned detention facilities are eligible for improvement and repair through funds from the FMCC Facilities Improvement and Repair construction program. Many tribes do not have adequate resources to maintain their facilities, therefore, considerable facility deterioration affecting safety exist.

We believe we must bring to the attention of this Committee the issue of young Indian offenders who commit serious Federal offenses, particularly sexual abuse involving other children. United States Attorneys have denied prosecution saying that the Federal system does not have juvenile offender detention facilities. Consequently, these cases may be tried in tribal courts, where we know for sure there are limited or no detention, rehabilitation or treatment services. We strongly urge the United States Bureau of Prisons provide detention/rehabilitation capability for those young offenders that commit serious Federal offenses.

I would like to emphasize that the Department and the BIA are most interested in working with this Committee and other agencies to address the lack of juvenile detention and rehabilitation facilities and services on many Indian reservations.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.

Mr. FALCOMVAEGA. Like to turn now to Dr. Clevenger for her testimony and, without objection, both of your statements will be made a part of the record.

Dr. Clevenger.

#### STATEMENT OF DR. JOHANNA CLEVENGER

Dr. CLEVENGER. Thank you. My name is Dr. Johanna Clevenger. I assumed my position with the Indian Health Service of Chief of the Alcoholism and Substance Abuse Program branch in May of this year. I have with me Dr. Craig Vanderwagen, who is the Director of the Division of Clinical Preventive Services within the Office of Health Programs, and Mr. Tom Crow, Chief of the Environmental Health Branch, Division of Environmental Health at the Office of Environmental Health and Engineering.

The Indian Health Service involvement with the Bureau of Indian Affairs in the juvenile detention centers is focused on two programmatic areas, the facilities and the clinical health services.

First, the Indian Health Service Office of Environmental Health and Engineering provides the consultation and technical assistance that Mr. Babby has just remarked on. This is done in accordance with the Memorandum of Understanding between the Bureau of Indian Affairs and the Public Health Service concerning respective functions in the field of environmental sanitation, which is dated March 23, 1956.

As Mr. Babby has stated, the Environmental Health Services staff will be available to conduct comprehensive environmental health surveys and food service surveys for the detention centers.

I will leave for the record the summary of our involvement with the Bureau of Indian Affairs and several endeavors and focus instead on two very brief areas.

First, I want to commend what we have heard this morning in terms of leadership from tribes, because I do think our role in the Indian Health Service is to provide the technical consultation for them to do what they do best, which is, I think, to look at their needs and coordinate the efforts in education, in law enforcement, in health delivery and alcoholism treatment, and in other issues that they are addressing.

Within the Indian Health Service branch, alcoholism and substance abuse, we are looking at a more comprehensive and more complex approach to the treatment of alcoholism. No longer can we just focus on the alcoholic or the person with the disease or the alcoholism, nor just on that one person's rehabilitation. We really must look at that person as host, the agent—alcohol or drugs—but most importantly, on the environment.

The environment would include the family, the community, the richness of resources within that community as far as spiritual aspects of their life is concerned. This comprehensive approach, I think, underlines the requirements for an accessible network of services along a continuum of care.

From how I see things as a clinician, a detention experience for a young person can be the entrance to treatment into recovery. So in that aspect, it is a very key part of our getting services in this very, very important area. Part of our documentation will also underline the prevalence of alcohol in the kids who are in juvenile de-

tention centers as well as the adults in the adult centers, but we are talking about juvenile detention centers here this morning.

I also would like to emphasize that a multidisciplinary approach is quite important; that in alcohol rehabilitation we do not act solely on a person who has that one problem, but often many other problems, and so mental health services are very important for us to do a good job.

In summary, the IHS is committed to providing services along a continuum of care for individuals and families. We believe that continued coordination will improve the level of services and decrease the risk that services are duplicated or omitted. The ability to work with detention centers and the entire law enforcement and judicial systems provides new opportunities for earlier alcohol and substance abuse intervention, and this is a critical part of the overall public health strategy to address alcohol and substance abuse problems.

Thank you for the opportunity to speak and I will be happy to answer any questions.

Mr. FALCOMVAEGA. Thank you, Dr. Clevenger.

[Prepared statement of Dr. Clevenger follows:]

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
STATEMENT OF  
DR. JOHANNA CLEVINGER, CHIEF  
OFFICE OF ALCOHOL AND SUBSTANCE ABUSE BRANCH  
DIVISION OF CLINICAL AND PREVENTIVE SERVICES  
INDIAN HEALTH SERVICE

BEFORE THE  
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS  
HOUSE COMMITTEE ON NATURAL RESOURCES

November 8, 1993

Good morning, Mr. Chairman. My name is Dr. Johanna Clevenger. I assumed the position of the Indian Health Service (IHS) Alcoholism and Substance Abuse Program Branch Chief this past May. I am accompanied by Dr. Craig Vanderwagen, Director, Division of Clinical and Preventive Services and Mr. Tom Crow, Chief of Environmental Health Branch, Division of Environmental Health of the Office of Environmental Health and Engineering.

The IHS involvement with the Bureau of Indian Affairs (BIA) Juvenile Detention Centers is focused in two programmatic areas: facilities and clinical.

**First**, the IHS Office of Environmental Health and Engineering provides consultation and technical assistance to the Bureau of Indian Affairs regarding environmental health aspects of government owned facilities in accordance with the "Memorandum of Understanding Between the Bureau of Indian Affairs and the Public Health Service Concerning Respective Functions in the Field of Environmental Sanitation, (dated March 23, 1956). The Environmental Health Services staff will be available to conduct Comprehensive Environmental Health Surveys and food service surveys for the detention centers.

**Second**, the IHS, in partnership with tribes, is developing a public health approach to addressing alcoholism and substance abuse. This requires the development of a network of accessible

services along a **continuum of care**. The detention center is a facility which will regularly interface with these prevention and treatment services for individuals and families impacted by alcohol and substance abuse. Relevant IHS clinical services will be described later in the testimony.

The IHS Alcoholism and Substance Abuse Program Branch, located within the Division of Clinical and Preventive Services, Office of Health Programs. The IHS is responsible for providing a comprehensive program of prevention and treatment services to American Indians and Alaska Natives. The majority of services are delivered by tribes through Indian Self-Determination contracts. Additional contracts are let with other American Indian/Alaska Native organizations. The Branch currently provides administrative support and technical assistance to approximately 400 contracts and IHS service unit based programs.

I would now like to present to the Committee specifics of the IHS involvement with detention centers. The IHS had limited involvement during the early phase of solicitation and selection of detention center sites as the BIA initiated the detention centers program authorized by Congress. The IHS did however, participate in a workgroup that developed Draft Juvenile Detention Center Standards in the late 1980's and which was later reconvened in 1992.

In 1992 the BIA convened a workgroup of BIA and tribal staff involved with the first group of detention centers scheduled to be open. The IHS Alcoholism and Substance Abuse and Mental Health Programs both participated in this meeting. The Alcoholism and Substance Abuse Program Headquarters and Area staff have worked closely with staff of the **Cheyenne River Tribe of South Dakota and Fort Peck Tribe of Montana**, on the development of these two centers. Tribally managed Alcoholism and Substance Abuse services exist at both sites and programs to are being designed to support a social detoxification function within the detention centers. Services will include provisions for emergency medical assessment, alcohol/substance abuse assessment, referral and, when appropriate, pre-treatment.

The Conference Report for the 1989 Appropriations requested that a joint report be prepared by the BIA, IHS and Office of Construction Management, (OCM) Department of Interior on efforts which was to include the provision of detoxification services in detention centers. The Report on Comprehensive Detention/Treatment Centers submitted to Congress in March 1990 described the need for appropriate clinical staff to address the needs of Indian detainees. The report identified detoxification services appropriate for a detention facility relying on a diversity of staff estimated to cost from \$110,000 to \$335,000.

The IHS, in the 1990 report, also identified those social

detoxification services needed for the Cheyenne River Tribe of South Dakota and other "new generation" detention facilities to be constructed. The current status of the social detoxification services will be described later in the testimony. **Social** detoxification provides for a short-term safe and supportive environment for alcohol and substance abuse withdrawal and linkages with community resources for assessment, referral and possible pretreatment services. Those demonstrating need for acute medical services are referred to the local emergency medical and hospital systems. **Medical** detoxification, if required, would occur within a hospital.

In its Fiscal Year 1992 appropriation to the Indian Health Service, Congress identified \$100,000 per detention facility to support the development of the social detoxification function at Eagle Butte and Fort Peck. In Fiscal Year 1993 these two projects were continued and an additional \$100,000 apiece was identified from IHS funds to support their development. These funds have been used for the development of policies and procedures, and staff training. These funds will ultimately support three staff per center.

I would now like to review **current** IHS detention center activities. The juvenile detention facility in Poplar opened August 20, 1993. Funds were transferred to the **Fort Peck Tribe** through Self-Determination contract to support three staff for

the social detoxification function. There is currently one counselor on board with a social worker and nurse to be hired. Twenty juveniles have been served in the social detoxification component of the detention facility to date. IHS Service Unit and tribal agreements are being negotiated to assure emergency medical back-up services. Tribal detention officers have received cross-training in chemical dependency.

The detention center in Eagle Butte is projected to open early in 1994 including detoxification services for adults. Funds have similarly been transferred to the **Cheyenne River Sioux Tribe** to support three positions. Policies and procedures for the detoxification function are currently being developed.

The next three detention centers scheduled to open include **Chinle and Tuba City, Arizona and Pine Ridge, South Dakota**. Local IHS service unit and IHS funded tribal alcohol program staff remain involved in committee meetings to plan a multi-disciplinary detention center. These centers are all at least one year away from opening. Based on FY 94 Conference action each site is projected to receive \$100,000 to support their social detoxification development and training needs.

A 1988 Survey of Indian Detention Facilities conducted by the National Academy of Public Administration found that the majority of juvenile inmates were jailed because of alcohol-related

problems, and were often repeat offenders. Once the juveniles have been processed through the tribal court system and referred for assessment and treatment, the majority are expected to be served by existing tribal and IHS funded programs and by utilizing other public and private resources.

I would now like to describe the IHS funded adolescent services which will routinely interface with the detention centers. The American Indian/Alaska Native Alcohol and Substance Abuse Prevention and Treatment Act of 1986 authorized community-based rehabilitation and aftercare programs and adolescent regional treatment centers for those youth needing alcohol and substance abuse care. Specific contract health services funds were further authorized in 1988 to support services from private/public residential treatment centers for those youth needing more intensive treatment.

The IHS currently funds 8 adolescent regional treatment centers with a ninth center scheduled to open early in 1994. These centers are located in Sitka and Fairbanks, Alaska; Shiprock and Acoma, New Mexico; Keizer, Oregon; Spokane, Washington; Tahlequah, Oklahoma; Cherokee, North Carolina, a ninth center is scheduled to open in Sacaton, Arizona. Community rehabilitation and aftercare programs exist in all service-units with the majority of programs contracted to tribes.

The IHS offers consultation to tribes to establish juvenile first

offender programs which involve courts mandating family involvement in counseling and education sessions.

The IHS is committed to providing services along a continuum of care for individuals and families. We believe that continued coordination will improve the level of services and decrease the risk that services are duplicated or omitted. The ability to work with detention centers and the entire law enforcement and judicial systems provides new opportunities for earlier alcohol/substance abuse intervention. This is a critical part of the part of the overall public health strategy to address alcohol and substance abuse.

Thank you for the opportunity to present to you. I would be happy to answer any questions.

Mr. FALEOMAVAEGA. Just a couple of questions. I never could get the proper number accurately, and maybe Mr. Babby could help me.

I read some figures that we have a total population of about 1.2 million Native Americans living in our country, and I see from other records 1.9 million. Can you reconcile these figures; tell us what the exact number of Native Americans are living in the U.S., as the Deputy High Commissioner of Native American Affairs?

Mr. BABBY. Well, I know there are different numbers used. I think where I would come down this morning, hearing the two numbers that you recited, is to say that approximately 1.5 million would be a good figure.

Mr. FALEOMAVAEGA. So we will take the middle road, then, rather than taking the extremes.

You indicated earlier in your testimony that the BIA currently has 67 detention facilities and 41 at least currently operated and owned by the BIA. You also indicated that you have now on record 46 applications for additional detention facilities according to your list of priorities. Do I gather that these are the 46 additional facilities that you intend to build in the coming years?

Mr. BABBY. I am going to ask Mr. Quasula to comment on this for us.

Mr. FALEOMAVAEGA. By all means.

Mr. QUASULA. Thank you. We have a list that was developed back in 1988, specifically for juvenile detention facilities. Some of the 46 include locations that already have some sort of detention facility. I think it would be safe to say it is above and beyond the initial 41 that are BIA-owned and the remainder that are owned by tribes.

Mr. FALEOMAVAEGA. Maybe I am not clear in my question. We currently have 41 BIA-owned; am I correct?

Mr. QUASULA. That is correct.

Mr. FALEOMAVAEGA. You now received on record an additional 46 applications for 46 additional facilities?

Mr. QUASULA. Yes.

Mr. FALEOMAVAEGA. So that means you will have a total of over 80, what, 87?

Mr. QUASULA. Yes, if they were all built.

Mr. FALEOMAVAEGA. Yes. How long do you think it will take the BIA to build the first ten BIA juvenile detention facilities on the priority list?

Mr. QUASULA. It has been stated today that since this list was developed we have not opened the doors on one yet. Using that rationale, it would be quite a while.

Mr. FALEOMAVAEGA. Of the 46 applications—and I gather you review and screen and do everything—what was the total number of applications that have been received?

Mr. QUASULA. All that applied were listed so 46 would be the total.

Mr. FALEOMAVAEGA. I see. It is not 2,000 applications and you have just put in 46 as a final number?

Mr. QUASULA. No, sir.

Mr. FALEOMAVAEGA. Okay. Your testimony discusses a training for tribal and BIA detention officers in this police academy that we

have in New Mexico, Mr. Babby. What is the involvement of that academy and how many police officers do we produce a year out of this facility?

Mr. QUASULA. If I may answer the question: the Indian Police Academy is located with the Federal Law Enforcement Training Center, which is a part of the Department of Treasury's overall responsibility for training Federal law enforcement officers, aside from the FBI and the Drug Enforcement Administration.

We have a staff of seven trainers out there in conjunction with whatever the Federal Law Enforcement Training Center provides. We have numerous training programs. Every day, I should say the entire calendar year, is taken up with some sort of training program. Except for the week between Christmas and New Year's Day, we have basic police training; we have advanced police officer training; we have firearms training, including detention officer training.

Mr. FALEOMAVAEGA. You say the total number of both police officers and detention officers going through the police academy per year. For example, this year, how many have come through the facility for training purposes?

Mr. QUASULA. I could not tell you off the top of my head.

Mr. FALEOMAVAEGA. Can you place that in the record, as part of the record?

Mr. QUASULA. Yes, we will.

[Editor's note.—This information was not received at the time of printing.]

Mr. FALEOMAVAEGA. You have heard of Governor-Elect Thomas' concern about the inordinate problems and delays, not just delays in the fact we build the facilities but then that the BIA drops the ball without providing the necessary resources. Has there been a change in that policy or are we still on the continuum of this problem of building a facility and just leaving the tribe hang without giving them the resources or the manpower, or is it because of lack of authority with the BIA?

Mr. QUASULA. I am personally familiar with that dilemma that the Governor pointed out. From my experience out in the field, with the new facilities we are planning, at least for the top ten, we have allocated the dollars to make sure that there is a proper transition, of moving funds for construction as well as providing adequate funds to operate the facilities thereafter. It is not a case where we are building a facility and letting it sit while we decide where we are going to get the money to operate it.

Mr. FALEOMAVAEGA. In our review of the 1993 inventory of BIA detention programs, there is not one BIA facility with a teacher, a social worker, a counselor or a staff. How does the BIA plan to implement a rehab program for juveniles without the appropriate staff?

Mr. QUASULA. Well, there certainly needs to be some policy changes in-house. You did hear the Indian Health Service testify that a partnership is being formed in-house. We have discussed with the education folks that just because the child is out of the classroom that does not relieve them of their education responsibility for in-custody children.

Mr. FALEOMAVAEGA. Do we have assurances from the BIA we will not take five years on average to complete and design the PONI process; have we made improvements in the process of construction?

Mr. BABBY. I would like to ask Mr. Schwiegert from the Office of Construction Management to comment on that.

Mr. FALEOMAVAEGA. Please.

Mr. SCHWIEGERT. Going back in history, let me explain one of the reasons, or some of the reasons why we did have a long delay. When the legislation was passed, in 1987, we had not built a jail or a juvenile detention center for almost 15 years. As a result, we had to try to catch up. There was a new philosophy, both in planning and design, that we had to implement in the BIA. We had to develop standards which we did not have. We were dealing with a 638 self-determination process, and we had to look at the holistic approach for using the PONI program for planning. We also were not familiar with cost estimates and a lot of the other criteria that we subsequently developed with other legal organizations; law enforcement organizations.

We think that we are, at this point, down the road far enough so that we can expedite the process substantially in the future. We still have a long way to go. When we go into an initial program, we need validation, planning, and design which may take at least several years, in most cases.

Mr. FALEOMAVAEGA. All right. We are not talking five years. You mentioned five years. What I am saying is, generally, planning and design will take at least 18 months. Two years.

Would you perhaps fault the Congress for not giving the BIA proper authorization to see that we do not get into a bureaucratic maze in trying to get these facilities going? Do you consider perhaps it is the fault of the Congress for not looking after this program? Or maybe another way, would it be safe for me to say the Bureau of Indian Affairs does not have a comprehensive program addressing this very serious issue, detention facilities and the juvenile delinquency problems affecting Native American youths?

Mr. BABBY. My reaction to the question goes something like this: Until the last two to three years, we have not had an effective response to this developing problem.

Mr. FALEOMAVAEGA. From the Congress?

Mr. BABBY. I believe we all have to share in this. We have not had the resources and, for that matter, still do not have the resources to be able to respond to events as they develop in the Indian community, as we heard this morning.

We are talking about large sums of money. The processes themselves have been slow and we acknowledge that. We would admit that they have been slow in coming together, but my view is that in the last two to three years a great deal of progress has been made.

I came from a location in the field where we completed the construction of a juvenile detention center. We did not complete that project without a commitment of total dedication on the part of the tribe. It is quite likely that without the tribal presence—the pressure that was exerted by the tribe—that it would not have become a reality even over the long period that it did take. However, it did

come together, and I would like to pick up on some comments that were made by Dr. Clevenger.

With that facility finally becoming a reality, the IHS and the BIA have been able to work together, join together, in support of the tribe's effort to make that program work the way the tribe wanted it to work. In our case, it involved a public school district, and we have involved the school district along with IHS resources, and the resources of the BIA which means that we have the medical-clinical staffs involved, as well as our social work and juvenile services capabilities from the BIA side, working together with the education staffs in the schools.

Mr. FALEOMAVAEGA. What is the total budget allocation that both the BIA and the IHS has been allotted to address this issue of juvenile delinquency, the youth detention facilities, the whole works? Has there been any estimates given on that? Can you provide that for the record, Mr. Babby and Dr. Clevenger?

Mr. BABBY. Yes, we will respond.

[Editor's note.—This information was not received at the time of printing.]

Mr. FALEOMAVAEGA. I am just curious on that. I want to see if it is not just a money question here but I am also curious what sense of priorities that both the Congress and the Administration is giving to this issue.

Mr. BABBY. May I ask for clarification on the question again, now, sir, so we make sure we understand it?

Mr. FALEOMAVAEGA. Yes. We have a budget allocation, I think annually, of almost \$2 billion provided for the needs of Native Americans, and I wanted to know what your total money allocation given to address the very issues that we have discussed this morning, on not just the facilities but as well as the whole question of juvenile delinquency involving Native Americans.

I do have a couple of questions for Dr. Clevenger, but am I clear on that question, Mr. Babby?

Mr. BABBY. Yes, sir, thank you.

Mr. FALEOMAVAEGA. I appreciate it.

It has been reported to the committee that Indian Health Services' facilities have refused to accept from detention facilities juveniles who are suicidal. Can you comment on this, Dr. Clevenger? Is there any truth to this report?

Dr. CLEVINGER. I am not sure that I can comment from much of a perspective. I can supply that for the record.

Mr. FALEOMAVAEGA. Could you, please?

Dr. CLEVINGER. Yes.

Mr. FALEOMAVAEGA. I would appreciate it.

[Editor's note.—This information was not received at the time of printing.]

Mr. FALEOMAVAEGA. I am very happy to meet you, Dr. Clevenger, as the Chief of the Alcohol and Substance Abuse Program. If this is not one area that is dear to my heart, I think it strikes at the very core and the heart and soul of the Native American communities throughout the U.S. and as to exactly what kind of priority this Administration is placing on the alcohol abuse/substance abuse program.

I think this has a direct linkage to the very things that we are discussing about juvenile delinquency and the problems with the families and the home conditions of not only our reservation Indians but also our urban Indians. I think this is very important and I would just like to assure you that you will certainly be hearing more from me on this issue and, hopefully, we will be working together to see if we can address directly some of these issues and problems that have been identified.

There was a question about whether or not the Indian Health Service provides a social detoxification program. Does IHS provide you funds for every juvenile detention facility for this detoxification program?

Dr. CLEVENGER. We have been instructed to allot \$100,000 for each detention center, and as more come on line, those funds will be allocated. They are primarily to fund three staff positions, fairly specialized staff, but also have been used, up to this point, in terms of training and also to get together the policies and procedures. So that the funds have been there and they will be for future facilities as they open.

Mr. FALOMAVAEGA. Mr. Babby, is there any intention on the part of our new Assistant Secretary, Ada Deer, to initiate any sort of a program, or comprehensive program, at least in this Administration, to address this very problem of juvenile delinquency and the gangs and the whole gamut of what we have discussed this morning?

Is there any movement in the Administration that we see some kind of a program; or if the current program is now ongoing, are we going to make it more comprehensive or is it just going to carry on the way it is now?

Mr. BABBY. The only way I have of answering at the moment is to indicate to you the Assistant Secretary's concern in wanting to do something of a significant nature; something to which people will stand up and pay attention.

To get it started, she has directed that we will undertake a comprehensive demonstration and model effort at the Pine Ridge Reservation in South Dakota. What we will be doing there is trying to bring together all of the resources available in all of the agencies that might, in one way or another, be affected.

The idea that she has is that through a concentrated effort, focused on the kinds of needs that we are talking about here this morning, the needs of young people and the communities themselves, that we can learn by working with a tribal government how to organize ourselves to effectively address these issues.

Mr. FALOMAVAEGA. Can you convey this message to Assistant Secretary Deer; that there are members of the committee that are very, very keenly interested in this problem and dealing with this?

You mentioned the Pine Ridge Reservation. A couple of years ago I went to Gallup, New Mexico. And as far as addressing the question of alcohol abuse and substance abuse, this is one area, too, that is very, very serious. Not only among Navajos but probably serious among all the tribes. And I just want to know if the Assistant Secretary is keen on this and if there are any current plans or proposals coming from the BIA to address these issues?

I would like to think that the Congress should not be the only institution to initiate some of these programs, and I am very hopeful that with the new leadership that we now have in the BIA, and I am very confident that Assistant Secretary Deer is very sensitive to these problems, we are very hopeful that maybe this is one of the things that we should address seriously and see if we can find some of the solutions to the problems that have been raised this morning.

I want to thank both of you. I want to thank all the members that have testified, and the committee hearing is now officially adjourned.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned.]

# APPENDIX

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NOVEMBER 8, 1993

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ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD



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WRITTEN TESTIMONY OF THE NAVAJO NATION  
ON INDIAN JUVENILE DETENTION FACILITIES  
BEFORE THE  
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS  
OF THE  
HOUSE COMMITTEE ON NATURAL RESOURCES

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HOUSE COMMITTEE ON NATURAL RESOURCES**

**November 19, 1993**

The Navajo Nation appreciates the opportunity to provide written testimony to the Subcommittee concerning the construction and operation of Indian juvenile detention facilities. The Navajo Nation is currently experiencing a significant rise in juvenile criminal activity and is concerned about the deficient amount of juvenile detention facilities within the Navajo Nation and the lack of available rehabilitative services. Because the Navajo Nation considers its youth its greatest resource, the Navajo Nation views this hearing as a positive step toward addressing the inadequate number of rehabilitative services for delinquent youth.

**THE NAVAJO NATION**

The Navajo Nation is the largest Indian tribe in the United States with a citizenship of over 219,198 enrolled members. The Navajo Nation constitutes more than 13 percent of all United States Indians. Our lands are located within the states of Arizona, New Mexico and Utah and are comparable in size to the state of West Virginia and constitute 36 percent of all Indian lands in the lower-48 states.

According to the 1990 Census, approximately half of the Navajo people residing on or near the Navajo reservation are below the age of 21, and the population rate is growing twice the national rate. Approximately 56 percent of Navajo families live below the poverty level as compared to 13 percent for the entire United States. The unemployment rate varies from 36 percent to more than 50 percent, depending on the season; as a result, the Navajo Nation is grossly affected by problems associated with a seriously depressed economy.

Youth violence is dramatically and steadily increasing on the Navajo Nation. A recent session of the Navajo Nation Council focused on youth and family violence where many Council members and community members discussed the prevalence of youth offenses and heightened sense of fear in many Navajo communities. It is even more apparent to Council members and community members that juvenile offenses such as juvenile physical confrontations, disorderly behavior, destruction of property and vandalism are alcohol-related.

#### **THE JUDICIAL PERSPECTIVE ON JUVENILE OFFENSES AND JUVENILE DETENTION FACILITIES**

The Navajo Nation is a sovereign nation with a three branch government: executive, judicial and legislative. The Navajo Nation Judicial System consists of the following courts: Family Courts, District Trial Courts, a Supreme Court and the Peacemaker Court. All juvenile offenses are subject to the jurisdiction of the Navajo Nation Family Court and Family Court judges have very limited options in sentencing juveniles to detention facilities. There is only one juvenile detention facility located on the Navajo Nation which has fourteen beds to serve the entire

Navajo juvenile detention population. Further, the Navajo Nation does not have access to state detention facilities to place Navajo juvenile offenders; however, in 1993, the state of New Mexico enacted legislation to allow the state to treat Indian youths adjudicated in tribal courts, but this law has not yet been implemented.

Because of the Navajo Nation juvenile detention facility shortage, only a few very serious juvenile offenders are jailed. Many other serious offenders are sent back to their communities either after booking, or in some cases, without formal booking due to lack of staff and resources. As a result, many juveniles who commit serious criminal offenses are released without any charges filed against them or, they are released back into their communities without appearing before the Family Court judge. As a result, only a few juvenile offenders serve jail sentences.

If a serious offender is charged for an offense, the offender is assigned to one of six tribal juvenile probation officers who are unable to provide the best support services to the juvenile because of their lack of resources and the limited staff available. The average monthly case load of the six tribal juvenile probation officers is 400 cases; although, over 3,200 juvenile criminal arrests were recorded in 1991, 1992 and from January to October in 1993 (*see exhibit A*). Tribal judges are not intentionally dismissing criminal juvenile cases, there simply are not enough facilities to confine the offenders. This year, the Navajo Nation courts only reported 1,300 juvenile cases, even though over 3,200 juveniles were arrested for various offenses (*see exhibit B*). As a result, over two-thirds of all Navajo juveniles

arrested are released and returned to their communities without formally appearing before the Family Court judge and benefit of rehabilitation or treatment.

#### **THE NAVAJO NATION'S TOHATCHI YOUTH DETENTION CENTER**

The Navajo Nation owns and operates one fourteen-bed juvenile detention facility, the Tohatchi Youth Detention Center. This facility is located within the eastern portion of the Navajo Nation in Tohatchi, New Mexico and was established in 1986 in response to a Consent Decree entered into by the Navajo Nation in January, 1985 (Allen v. Henderson, et al., WR-CV-85 (1985)). The decree ordered that no juvenile under the age of eighteen could lawfully be confined in any jail facility administered by the Navajo Nation which is intended to house adult prisoners. Prior to the establishment of the Tohatchi Youth Detention Center, arrested juveniles were placed in over-crowded tribal adult detention facilities. Juveniles were housed in separate cells, but were within visible and audible distance of adult inmates. The Consent Decree also required the Navajo Nation to plan and construct a juvenile detention facility on the Navajo Nation.

The Tohatchi Youth Detention Center serves the Navajo Nation's entire juvenile detention population and is funded through P. L. 93-638 (Indian Self-Determination Act). The Center's total FY 1994 operating budget is \$122,800 and is managed by a six-member staff, consisting of one Detention Supervisor and five Detention Officers. Currently, the Center receives regular, periodic inspections by the United States Public Health Service/Indian Health Service (IHS), Office of Environmental Health; Navajo Nation Division of Health, Office of Environmental

Health; and, the Navajo Nation Division of Public Safety to ensure national safety, fire and health codes are met.

At present, the Tohatchi Youth Detention Center only offers secure custody for the protection of the juvenile or the community, usually for 48 to 72 hours. This type of system is not designed to rehabilitate the juvenile. Rather, it is a system designed simply to detain individuals and it falls short of meeting the Navajo Nation's needs, given the large number of juvenile arrests.

The goal of the Tohatchi Youth Detention Center is to provide a safe and secure environment for juveniles while meeting their nutritional, emotional, recreational and hygienic needs. Unfortunately, comprehensive treatment programs, particularly rehabilitation and educational programs, are not entirely available at the Center.

The Tohatchi Youth Detention Center does not have educational facilities or a sufficient amount of educational materials available for the juveniles. During the school year, no mechanism is established to allow juveniles to attend classes at the local schools, nor is any educational instruction conducted in the center. School work may be provided in coordination with a few schools, but usually homework is furnished by parents or guardians. In addition, access to educational material and instruction is not available for those juveniles detained in the Center who attend schools located in Arizona and Utah.

As for medical services provided to the detained juveniles, emergency medical services are furnished by the Indian Health Service at the Gallup Indian

Hospital in Gallup, New Mexico, approximately thirty miles from Tohatchi. Also, detention center staff are certified in cardiopulmonary resuscitation (CPR) and attend first aid training on a regular basis.

The only "standard" counseling provided to the juveniles is conducted by a local Catholic nun who visits the facility on a volunteer basis. She conducts group discussions on stress management and makes herself available for individual counseling sessions when necessary. Social workers from the Navajo Nation Division of Social Services attempt to be available for counseling once the juveniles are released, but their case load is already at a maximum.

Also, comprehensive rehabilitative programs are not available in the Center. Substance and alcohol abuse counseling, psychological and behavioral assessment and treatment are not available on site. However, the Navajo Nation Division of Social Services may refer juveniles to off-reservation treatment programs and services. But, if a juvenile is recommended to an off-reservation treatment program, many Navajo families cannot pay for the high cost of the treatment programs nor meet the costs incurred in traveling the long distance--100 to 200 miles--between the off-reservation facilities and the homes of the juvenile.

Since most juveniles placed in the Tohatchi Youth Detention Center have committed serious offenses, the Navajo Nation must offer treatment programs to detained juveniles to combat youth violence. The Navajo Nation would like to create comprehensive rehabilitative systems for its existing facility so that it is not used primarily for the incarceration of "troubled youth."

**NAVAJO NATION ADOLESCENT ALCOHOL/SUBSTANCE ABUSE TREATMENT CENTERS**

The Navajo Nation has three in-patient adolescent alcohol/substance abuse treatment centers that only provide intensive in-patient counseling and they are not equipped to serve juveniles who need to be incarcerated for criminal offenses.

**Four Corners Regional Adolescent Treatment Center**

This center is located in Shiprock, New Mexico. Most adolescents are referred to this center by school counselors, teachers, probation officers or family members. This center serves sixteen males and eight females who are between the ages of twelve to nineteen. Treatment programs are provided to juveniles for 30 to 90 days. The Navajo Behavioral Health Board, Inc. subcontracts the operation of the center from the Navajo Nation.

**Youth and Family Intervention Center, Inc.**

This center is located in Crownpoint, New Mexico. It is a seven-bed center which serves 12 to 24 year-old American Indian males. This center provides counseling services to chemically dependent youth for a 6 to 12 month period. Independent, family and group counseling sessions are provided to juveniles during their stay in the center. The Youth and Family Intervention Center, Inc. subcontracts the operation of the center from the Navajo Nation.

**Twin Trails Adolescent Treatment Center**

This center is located in Chinle, Arizona. It is a seven-bed center which serves 13 to 18 year-old American Indian males. The facility is managed by the Department of Behavioral Health of the Navajo Nation Division of Health and it

provides a variety of counseling services. Patient referrals are made by schools, local law enforcement officials and family members; although, some individuals enter the facility on their own. Treatment programs are designed for 90 days.

**P. L. 99-570 FUNDING FOR THE BUILDING OF JUVENILE DETENTION FACILITIES IN INDIAN COUNTRY**

In 1987, Congress passed the Omnibus Drug and Alcohol Act of 1986 (P.L. 99-570). Among other provisions, this Act provided a total of \$30 million for the construction or renovation of juvenile detention facilities in Indian Country. These funds were made available to Indian tribes through the Division of Law Enforcement Services of the Bureau of Indian Affairs (BIA). The BIA's Division of Law Enforcement Services and Facilities Management and Construction Center utilized a strategic planning approach entitled "Planning of New Institutions" (PONI) to prioritize and determine which Indian tribes were in most need of juvenile detention facilities. The Navajo Nation was placed high on the list for the necessary establishment of juvenile detention facilities on our reservation.

**Phase I - Construction**

In 1988, the Navajo Nation Division of Public Safety prepared and submitted five PONI applications for the construction of juvenile detention facilities and two PONI applications for the renovation of juvenile detention facilities to the BIA. During this same application year, the Navajo Nation understands that the BIA received forty-seven PONI applications from various Indian tribes who need to construct juvenile detention facilities on their reservations. The Navajo Nation's five applications for construction were rated in the top ten, and its two applications for

renovation were rated in the top twenty; hence, the BIA acknowledged the Navajo Nation's need for construction and renovation of juvenile detention facilities on the Navajo reservation.

On September 30, 1992, the Navajo Nation received \$213,000 from the BIA to conduct all preliminary administrative tasks and monitor the progress of construction for the Navajo Nation's juvenile detention facility projects in Chinle and Tuba City, Arizona. For FY 1994 and FY 1995, the BIA has provided an additional \$240,000 for a total of \$453,000 in operational costs.

As of October 1993, the Tuba City and Chinle projects completed the Validation Study Phase, Pre-Architectural Programming Phase and Design Phase. Currently both are in the Project Organization Phase. Upon completion of the Project Organization Phase, each project will begin the Construction Phase which is expected to begin within 8 to 10 months.

The Navajo Nation Division of Public Safety negotiated professional services contracts with the Western Navajo Nation Juvenile Services Coordinating Council, Inc. and the Central Navajo Youth Council, Inc. to coordinate and oversee the transition before, during and after the Construction Phase of each project. Both of these councils are responsible for the following: transition management; facility construction; hiring of personnel; orientation and training of staff; development of facility program; community relations; acquisition of office furniture and equipment; and development of facility policy and procedure.

### **Phase II - Rehabilitative Program Development**

The principal goal of each facility is the successful reintegration of the juvenile into the community, family and school system through comprehensive rehabilitative programs and post-detention care. To achieve this goal, the Central Navajo Youth Council, Inc. and the Western Navajo Nation Juvenile Services Coordinating Council, Inc. plan to incorporate Navajo healing and traditional counseling techniques in their rehabilitative program with assistance from Navajo elders and leaders. The rehabilitation programs will be designed within the framework of the principles of the Navajo Nation's Peacemaker Court.<sup>1</sup>

By incorporating Navajo traditional healing concepts into the rehabilitative programs and services, the Navajo Nation and the Councils believe Navajo juveniles can be successfully reintegrated into the community. Most off-reservation rehabilitation programs do not provide traditional healing concepts in their rehabilitative programs and services; therefore, it is important that the Navajo Nation's juvenile detention facilities provide Navajo traditional healing for the juveniles detained in its facilities.

### **Phase III - Chinle and Tuba City Projects**

#### **Chinle Project**

The Chinle Youth Detention Facility will detain thirty males, sixteen females

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<sup>1</sup>Unlike the modern legal system, the Peacemaker court is a system of court-annexed mediation and arbitration using the traditional Navajo institutions of family, clan, community and traditional leaders who are selected on the basis of wisdom, community stature and ability to solve problems. The Peacemaker is a persuasive community leader who applies Navajo values to solve problems. Varying types of cases are referred to the Peacemaker Courts, including juvenile offenses.

and four "special management" detainees. The facility will include a classroom, dining room, medical examination room, counseling room, recreational facilities including a gymnasium, and will employ twenty-seven juvenile correction officers, three administrative personnel, five support staff, one physicians assistant, two counselors, two social workers and two educators.

The Central Navajo Youth Council, Inc. has invited participation of the BIA, IHS, and the Navajo Nation in the development of procedures and policies for the Chinle facility. Representatives from each department's Division of Social Services, Behavioral Health, Primary Care, Mental Health, Public Schools, Education and Training, Public Safety will collaborate to create and establish alcohol and substance abuse treatment programs and encourage community involvement in the facility's rehabilitative programs.

#### Tuba City Project

The Tuba City Youth Detention Facility will detain twenty-four males, eight females, and four "special management" detainees. The proposed permanent staffing includes one detention supervisor, thirteen correctional counselors, one substance abuse counselor, one physician's assistant, one educator, one administrative assistant and one juvenile services program coordinator.

To date, the Western Navajo Juvenile Services Coordinating Council, Inc. has considered the planning, development, implementation and management phases of the proposed facility, and is currently planning rehabilitation programs. The rehabilitative programs are designed (1) to place juveniles in a safe, comfortable

environment conducive to rehabilitation; (2) to educate and encourage parents of juveniles to participate in the rehabilitative process; and, (3) to develop innovative and progressive rehabilitative techniques to educate the juveniles of the consequences of their behavior.

### **RECOMMENDATIONS**

As a result of the lack of juvenile detention facilities and the rise in juvenile criminal offenses, the Navajo Nation makes the following recommendations:

- (1) Memorandums of Agreements need to be established between the Navajo Nation, BIA, IHS and local community organizations to clarify and coordinate roles and responsibilities in rehabilitating juvenile offenders placed in detention facilities and commit their resources in this effort;
- (2) the detention facilities need sufficient amounts of funding to provide comprehensive rehabilitative services and programs for the detained juveniles;
- (3) Navajo juveniles, as state citizens, should be allowed free access to all state treatment facilities in Arizona, New Mexico and Utah, including mental health facilities;
- (4) increase funding for additional court juvenile probation officers and field workers to assist with high case loads, and;
- (5) the BIA should identify the interrelated components of managing juvenile and adult detention facilities (maintenance, staffing, etc.).

If sufficient funding is provided for the juvenile detention facilities, the Navajo

Nation can ensure successful operation of all detention facilities.

**SUMMARY**

The Navajo Nation believes that juveniles placed in youth detention facilities should receive comprehensive rehabilitative treatment. Cultural-based programs in the facilities should be designed to educate the community, family and individual about the consequences of juvenile delinquency. The facility should provide education on drug and alcohol abuse to juveniles so that they are aware of the ill effects on their health, families and community.

With the limited resources and centers currently available, the Navajo Nation is working hard to upgrade and improve its juvenile detention facility shortage and rehabilitative system. BIA grant monies allocated for construction and development of juvenile detention facilities are only the beginning of this effort. The Navajo Nation will need additional amounts of funding to provide comprehensive rehabilitative programs for its youth detained in detention facilities.

The Navajo Nation will continue to be responsible and accountable in its management of juvenile detention facilities; however, even the most accountable and responsible governments cannot satisfy the needs of its people without adequate resources. The Navajo Nation looks forward to continue working with this Subcommittee to accomplish these goals.

Navajo Department of Law Enforcement  
Planning and Evaluation Section

EXHIBIT A

## NAVAJO CRIMINAL JUSTICE INFORMATION SYSTEM

Print-out date: 10-28-93

## Felony Offenses, Part I

	Jan-Dec		Jan-Dec		Jan-Oct	
	1 9 9 1		1 9 9 2		1 9 9 3	
	Male	Female	Male	Female	Male	Female
<b>Assault</b>						
*Firearm	3	0	8	0	0	0
*Hands,fist,feet aggravated	10	3	19	1	2	0
*Other dangerous weapon	29	0	21	3	17	4
<b>Burglary (Exceeding \$2,000)</b>						
*Forcible Entry	2	0				
Residence	19	2	33	2	11	1
Non-Residence	13	0	6	0	3	0
*Unlawful Entry						
Residence	2	0	3	0	0	0
Non-residence	3	0	4	0	0	0
<b>Larceny-Theft(exceeding\$2,000)</b>						
* Pocket Picking	2	1	4	0	0	1
* Purse Snatching	1	1	1	1	1	0
* Shoplifting	99	42	63	20	33	13
* From Motor Vehicle	9	0	5	0	4	0
* Motor Vehicle Parts/Accessories	1	0	0	0	0	0
* Bicycles	1	0	3	0	1	0
* From Buildings	29	1	40	3	11	2
* From Coin Operated Machine	2	0	0	0	0	0
* All Other	11	2	11	1	8	1
<b>Motor Vehicle Theft</b>						
* Passenger Car	0	0	0	0	5	0
* Pickup Truck	0	1	2	0	1	1
<b>Arson</b>						
Single Occupant Residential						
* Inhabited	1	0	0	0	0	1
Other Residential						
* Inhabited	0	3	0	0	0	0
Community Public						
* Inhabited	1	0	0	0	1	0
All Other Structural						
*Motor Vehicles	1	0	0	0	1	0
<b>Incest</b>	0	0	0	0	1	0
<b>Kidnapping</b>	0	0	1	0	1	0

<b>Liquor Laws</b>	5	8	90	22	60	24
<b>Liquor Violations</b>	83	40	16	1	8	1
<b>Narcotic or Drug Law</b>						
* Manufacturing and/or Selling	1	0	1	0	1	0
* Possession	7	0	24	4	9	0
* Transporting	1	0	1	0	2	0
<b>Sub-Total</b>	<b>336</b>	<b>104</b>	<b>356</b>	<b>58</b>	<b>181</b>	<b>49</b>
XX						
<b>Misdemeanor Offenses, Part II</b>						
* Simple Assaults/Battery	112	17	108	35	93	19
<b>Forgery &amp; Counterfeiting</b>	2	0	0	0	1	0
<b>Fraud</b>	8	6	13	5	5	2
<b>Stolen Property</b>	1	0	9	1	2	1
<b>Vandalism</b>	108	18	146	11	78	10
<b>Weapons</b>	18	0	21	0	25	3
<b>Sex Offenses</b>	5	1	2	0	8	1
<b>Offenses against Family/Child</b>	6	7	8	9	6	4
<b>Driving Under The Influence</b>	65	12	57	9	48	13
<b>Disorderly Conduct</b>						
* Breach Of the Peace	230	83	202	82	189	58
* Beyond Control	3	14	4	10	4	6
* Curfew	7	10	5	5	7	4
<b>Fire</b>						
Community Public						
* Uninhabited	0	1	0	0	1	0
Storage						
* Inhabited	0	0	0	0	1	0
<b>Property(Stolen/Damaged)</b>						
*Non-Malicious	9	1	0	0	8	0
<b>Property (Not Stolen)</b>	4	0	0	0	0	0
<b>Search &amp; Rescue</b>	0	0	1	0	0	0

<b>Courts</b>						
* Court Process Service	48	11	16	9	31	4
<b>All Others,except traffic</b>	565	189	496	141	336	95
<b>Drunkenness</b>	15	3	12	0	22	1
<b>Sub-Total</b>	1206	373	1100	317	865	221
<b>GRAND TOTAL</b>	2748	850	2556	692	1911	491
TOTAL 1991	3598					
TOTAL 1992		3248				
TOTAL 1993					2402	

**EXHIBIT B.**  
**STATISTICS ON JUVENILE OFFENSES**  
**NAVAJO DEPARTMENT OF JUSTICE**

Delinquency	Filed		
	FY91	FY92	FY93*
Public intoxication	153	165	109
Assault and battery	61	114	87
Property damage	55	84	74
Theft	83	49	58
Disorderly conduct	82	92	56
Possession of liquor	32	37	52
Driving while intoxicated	22	28	33
Burglary	27	20	29
Trespassing	20	16	24
Weapons offenses	4	18	23
Threatening	9	26	21
Resisting arrest	16	27	16
Inhalation	9	7	13
Fish and wildlife	9	6	11
Criminal nuisance	5	6	10
Marijuana	1	2	8
Warrants	3	7	0
Other	33	95	104
<b>Subtotal</b>	<b>624</b>	<b>799</b>	<b>724</b>
Children in need of Supervision	Filed		
	FY91	FY92	FY93*
Traffic Citation	157	209	211
Beyond Control	58	97	98
Truancy	10	20	68
Other	2	1	1
<b>Subtotal</b>	<b>227</b>	<b>327</b>	<b>378</b>

\* January - October 1993

11/11/93  
 National Center for American Indian and Alaska Native Mental Health Research

Department of Psychiatry  
 National Center for American Indian and Alaska Native Mental Health Research

University North Division 2455 East Seventh Avenue, MHI 111 Denver, Colorado 80202 303-733-1112	University Hospitals School of Medicine	School of Nursing School of Dentistry
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November 16, 1993

The Honorable William Richardson  
 Chairman  
 The House Subcommittee on Native American Affairs  
 1522 Longworth Bldg.  
 Washington, D.C. 20515

RE: American Indian Juvenile Detentions

Dear Chairman Richardson:

This letter is in response to a request for information of the National Center's activities, as well as perceived concerns and issues of the American Indian juvenile detention program.

The National Center for American Indian and Alaska Native Mental Health Research is a federally funded research center dedicated to improving the mental health and well being of American Indians. The National Center has gathered a group of multidisciplinary mental health professionals, approximately half being Indian, who pursue an integrated program to accomplish these goals. In addition to our research activities, the National Center also is committed to training young Indian mental health researchers and employing tribal members who can serve as a resource to the local communities with which we work. The overall program focuses on a series of issues and concerns that spring from years of discussion with communities, state and federal agencies.

One of the current developmental research interests is the assessment of psychiatric disorders among Indian jail detainees. Using a tiered approach, we believe that basic epidemiological work, which has never be done, must be completed before other work can proceed. We must know the extent of the problem, in this case, risk factors for delinquency, before designing preventive efforts to address said problem. Over the last year, we have been working with the Bureau of Indian Affairs-Law Enforcement Services and three tribal law enforcement departments in assessing the feasibility of developing a rigorous scientific study of suicidal behavior among Indian jail detainees. This has included the development of methods to characterize both the "Indian" jails and detainees they hold, protocols for site visits to the jails; pilot of these protocols on a small sample of the facilities; and the assessment of the feasibility of obtaining cooperation and accurate information concerning suicidal behavior, with special emphasis on the quality and completeness of available data.

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Much of this pilot work has been completed and, while suicidal behavior was the initial focus, our preliminary work has led to the conclusion that a more logical emphasis would be a description of the prevalence of alcohol problems and other mental disorders, including suicide, among these detainees. Actual documentation of suicidal behavior was not sufficient, and actual prevalence of suicides did not warrant continuation of a more scientific study using this mental health concern as our sole area of interest. However, the high prevalence of alcohol abuse and dependency among the detainee population was clearly indicated as a major management problem for the Indian facilities. Over ninety percent of the inmates we interviewed were under the influence of alcohol during the incident for which they were charged and subsequently booked.

We also are proposing to examine the extent to which these detainees utilize local health and mental health services including future criminal justice contacts. Thus, this basic epidemiological study can inform later intervention programming and additional research. A grant proposal is currently being prepared for a February 1 submission to the National Institute of Alcohol Abuse and Alcoholism. Additionally, later this year, we are considering seeking money to gather baseline juvenile psychiatric disorder information for a longitudinal study of predictive and protective risk factors for later criminal activity and mental disorder.

Our preliminary work has had an initial focus on adults. However, due to the limited juvenile facilities within Indian Country, we have witnessed juveniles being held within adult jail facilities. Numerous reports have shown that this is not best for either the juvenile or the jail: for example, adolescents kill themselves more frequently in adult jails than in juvenile detention facilities (Community Research Forum, 1980). From interviews conducted on different reservations, we found that delinquency management has become problematic. Not having a deterrent such as a juvenile detention facility has led to higher crime-related activity. Youth know that they will not be removed from family or placed in any kind of detention for their actions.

The rate of delinquency among Indian adolescents is poorly substantiated in the literature. Delinquency is thought to be a large and growing problem and a part of the complicated interaction between substance abuse and school dropouts. What has been published indicates that delinquency among Indian youth is characterized by a preponderance of petty offenses and misdemeanors often related to substance abuse (Forslund & Meyers, 1974). We found similar profiles of youths detained within three reservation facilities: 15-16 years of age, arrested midnight to 8:00 a.m. on Saturday and Sunday. They are usually held less than 24 hours.

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The majority of all offenses would be classified as nonviolent with substance abuse and curfew violations the common threads linking all sites.

It is thought that Indian adolescents may have higher levels of serious mental health problems than the overall average with respect to several disorders including depression and suicide, anxiety and conduct disorder (Blum et al, 1992, OTA, 1990). We do not know how many of these youths present themselves to the criminal justice system.

I have enclosed a copy of a draft of a paper that was presented in 1990 at a American Indian Adolescent Suicidal Behavior Research Conference held in Colorado (Duclos, LeBeau, & Elias, in press). The proceedings of this meeting currently are being published by the University of Colorado Press. This paper addressed the difficulties in gathering data within Indian Country pertaining to suicide and detained juveniles. I feel the points made can be generalized to any attempt to gather data within this setting. The difficulties we encountered were environmental and issue-specific in nature. Environmental issues identified included: limited documented historical data; rudimentary information systems; fragmented information; inadequate documentation; inaccurate recording; small juvenile detention populations relative to the adult populations; and non-uniformity among individual reservation systems. Issue-specific difficulties included: fragmented information between different agencies; no or limited documentation; no documentation of precursors; lack of training; different interdisciplinary jargon; and different cultural definitions of disorder.

Not to be discouraged, we must continue to explore both on the institutional as well as the personal psychological level risk factors for these youths. We need to examine the extent to which psychiatric disorders including alcohol abuse and dependence is actually present among Indian juvenile offenders. We need to systematically characterize current service resources for these juveniles from intake, release, through aftercare. What protective and predictive factors come to light in the prevention of future psychiatric disorder and criminal behavior? Rigorous prevention and evaluative studies can then follow with the develop of culturally appropriate preventive risk assessment tools and treatment practices. How can we better manage, prevent and treat this behavior within this unique setting? Can we develop model programs that we then can replicate in other Indian communities?

The role of the jail within Indian communities is different than within non-Indian communities. The jail often serves as a primary care facility for residents that are suicidal, alcohol

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abusing, and mentally troubled with or without criminal charges. They are held for want of another facility for the protection of self and others. The facility is a very important part, but most neglected among the local service system. They are staffed minimally, usually without adequate training. An Indian jail has a uniqueness that no other facility, on or off the reservation, can speak to. Whereas nationally there has been a trend away from the criminalization of alcohol problems, in many Indian communities, public drunkenness remains a misdemeanor offense or a protective custody hold. Jails are used as public drunk tanks in which the detainee is retained until sober, then released with no treatment or referral, only to return the next time he or she drinks to excess. Juveniles as well as adults fall into these patterns.

With the large numbers processed through this facility, it could become the critical initial point in screening and referral to appropriate treatment sources both within and outside the facility. Programming could integrate currently fragmented, often duplicated services within these communities in a more wholistic fashion, incorporating treatment and detainment.

Even with all the identified problems, there is a uniqueness to these facilities that is evidenced in the caring attitude of the officers. Because of the close knit ties of the reservation, the officers and detainees are most often acquainted, and highly tolerant of each other. Many staff members are sensitive to the fact that most detainees are simply afflicted with the disease of alcohol dependence or alcohol abuse. The detainee in this condition knows the officer is there to provide a roof, bed, and food. Thus, the main function at these times is to permit alcohol abusers time to sober up, released within hours or days. Unfortunately, the cycle repeats itself.

The implications of this revolving door treatment of alcohol problems are considerable, not only for the individuals, but also for the local service ecology. However, little improvement is possible until a greater understanding is acquired of the problems, needs, and services concerning alcohol dependence and abuse and other mental health problems among incarcerated Indians.

The public health and policy implications are considerable at this point in time. As stated before, the field needs an empirical description of the extent to which detainees both adult and especially juvenile are suffering from alcohol disorders, as well as the comorbidity of alcohol with other disorders. Are these adolescents referred to appropriate treatment? We can only guess at the potentially immense burden these detainees could or do place on the local service ecologies. Once answers like these are found then close work with Bureau of Indian Affairs (BIA) - Law

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Enforcement Services, Social Services, Alcohol Programs; IHS - Alcohol Treatment, Mental Health, Social Services; and tribal programs and officials should be pursued in the development of policies surrounding the implications of the findings, both on local and national levels.

The need for Indian juvenile psychaitric disorders information in detention settings is a highly pertinent topic. The timing could not be more perfect. Currently a number of tribes and the BIA are involved in detention planning, new innovative programs could be designed, adequately staffed, and implemented concentrating on the direct problems of the juvenile. As these projects are implemented and policy developed, the need for more information about the strategies to minimize risk becomes even more critical. This neglected institutional treatment setting will see massive changes within coming years either through litigation introduced over jail conditions and programs, or through proactive efforts on the national and local levels. Continued research not only will fill in gaps in the existing knowledge base affecting detentional policy, but also give rise to well-informed culturally-sensitive preventive programs targeted toward this specific at-risk population.

Sincerely,

  
Christina Wilson Duclos, MPH  
Project Director & Instructor

Enclosure

cc: Spero M. Manson, Ph.D.  
Director  
National Center

Theodore R. Quasula  
Chief  
Bureau of Indian Affairs - Law Enforcement Services

## References:

- Blum, R.W., Harmon, B., Harris, L., Bergeisen, L., & Resnick, M.D. (1992). American Indian--Alaska Native youth health. Journal of the American Medical Association, 267, 1637 - 1644.
- Community Research Forum. (1980). An assessment of the national incidence of juvenile suicide in adult jails, lockups, and juvenile detention centers. Report for the United States Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention. Washington, D.C.: U.S. Government Printing Office.
- Duclos, C.W., LeBeau, W., & Elias, G. (in press). American Indian adolescent suicidal behavior in detention environments: Cause for continued basic and applied research. Duclos, C.W. & Manson, S.M. (Editors) Calling From the Rim: Suicidal Behavior Among American Indian and Alaska Native Adolescents. The Journal of the National Center Monograph Series. University Press of Colorado. Vol.4 No.4.
- Forslund, M.A., and Meyers, R.E. (1974). Delinquency among Wind River Indian Reservation youth. Criminology. 12(1):97-106.
- Office of Technology Assessment. (1990). Indian adolescent mental health. Congress of the United States. Washington, D.C.:U.S. Government Printing Office.

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**American Indian Adolescent Suicidal Behavior in Detention  
Environments: Cause for Continued Basic and Applied Research**

Christine Wilson Duclos, MPH, Warren LeBeau, MS, & Gail Elias, MPA

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(Authors' Notes: The views expressed in this paper are the authors'  
and do not necessarily reflect those of the Bureau of Indian  
Affairs, Law Enforcement Services.)

**American Indian Adolescent Suicidal Behavior In Detention Environments:  
Cause for Continued Basic and Applied Research**

**Christine Wilson Duclos, M.P.H.,  
Warren LeBeau, M.S., and Gail Elias, M.P.A.**

Individuals in custody comprise a group at particularly high risk with respect to completed and attempted suicides. Completed suicides are among the most dramatic, tragic, and shocking events within the detention and correctional environment, especially when involving an adolescent. Suicidal behavior can be one of the most frustrating and embarrassing management problems of those who are held responsible for inmates' health, i.e., administration and direct line officers. The perception that Indians commit suicide frequently in correctional settings is common throughout Indian and non-Indian Country, but actual data is difficult to obtain. This paper begins to address issues concerning suicidal behavior among Indian adolescent detainees, the on-reservation detention environment, individual risk factors that have been associated with suicidal behavior, hindrances to collecting data within this environment, and recommendations for continued basic and applied research in this unique treatment arena.

**Overview of the Detention Environment**

Most criminal justice institutions are of two types: jails or detention facilities, and prisons or correctional facilities. As of January 1, 1988, American Indians comprised

2.9% of the state and federal inmate prison population, yet this ethnic group comprised only .6% of the general population -- obviously an over-representation. National jail and juvenile detention data categorizes American Indian and Alaska Native by the term "other" in all published reference material. In addition, reservation-based data usually is not included within these national statistics at all, making it virtually impossible to compile Indian/Native specific detention statistics. Clearly, we can assume that this particular ethnic population is more significantly over-represented in these settings since this is the starting point in all felony and misdemeanor incarcerations for offenses, on and off the reservation.

In the United States a total of 3,316 local jails<sup>1</sup> were operating on June 30, 1988 (U.S. Department of Justice, 1990a). In 1985, private and public juvenile detention and shelter facilities numbered 3,036 (U.S. Department of Justice, 1989). The jail is, with rare exception, the universal place of detention for untried prisoners (pretrial detainees), sentenced prisoners awaiting transfer, prisoners serving sentences, mentally ill persons, parole violators, troubled juveniles, "drunks drying out," and occasionally key witnesses.

Surveying jails administered by the city, township, or county, the Bureau of Justice Statistics found, as of June 30, 1988, that the nation's local jail population rose 54 percent in five years to 343,569 (U.S. Department of Justice, 1990a). In 1988, jail admissions and releases numbered 19.5 million. Two-thirds to three-fourths of all convicted criminals serve their sentences in jails. Because of the large numbers processed through this system, it is apparent that the jail is the most important institution in the criminal justice hierarchy. However, it is often the most neglected.

Treaties, federal laws, and court rulings over the years have created an

assortment of jurisdiction over Indians who commit crimes against tribal, state or federal law -- on or off the reservation. Thus, they can be detained in facilities that are operated by tribes, the Bureau of Indian Affairs (BIA), city, county, state, and federal authorities.<sup>2</sup>

There are approximately 1.4 million American Indians and Alaska Natives residing on a total of 53 million acres of land throughout the United States. Of the 304 federal Indian reservations (Bureau of Indian Affairs [BIA], 1988), 224 reservations provide some degree of law enforcement services to their members (BIA, 1990a). There are, however, only 72 detention facilities in existence today for the large number of federal reservations (BIA, 1990b). In the Department of Interior, the BIA is the responsible federal agency for working with Indian tribal governments and Alaska Native village communities in a government-to-government relationship. The BIA, thus, is the primary agent for providing detention services to the reservations and villages.

The BIA is a decentralized organization administering 84 agencies at the reservation level through 11 area offices.<sup>3</sup> These detention services holding both adult and juveniles are jails for misdemeanor offenders only. Tribal members charged with felonies within the boundaries of the reservation are usually moved quickly into the custody of other federal agencies at off-reservation locations.

The majority of the 72 BIA or tribal detention facilities are small buildings. Most of these were built in the 1960s and 1970s with now-defunct Law Enforcement Assistance Administration funds. In most cases, these facilities house the police headquarters and tribal court, in addition to the jail.

Overall, there are two disturbing characteristics of reservation jails. First, it is

thought that 95 to 99 percent of all Indian inmates, both adults and juveniles, are detained because of alcoholism or alcohol-related offenses (National Academy of Public Administration [NAPA], 1988). In addition, most of those detained are very well known to law enforcement officers as repeat offenders. When sober, inmates are rarely violent and seldom endanger citizens, detention staff, or each other. However, strong suicidal tendencies can accompany alcohol abuse (Rowan, 1988). For example, in the BIA detention facilities observed by the National Academy of Public Administration (NAPA) surveyors during the summer of 1988, detention officials reported in informal interviews that 14 inmates committed suicide during the past five years (NAPA, 1988). Also, from this evaluation, it was cited that in the larger facilities, attempted suicides seemed to occur as often as once a month. These findings were suggestive and need to be studied in a more rigorous fashion.

Second, all 72 jails are poorly designed for the custody level that these inmates require (NAPA, 1988). This is especially crucial for inmates with strong suicidal tendencies accompanied by alcoholism/alcohol abuse. The jails are maximum security with linear/intermittent surveillance design. This design is generally rectangular, with cells arranged at right angles to the corridor. They are designed as high-security institutions with hardware, plumbing, and accommodations ordinarily associated with higher-risk jails and penal institutions. The maximum security design does not lend itself to correctional or rehabilitative programs.<sup>4</sup> Effective inmate supervision in jails of this design requires a staff complement beyond what seems to be presently available. The detention staff can only provide intermittent supervision by circulating around the cell blocks periodically. The detention officers must patrol to see into cells or housing areas.

Once in a position to observe one cell, they are seldom able to observe others, thus, creating unsupervised situations.

The critical variables that determine the severity of problems associated with these linear/intermittent surveillance jails are the frequency and thoroughness of patrols and the aggressiveness of inmates in multiple-occupancy cells. Once a problem is detected, help usually must be summoned to resolve it. The interval between patrols is a management variable not easily controlled, given the factors of design and variance of behavior during any given patrol. Inmates have the intervals between patrols to attempt suicides, assault others, vandalize the facility, and escape.

Usually, in these small Indian facilities, inmate supervision is accomplished by minimal staff. One or two officers plus the dispatcher are usually on duty until midnight, although in some facilities there are no detention officers, only a dispatcher/jailer. From midnight to 8 a.m., the dispatcher frequently is the sole supervisor of inmates. In these situations, the dispatcher is expected to make the rounds of cells every 30 minutes and also to attend to police radio dispatching duties. Obviously, the individual must spend more time dispatching than supervising inmates.

It generally is reported that there is no evidence of abusive treatment of inmates by staff in Indian jails. On the contrary, an overly tolerant attitude appears to characterize the management of most facilities, e.g., inmates are not required to work and there is a lack of inmate discipline. Many staff members are sensitive to the fact that most inmates are simply afflicted with the disease of alcoholism or alcohol abuse (NAPA, 1988). Thus, the main function of reservation jails currently due to funding, staffing, and program development is to permit alcohol abusers time to sober up. They

remain in the facility only long enough to become sober, or they may serve a brief sentence, depending on the local tribal court and the capacity of the jail. In any case, they are often released within hours or days and unfortunately, the cycle is likely to be soon repeated.

Looking at overall daily population counts, few juveniles in relation to adult numbers are incarcerated within these adult reservation facilities. This is probably due to three factors: (a) communities prefer not to lock up juveniles, (b) many jails, by their design, do not permit segregation of juveniles from adults, and (c) lack of appropriate facilities.<sup>5</sup>

It is obvious, that the present detention system operating within Indian country is severely handicapped and needs a great deal of relief to run more efficiently. However, to further complicate matters, as mentioned earlier, there are wide differences in how reservation jails are owned, managed, and staffed. Either the BIA or the tribe may own the facility, provide maintenance, or be responsible for law enforcement and detention functions. In those cases in which tribes assume responsibility for law enforcement, detention services, or maintenance functions, their programs are usually based on Public Law 93-638, "Indian Self Determination And Education Assistance Act," whereby tribes are reimbursed for performing normal BIA functions and responsibilities. Under P.L. 93-638, tribes can unilaterally decide those functions and services that they want to operate. This permits them to also turn functions back to the BIA when they so desire. Hence, the BIA operates in an environment in which they are held accountable to a degree which is in excess of their actual authority to effect change.

### Juveniles in Custody

In 1987, there were 1,172,585 juveniles taken into police custody. As of February 2, 1987, there were 91,646 juveniles in public and private juvenile facilities within the United States (U.S. Department of Justice, 1989). An estimated 1,781 juveniles were housed in adult jails across the country on June 30, 1987. Statistics are currently not available on the number of American Indian and Alaska Native youth represented in either of these groups, and the data does not include those juveniles held in reservation-based adult and juvenile facilities (U.S. Department of Justice, 1988a). Results from a nationally representative survey of juveniles (age less than 18) and young adults (18 to age 25) in long-term, state-operated juvenile institutions indicate that 93.1% were male. More than 60% used drugs regularly, and almost 40% were being held for a violent offense. While they were growing up, less than one third lived with both parents, and more than half reported a family member had been incarcerated at some time.

Nearly 43% of the juvenile sample had been arrested more than five times, with more than 20% of them having been arrested more than 10 times in the past. Nearly half or 47.6% of the juveniles reported that they were under the influence of either drugs or alcohol at the time of their current offense. Of those surveyed, over 75% drank alcohol in the year prior to their current offense, while 57% drank regularly (U.S. Department of Justice, 1988b).

The rate of delinquency among Indian adolescents has not been substantiated in the literature. This delinquency is thought to be a large and growing problem among Indian adolescents and a part of the complicated interaction between substance abuse

and school dropouts. Studies appearing in the 1960s, 1970s, and 1980s indicated that delinquency among Indian youth was characterized by a preponderance of petty offenses and misdemeanors often related to substance abuse (Office of Technology Assessment, 1990). These findings are contrary to the general juvenile offender profile described above. When factoring out alcohol-related offenses, to which Indian youth were three times more prone than Anglo or Hispanic youth, Jensen, Strauss, and Harris (1977) found delinquency rates comparable across different populations.

For lack of published Indian juvenile offender characteristics, the authors examined criminal justice data collected on three reservation sites between July, 1988, and September of 1990.<sup>6</sup>

#### Location One

The booking rate<sup>7</sup> for juveniles at this location was 4,426 per 100,000, with considerable variation among the sites considered. During this period, charges per youth detained averaged 1.43, which was in turn broken into 1.2 charges per booking and 1.19 bookings per youth. Forty-one percent of all bookings occurred on Saturday and Sunday. Fifty percent of youths were detained between 4 p.m. and midnight; an additional 25% were detained between midnight and 8 a.m.

The average age of youth detained was 15.23 years and 21% of youth detained were female. Six percent were charged with offenses against person; 22% were charged with property offenses; 22% were charged with disturbing the peace; and 10% were beyond the control of parent or guardian. Offenses directly attributable to substance abuse (DUI, liquor law violations, public intoxication, etc.) accounted for 24%

of offenses. Most cases (68%) were handled internally within the local department. Ninety-six percent of youth were detained less than 24 hours.

#### Location Two

The booking rate for juveniles at this location was 71,071 per 100,000: approximately one admission for every four youth living on the reservation. The average number of bookings per juvenile per year was 1.61. Forty-seven percent of youth were arrested on Saturday or Sunday. Forty-six percent were detained between midnight and 8 a.m., and 33% were detained between 4 p.m. and midnight.

The average age of youth detained was 15.33 years. Thirty-nine percent of youth detained were female. This percentage remained virtually unchanged (35%) when only those charged with delinquencies were considered. Thirty percent of youth were charged with public intoxication; 20% were charged with curfew violations; 17% were identified as juveniles in need of care; approximately 2.5% were charged with crimes against persons; and 36% were charged with an offense directly attributable to alcohol or substance abuse.

#### Location Three

The booking rate at this location was 25,533 per 100,000. Their average length of stay was 20 hours. Fifty-three percent detained were admitted between midnight and 8 a.m., while 29% were admitted between 4 p.m. and midnight. Forty-one percent were detained on Saturday and Sunday.

Youth at this location were slightly older (an average of 15.86 years old). Thirty-

nine percent were female. Thirty-seven percent were charged with possession of alcohol, and 12% were charged with curfew violations. There were no offenses against persons noted.

In reviewing the three locations, there are both similarities and differences in the emerging profile of youth detained in these reservation facilities. Youth within these samples are most consistent in terms of age (15-16 years old) and day/time of arrest (midnight to 8:00 a.m. on Saturday and Sunday). They are held less than 24 hours. There are differences in the proportion of per capita rate youth detained, of female youth detained, and the type of offense. The majority of all offenses would be classified as nonviolent. Substance abuse and curfew violations appear to be common threads which link all sites.

#### Suicidal Behavior in Detention Settings

Nationally, jail and detention staffs, custodial in nature, tend to be inadequately trained in human behavior and frequently are composed of individuals new to the job. Emphasis for staff is on security and management of inmates. Typically, any mental health services offered are on a crisis-only basis and involve hospitalization. This is especially true for rural facilities. Within the detention setting not only do we have great numbers of diagnosable chronic mental health disorders, but also, acute disorders induced by the confinement process itself.

Many jails and lockups, especially in smaller communities are faced with serious administrative barriers that impede effective service delivery: interorganizational linkages tend to be weak, resources are not readily available, identification procedures

are often inadequate, and crisis care is only available at selected sites and times (Steadman, McCarty, & Morrissey, 1989). Quality physical and mental health care services are recent introductions to non-Indian/Native facilities stemming from inmate-sponsored litigation and unconstitutionality outcomes. Tribal and/or BIA facilities are still in the "hands-off" era; there have not been the lawsuits over jail conditions that have served as a catalyst for change in state and county facilities (Martin, 1988).<sup>4</sup>

Suicide is the leading cause of death in our nation's jails (U.S. Department of Justice, 1989). Nearly all of these suicides are alcohol-related and occur within the first 24 hours of incarceration. The rate of suicide in these facilities is nine times greater than that of the general population. This has been found especially true among incarcerated American Indians. A recent survey of the prevalence of suicides during 1985 and 1986 in county jails, city jails, and police department lockups found that American Indians represent 1% of the jail population, yet 5% of the jail suicides (Hayes & Rowan, 1988).

The professional literature on suicide is vast. It is generally recognized however, that suicidal behavior in the correctional/detentional setting, especially attempted suicide, has been a relatively neglected topic in both penological and suicidological literature. Very little is directly concerned with juvenile suicidal behavior in jails or detention centers, and none specifically examines American Indian/Native juvenile suicide (Beall, 1969; Community Research Forum, 1980; May, 1987). Experience has shown that suicides among juvenile detainees, like those in the general community, have been increasing significantly, and that much of the data on the problem of adult

suicide in jails seems applicable to juvenile suicide in the same setting (Community Research Forum, 1980).

Beigel and Russell (1973), in their study of the background, mental status, and criminal histories of inmates who made suicide attempts in Arizona jails during 1970, observed that suicide attempters are likely to be younger than the average inmate, to have had an unsuccessful marriage even at such a young age, to be in jail for a nonviolent crime, and to have been confined in jail or prison previously. These suicide attempters also are more likely to have a history of previous attempts.

The risk of suicide is increased when one is arrested for something perceived as shameful (Williams, 1989), divorced or separated from spouse or family (Arboleda-Florez & Holley, 1989; Hayes & Rowan, 1988), isolated within the jail setting (Community Research Forum, 1980; Hayes & Rowan, 1988), experiencing symptoms of depression (Arboleda-Florez & Holley, 1989), currently physically and/or mentally ill (Williams, 1989), and experiencing prisoner fear and stress (Community Research Forum, 1980; Rowan, 1989, Williams, 1989). Due to the national juvenile jail removal initiative, youths rarely are held for very long in adult jails (usually hours to days),<sup>9</sup> but suicides among adult inmates frequently occur within the first 24 hours, making this a crucial time for both adults and juveniles (Community Research Forum, 1980; Hayes & Rowan, 1988).

A hypothetical profile based on those characteristics appearing most often in jail suicide victims was prepared by the National Center on Institutions and Alternatives for the National Institute of Corrections (Hayes & Kajdan, 1981). The victim would most likely be 22 years old, and a white, single male. He would have been arrested for public

intoxication, the only offense leading to his arrest, and thereby would be under the influence of alcohol/drugs upon incarceration. The victim would not have had a significant history of prior arrests. He would have been taken to an urban county jail and immediately placed in isolation for his own protection/surveillance. However, less than three hours after incarceration, he would be dead from hanging.

Van Winkle and May (1986), reviewed death certificates of American Indian suicides for the State of New Mexico for the years 1957-1979. Based on this and additional data gathered for years 1980-1987 for those suicides that occurred in New Mexico jails, the profile remains similar to that described above: single, employed, Indian male, nonveteran, with a median age of 28. The victim was living on a reservation, but killed himself Friday or Saturday night in an off-reservation jail by hanging.

Hayes and Rowan (1988) found in their updated survey of all non-Indian detention and holding facilities that 72% of the victims were white; 94% were male; 52% were single; and 75% were detained on nonviolent charges, with 27% detained on alcohol/drug related charges. Approximately 20% were less than 22 years of age, with an average age of 30. Sixty percent of all victims were intoxicated at the time of incarceration. Thirty percent of the suicides occurred during a six-hour period between midnight and 6:00 a.m.; 51% occurred within the first 24 hours of incarceration; and 29% occurred within the first three hours. Approximately nine out of 10 of the victims were not screened for potentially suicidal behavior at booking. Seventy-eight percent of the victims who were intoxicated died within the first 24 hours of incarceration, while 48% occurred within the first three hours. In addition, holding facilities data show that

82% of victims were intoxicated at the time of their incarceration; 64% of victims died within the first three hours; and 97% of victims were not screened for potentially suicidal behavior at booking.

The study also showed that in regard to suicide prevention programs with jail facilities experiencing a suicide in 1986, programs of some kind were found in 58% of detention facilities and 32% of holding facilities. The quality of such programming was not analyzed. However, the mere identification of a suicide-prevention program within a jail by itself acknowledges the seriousness of the problem and that it occurs frequently enough to merit specialized knowledge and skills that the staff should master. Experience has demonstrated that almost all suicides could be prevented in this setting with implementation of a prevention program that includes staff training, intake screening, human interaction, and communication between staff members (Rowan, 1989; Hayes & Rowan, 1988).

Suicide rates also have been found to be higher in small jails and highest in small jails with lower population densities.<sup>10</sup> These rates per 100,000 inmates were nine times higher in small, low social-density jails<sup>11</sup> than in larger, high social-density jails. In addition, low density jails had on the average shorter lengths of stay than the large, high density jails (U.S. Department of Justice, 1990b). These statistics could have major implications in and around Indian Country, where the jails facilities fit these low density descriptions.

#### Youth Suicidal Behavior

The average age of the Indian population nationally is 17.3 years, as compared to

29.5 years in the rest of the population. Thus, this population has a very large proportion of adolescents and young adults – the age groups with the highest suicide, accident, and homicide rates.<sup>12</sup> Most Indian suicides occur while the adolescent is under the influence of alcohol (Berlin, 1987).

There has been a wide range of risk factors associated with Indian youth suicide. Frequent interpersonal conflict, prolonged and unresolved grief, chronic familial instability, depression, alcohol abuse/dependence, and unemployment. The suicide rate is also elevated in adolescents who have been seen for psychiatric problems, physical illness, previous attempts, multiple home placements, and frequent encounters with the criminal justice system (Office of Technology Assessment, 1990).

A study that conducted postmortem interviews on Indian adolescent suicides in the southwest, found that 70% of the suicides had more than one significant caretaker before the age of 15, compared with only 15% of the controls. Forty percent of the primary caretakers of the suicide group had five or more arrests compared with 7.5% of the comparison group. Fifty percent of the suicides had experienced two or more losses by divorce or desertion, compared with 10%. Eighty percent of suicides had one or more arrests in the 12 months before the suicide, compared with 25.5%; and by age 15, 70% had been arrested, compared with 20% of controls. These statistics are indicators of the impact of early, continued deprivation of parental caring leading to troublesome behavior, resulting in difficulties with the law (Berlin, 1987). Given this chapter's focus on juvenile detention suicidal behavior, we must note that there also exists a strong relationship between parental deprivation and attempted suicide among

adult jail populations (Community Research Forum, 1980).

Some general statements concerning the prevalence of suicidal behavior among Indian and youth in general are: females make many more suicide attempts than males, but males use more lethal means and are successful much more frequently than females. Shaffer (1974) found the most commonly occurring situation precipitating a suicide was one in which the youth knows that his or her parents are to be told of some type of antisocial behavior or he/she may experience loss of face.

Legal problems, parental deprivation, feelings of shame, rejection or death, and individual isolation have all been linked causally to suicidal behavior among adolescents. All the above-listed causal factors can be expected among youth imprisoned in adult and juvenile jail facilities. However, these problems are exacerbated by understaffing and limited programmatic resources common in small rural and Indian jail facilities, as well as the federal policy of separating juveniles from adults, which results in isolation for the sole child in an adult jail.

The Community Research Forum, under a contract with the Department of Justice, Office of Juvenile Justice and Delinquency Prevention studied the suicidal effects of placing youth in adult jails (Community Research Forum, 1980). They found that adolescents in adult jails and lockups kill themselves more frequently than do adolescents in juvenile detention facilities and youth in the general population. This happens despite the fact that children in jails and lockups have less time in which to commit suicide and that it is more difficult to commit suicide in jails and lockups.

The low rate of completed suicides in juvenile facilities studied may be attributable to the greater supervision available at these facilities and to the ongoing youth-centered

activities as opposed to the isolation within an adult setting.<sup>13</sup> In adult facilities, most housing types are multiple occupancy which may be a deterrent for the adult prisoner, while the isolated juvenile does not have another person within his/her cell as a protective factor. The above-mentioned study determined that the suicide rate for juveniles held in adult jails is about 4.6 times greater than the suicide rate among youth in the general population, 7.7 times greater than that of juvenile detention centers, and 5 times greater than adult lockups. We must keep in mind that for every completed suicide, there are many more self-injurious behaviors and failed attempts, a much more difficult behavior to analyze due to its subjective nature (Arboleda-Florez & Holley, 1989). To date, there has been no such suicidal behavior research among Indian adult and adolescent detainees on- or off-reservation.

#### Suicidal Behavior Data Collection Attempts

For want of a published "Indian jail profile," we conducted a pilot telephone survey of 18 BIA and/or tribal detention facilities within 6 of the 11 BIA Law Enforcement Areas. This effort was conducted with BIA support and encouragement. The agencies were selected by the BIA Detention Specialist and contacts forwarded to the National Center for letter and later telephone contact. This work was useful in documenting, within a rather short period of time, the existence of a sample of local adult jail programs. It also identified the broad variation in their characteristics as well as gathering actual suicidal behavior data.

Because the survey design was of an exploratory nature, it is not possible to draw definitive conclusions about "Indian" jail or detention programs based upon the data

generated in this inquiry. It is possible, though, to make general and preliminary statements based upon responses. Due to the explorative character of the survey and to the type of data available, analysis was limited to frequencies and descriptive statistics.

The agencies and administrators initially were approached by letter, which included a copy of the survey. All the facilities during this particular survey were considered adult or "both" (adult and juvenile) jails. The survey's areas of inquiry included basic jail characteristics (size, daily counts, personnel, number admitted, average length of stay, etc.); existence of special programs such as mental health, alcohol, and medical; number of deaths; and preliminary inquiry into policies and procedures. Each letter specified a date that a telephone contact would be made. Contacts were made between April 24 to May 16, 1990. We received 94% cooperation.<sup>14</sup>

As expected, some data and responses were more complete than others, depending on whether individual administrators responded by mail or telephone and the sophistication of the jail. Two agencies decided to respond by mail rather than phone due to scheduling conflicts. The idiosyncratic nature of the individual responses highlights the need for on-site visits with more structured interview protocols. Another difficulty that affected the survey was the uncertain and imprecise definitions of such specific programs as medical, mental health, suicide prevention, and alcohol abuse. Nevertheless, because the intent of the survey was to acquire as much information as possible in a short time about what existed in the field, the interpretations were left open. Below are brief highlights of the results.

The average daily inmate population ranged from 3 to 70 with a designed capacity

of 8 to 90, with a  $\bar{x}$  of 30.4 inmates. The day of phone contact, the facilities averaged 24.8 inmates with 2.6 juveniles being held in each facility. Thus, the majority of the facilities fall within the small jail classification.<sup>15</sup> Fifty-nine percent of the facilities held juvenile as well as adult detainees/inmates. All were considered holding as well as detention facilities.

Forty-seven percent of the jails had one person on day shift, 35% had two and 18% had three. During the evening and night shifts (which is the most crucial period for suicidal behavioral), 65% of the facilities had only one dispatch/jailer. Twenty-nine percent of the jails combined the roles of jailer and police dispatcher. In all facilities, the jailer/dispatcher/detention officer conducted the booking, general screening, and intake procedures proven crucial to suicidal behavior detection (Hayes & Rowan, 1988). No routine follow-up screening was evident in any of the agencies.

For the month of February, the mean number of inmates admitted was 249.6 with a range from 14 to 1178, thus showing considerable variability. The average length of stay was 14.5 days with a range of 0 to 7 months. There was some question as to the understanding of average length of stay of unsentenced versus sentenced prisoners when analyzing the results. This would be clarified more fully by a larger, more structured on-site data collection.

Twenty-four percent of the jails had some sort of informal -- not guided by medically approved policies and procedures -- sick call procedure that they referred to as their medical program. This was usually conducted by the community health or Indian Health Service (IHS) representative and was held one to three times a week. Two (12%) of the facilities reserved an infirmary cell/room for examinations. Twelve

percent provided physicals to sentenced inmates. All utilized the IHS for medical intervention either as needed or in emergency situations. It is clear that the majority of the facilities act on an emergency, as-needed basis only.

Only one had an informal in-house mental health program. The majority (94%) utilized IHS or tribal mental health programs for crisis intervention only. Fifty-three percent had some sort of in-house alcohol abuse program, most consisting of Alcoholics Anonymous or tribal alcohol programs, with sessions held once to twice a week.

When reporting number of deaths within the last year, one facility reported one adult male completed suicide. Eighty-one percent reported at least one adult suicide attempt ( $\bar{x}$  = 1.6, range 0-6) and 57% reported at least one juvenile suicide attempt ( $\bar{x}$  = 1.7, range 0-6) within the last year.

Inquiries about inmate status indicated the majority ( $\bar{x}$  = 12.5) were serving a sentence. This was followed by those awaiting arraignment ( $\bar{x}$  = 5.1) and those awaiting sentencing ( $\bar{x}$  = 4.4). The facilities reported that an average of 87.3% of their inmates were held on alcohol abuse-related charges. During this preliminary work, we could not clarify if these were actual figures or perceptions of the respondent administrators.

Fifty-nine percent of the jails provided social detoxification<sup>17</sup> at the facility (or used the "drunk tank" until inmates sobered up). All responded that this was done without any type of medical supervision. All the jails noted having some type of plan for suicidal and alcohol abusing inmates, but not formal written policies and procedures.

This survey characterized Indian jails as small facilities holding both adult and juvenile sentenced offenders on alcohol abuse-related charges. In relation to their size,

these jails have very high admission rates with a relatively short length of stay during the already proven critical period of suicide attempts and completions (first 3-24 hours). The jails have overworked, minimal and multifunctional staff. This is especially true during the evening and late shifts, where suicidal behavior can rise when staff supervision is reduced. The jails have no medical or mental health program, using IHS services on a crisis-only basis, but have some kind of in-house alcohol abuse program. The personnel are faced with at least one adult and juvenile suicide attempt per year, but do not seem to have the high number of completions as previously thought. Most administrators indicated that the reservations had a suicide completion problem, but the incarcerated were somehow protected. This preliminary finding is at variance with the NAPA report (1989), which indicated by informal interviews high numbers of attempts and completed suicides. This also is contrary to the results of the national survey by Hayes and Rowan (1988), which indicated that rates of off-reservation Indian/Native jail suicides are extremely high.

To get a feel for suicidal behavior in strictly juvenile facilities, a phone inquiry was conducted with all Indian juvenile detention facilities ( $n = 4$ ) within Indian country. Of the four operating facilities, three indicated attempts ( $\bar{x} = 7.33$ ) during 1989, with one completion (see Table 1).

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Insert Table 1 about here

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This preliminary study addressed our questions about characteristics, feasibility, and clear, ready access to the sites for possible future study. It also speaks to the

availability of data, while underscoring the need for on-site field visits for more complete, uniform, and less unbiased collection. The high level of cooperation from the local facilities as well as the national and regional BIA Law Enforcement Offices emphasizes local interest, need, and significance of this type of inquiry.

Both BIA and tribal contract law enforcement service programs are required to submit monthly narrative reports on suicides and/or attempts to the BIA, Division of Law Enforcement Services, Branch of Police Operations in Albuquerque. Unfortunately, what is mandated and what is accomplished are two entirely different issues.

One of the main factors in this dilemma is that the BIA, Division of Law Enforcement Services, was semiautomated up until February 20, 1986. A command decision was issued at that time to discontinue the use of the old system, because it was deemed to be too costly and cumbersome. It then was decided to create a modern Integrated Police Law Enforcement Management System for all of Indian country (BIA, 1990b). However, as of this date, the new IPLEMS Computer System is still nonoperational and not projected to be on line until 1993. Consequently, the last comprehensive BIA/Tribal Annual Law Enforcement Statistical Report completed was for 1985.

A request was made by the authors for an accounting of suicides and/or attempted suicides taken from these monthly narrative reports submitted to the BIA for the year 1989. It was found that only one half the facilities submitted reports, indicating 17 adult and no juvenile suicide attempt, and one completed juvenile suicide.

The bulk of information received monthly, together with lack of staff and automation makes routine analysis, documentation and dissemination of law

enforcement information, including suicide data, a monumental task. It requires special priority, redirected staff resources, and ample staff hours dedicated to completing the task.

Another important factor is that without the convenience of automation, the field reporting of information is basically at the mercy of the program manager's discretion, accountability, and competence. Complicated by the fact that reservation law enforcement and detention programs are managed, staffed and owned so differently throughout Indian country, information becomes totally dependent upon the individual reporting. Thus, this set of circumstance could account for the discrepancies found in the number of actual suicidal gestures cited within the different inquiries attempted by the authors as well as other published studies.

#### Difficulties in Data Collection

Data collection always represents a significant challenge in research undertakings. Beyond the usual challenges of data integrity, consistency, and methodological issues, in this situation, additional difficulties arise from both the environment and the research topic. The difficulties associated with research in the criminal justice arena have been well documented (Clark, 1977). These difficulties relate to the basic requirements for research and the potential for the intrusion of bias.

Accurate, permanently recorded observations are the foundation stones of a growing science, but government has been built on quicksand.

Without objective, impartial factual data, we read of...skilled practitioners, but we are unable fully to comprehend their deeds. There

are many political statements..., but little that can be set forth as objective facts pointing the way....

When criminal justice has amassed a solid mass of empirical, controlled observation, it will have a rock embedded in reality. On this it will be possible to erect a true science of criminal justice.

There are few if any "facts" in criminal justice that are not corrupted by bias. Operationalization of behavioral measurement appears to run risks that are not run in the physical sciences. The focus of concern in criminal justice is humanity - a changeable, malleable, vital, stubborn thing, perhaps beyond the understanding of mortals (Clark, 1977).

This section of the paper underscores the difficulty mentioned in previous sections in collecting data and describes the specific problems associated with three collection projects at eight reservation sites between July 1988 and September 1990. The purpose of this data collection was the planning of new adult and juvenile jail facilities. The difficulties are divided into two general categories: environmental and issue-specific which relate to the topic of suicide.

#### Environmental Difficulties of the Correctional Setting

Environmental difficulties are those that stem from on-reservation correctional settings. These unique settings have influenced jail management practices including documentation.

Limited historical data.

In most cases, there is a lack of historical data that documents both the specific detention population and the juvenile population of the reservation in general. The true number of youth living on reservation is difficult to accurately estimate. Figures from both tribal governments and the IHS are linked to census data; each present research problems, some of which are shared. Tribal data may provide information regarding registered members of a specific tribe. However, youth on the reservation will include members of other tribes, and not all children born on reservation are registered. Additionally, some youth who are born and live off-reservation may be included in tribal totals. IHS data includes members of other tribes who are born at IHS facilities on-reservation and those for whom the IHS provides contract health care. Additionally, both sources of information may not include American Indian youth who live in bordertowns and who have significant ties to the reservation.

Beyond these difficulties in determining the size of the juvenile population at large, there are specific difficulties in determining the size of the population of juveniles who are booked at the detention facility. Information that is typically available in off-reservation settings for the use of administrative personnel, such as average daily population, number of admissions, length of stay, is not summarized and is sometimes not recorded. As a result, the development of measurements, such as incarceration rates, becomes very difficult and comparison with off-reservation facilities can be statistically dangerous.

Rudimentary information systems.

Automation has become a powerful presence in the criminal justice arena in off-reservation facilities. Most local detention facilities that hold more than 100 inmate have some level of automation of their records; automation is becoming increasingly popular in smaller institutions as well. However, automation has been slow in coming to reservation facilities. As a result, most data gathering must deal with manual record-keeping systems, making the process much more time-consuming.

While recognizing that data gathering from automated systems has problems of its own, the problems associated with missing forms and files and illegible handwriting are alleviated. These problems have been significant in the reservation settings studied.

#### Fragmerted information.

While criminal justice entities have been called a system because they are functionally interdependent, from an information perspective, they tend to function independently. As a result, data needed for many research efforts is scattered among separate entities (typically law enforcement, detention, and the courts). These entities often have their own record-keeping and numbering systems. As a result, assembling information about individuals in particular and groups in general requires a manual cross-referencing of multiple record-keeping systems. The basic task of matching arrest-disposition-result becomes an onerous task.

#### Inadequate documentation.

Beyond the lack of basic management information, most reservation detention facilities operate with minimal amounts of event documentation. Unlike local detention

facilities, in which documentation practices have been driven by the prevalence of litigation, on-reservation detention facilities have been relatively insulated from the litigious environment in which documentation is essential. As a result, sources that typically would be available to document a variety of operational matters are simply not available. Three typical sources (incident reports, medical and suicide screening forms completed by detention personnel, and classification interview summaries) are rarely found.

#### Confidentiality of juvenile records.

In all systems, the identity of juveniles is protected by law. These protections are extended to juveniles under Tribal Code. Access to these records is difficult in many systems, but in the on-reservation facilities, where administrators may have been criticized about violations of this confidentiality, access to these records for legitimate research purposes may be even more difficult. Additionally, sources which can assist administrators in determining the validity of requests for information are few and far between. As a result, administrators may tend to take a conservative position regarding access to records.

#### Inaccurate recording.

Consistent recording of information is a research fundamental. Unfortunately, in many correctional settings, there are many factors that lead to inconsistency. Staff may be inadequately trained in proper documentation procedures; formats for recording information change; law and policy change the items that must be kept; and information

may be highly valued by one administrator, but perceived as an obstacle to "getting the work done" by another.

When these factors are combined, there is a high potential for inconsistency in the on-reservation facilities. Employee turnover on reservation facilities, both in the line officer and administrative ranks, is high. Access to training resources is limited. The Indian Police Academy provides a 40-hour, introductory training course for jailer/dispatchers, which is to teach all aspects of these two functions. In contrast, most state certification programs for detention officers range from 160 to 320 hours -- without dispatch operations. Access to state certification programs for officers working in the tribal system also is restricted and in some states is prohibited. When facilities are operated by the BIA there is also potential for high turnover as people move through detention into police operations and administrators move from post to post.

The format for record-keeping is often linked to requests for program budgets. As these change in the federal and tribal systems, information requirements change. Information, particularly of a statistical nature, may not be highly valued by managers, who are consumed by the day-to-day aspects of this job. As a result, in many cases, documentation and record-keeping are perceived as intrusions into the real business of police and detention work.

Small juvenile detention population.

Unlike most states and local jurisdictions, many places in Indian country have not experienced the impact of the juvenile jail removal initiative. As a result, juveniles are still held in adult facilities in many locations. When this occurs, juveniles tend to be a

relatively small segment of the facility population; this small subset may not always be immediately distinguishable in summary reports. When it is possible to separate the adult and juvenile offender population statistically, the small size of the juvenile population presents statistical challenges. In other locations, where juveniles have been removed, the absence of detention facilities means that juvenile police contacts are often un- or under-reported. This makes the task of identifying the true size of the at-risk population extremely difficult.

The size of the detention population presents another type of problem for the researcher; this problem is linked to the final difficulty discussed in this section of the paper. Law enforcement and detention agencies typically record information about two different categories of events: offenses and bookings. An offense is a single violation of tribal code; a booking is a single time when a youth is arrested and brought to detention. It is not uncommon to find more offenses than bookings for the same period of time, since a youth may be arrested on more than one offense. An additional complication occurs because, over time, each youth may be arrested more than once. As a result, from summary statistics it is usually much easier to identify the number of reported offenses or the number of bookings than it is to determine how many people the detention facility dealt with in a specific time period. In many ways, it is the number of youth which is of interest to the researcher; a lack of clear understanding of the differences among these three categories may lead to over- or under-estimation.

Information for legal, not management, purposes.

Most criminal justice systems keep records for a variety of reasons that have

nothing to do with research questions or purposes. Information is needed to present in court, to identify persons, to account for property, etc. Information which describes inmates in terms of their psychosocial needs is perceived as having little purpose in a facility whose foundation rests on the law. Interestingly enough, while the youth is in the facility, there is a tremendous amount of precisely this type of information available; unfortunately, when it is documented (which is infrequently), this documentation is often lost when the individual is released. On-reservation detention facilities are no different in this respect. As a result, information that is kept seldom extends beyond basic demographics.

While there are similarities in the difficulties associated with data gathering in on- and off-reservation correctional settings (particularly small rural local jails), the relative lack of management information and documentation in general present greater challenges on-reservation. In many cases, because of the problems cited above, research efforts that require longitudinal information may fare better if they don't plan to use historical data.

#### Issue Specific Difficulties

Issue specific difficulties are those that relate directly to the topic of suicide within this environment and geographical setting.

#### Fragmented information.

Just as criminal justice information is fragmented, information sources regarding completed suicides and suicide gestures in correctional facilities are similarly divided.

Completed suicides almost certainly will result in an investigation by the police agency with jurisdiction in the matter. This agency will vary from location to location, but typically will be either the investigative division of the tribal police department (if this function is provided under a PL 96-638 contract) or the BIA's agency special officer. The detention facility may also have written its own documentation of the incident and may have crucial information/documentation regarding presuicidal behavior. Additionally, the IHS Mental Health program or the Tribal Mental Health program may have information regarding psychosocial history and a diagnosis. Information could be spread across four agencies.

In the case of suicide attempts or the identification of at-risk youth in the detention setting, the situation is more muddled. Gestures that are perceived as more serious are more likely to be documented. It is unclear if that documentation will extend beyond the facility, or which agency will have it. Further, since there are no standardized policies currently in effect for all facilities, it is unclear at what point referrals to a mental health provider actually occur.

As a result, because of this fragmentation, research efforts will not be able to look to a single source of information regarding adolescent suicides in detention settings on reservations. Rather, a strategy that uses the various potential sources in a cross-referencing fashion is more likely to accurately identify and describe the population.

#### Undocumented attempts.

Staffing levels in on-reservation facilities provide many opportunities for unobserved behavior. As previously discussed, staff shortages frequently result in a

single staff person, who sometimes also has responsibility for dispatch, bookings, and the supervision of all inmates. This is truly an incredible task, since many on-reservation facilities "book" more people than off-reservation facilities 50 to 100 times their size. Most staff supervision of the inmate population occurs on an intermittent basis and usually undocumented; detention officers check cell during the best circumstances. During high activity periods, the volume of facility bookings frequently dictates that staff are unavailable to make cell checks with the frequency and in a manner that would immediately alert officers to suicidal behavior.

Additionally, most on-reservation facilities are designed in a linear, rather than podular manner as discussed earlier, with long cellblocks isolated from areas where staff are located. Inmates are only observed when staff leave the booking or control area to perform cell checks. Linear facilities make detection of many types of unwanted inmate behavior much more difficult than podular designs in which inmate housing is organized around a common day area which is observable from a staff post. As a result, the potential for attempts clearly exists.

Beyond this potential, there also is the possibility that documentation of known attempts may vary considerably based upon the perceived degree of severity of the attempt and the relative lack of consistent policy regarding what must be documented and by whom.

#### Undocumented precursors to suicide.

As noted previously, on-reservation facilities are much less likely to document both normal and unusual events in the facility. For example, most local jurisdictions carefully

log the times of cell checks in order to be able to prove that the safety and well-being of inmates (as well as the security of the institution) has been checked on a regular basis. Many on-reservation facilities do not routinely document operational details of this nature. As a result, critical information regarding time may be lost. Additionally, many off-reservation facilities routinely develop a written log of information to be passed on to other shifts; these typically would include comments regarding individual behavior. To the researcher looking for patterns, this lack of documentation creates the potential for significant difficulty; recollection, rather than fact, is the source document. As noted earlier in this paper, this is a shaky foundation on which to build theory.

A second lack of documentation is even more critical. Of the nine on-reservation facilities evaluated by one of the authors during the last two years, only one routinely performed a suicide risk assessment -- and that occurred after the youth had been identified as a suicide risk by another source. This report of routine risk assessment is contrary to that reported by the telephone survey mentioned earlier. The failure to complete an in-facility suicide risk assessment on each youth eliminates one potential powerful source of information regarding the degree of risk in the juvenile detention population.

Medical consent rules apply to a significant source.

As noted previously in this article, the IHS is a significant participant in the assessment of suicidal behavior. As a result, all of the requirements for the confidentiality of medical records apply.

Difference in cultural concept of suicide.

Over the last two years, on-reservation facilities have come under considerable criticism. The National Institute of Corrections and the National Academy of Public Administration (NAPA, 1988) both have released highly critical evaluations of on-reservation facilities. As a result, questions regarding operational practices, particularly on an issue as sensitive as adolescent suicide, could easily be perceived as threatening. Information then becomes protected and not readily accessible to "outsiders who would not understand."

Beyond these reasons, there is a strong potential that some American Indian cultures may perceive suicide as either a "shameful death" or a highly acceptable way to die; others may have taboos regarding talk about the dead in general. As a result, facility staff and administrators, particularly those who strongly hold traditional values, may be reluctant to discuss both suicides and suicide attempts that have occurred in their facilities.

An example of how Hopis view suicide probably can be best described through the eyes of a traditional Hopi.<sup>18</sup>

It is believed by Hopi people that there is a celestial spirit that guides a Hopi Indian through his life on earth. It is this spirit, who then tells a Hopi when it is his time to die. Upon death, the Hopi's spirit takes a journey back to the "Under World," where all life began and where everlasting life is for the Hopi. This spiritual journey back to the Under World is conceived to be a reflection on how the Hopi lived his life on earth. The individual's journey could then be a glorious adventure

taking little time or a long difficult journey with the possibility of never reaching his spiritual eternity. Consequently to die is not a scary virtue, because the Hopi considers the Under World as the happiest place to ever be.

Thus, the means of the death is not the important consideration for the Hopi, only the immediate preparation of the body for the individual's spirit to begin its journey which is at paramount importance. The Hopi traditionally have a formal community ceremony to bury the deceased, one day after the individual dies. So death does not have to be an involuntary and natural process for the Hopi because his spirit is judged by his life on earth and not how he died. In addition, his relationship remains constant with the living, and death is only a matter of returning to the everlasting.

Consequently, suicide is not viewed as a value that is right or wrong by the Hopi society, but only a means of dying. Conversely, this acceptance of death is difficult for non-Hopi people to be sensitive to. Further, if suicide is only a self-selected vehicle to the Under World, then how can a non-Hopi person expect to change a social problem that is not identified as a problem within the Hopi culture? Last, imposing non-Hopi legal mandates upon Hopi people during these incidents of suicides extremely frustrates them.<sup>19</sup>

On the other hand, some Plains tribes view a "good" death as a "warrior's death" (going out in a "blaze of glory"). Thus, a suicide as opposed to a car accident, for example, is not viewed favorably for it is not considered a warrior's death. Another case

of a cultural hinderance to data collection is illustrated among the Navajo. This tribe avoids talking about the "dead," thus making actual identification of a suicide difficult. The "dead" thus becomes the problem, not the suicide.

Detention staff may lack training in suicide risk assessment.

The lack of detention officer training has already been noted in this article. The lack of training in this area is particularly acute. In order to comply with prevailing correctional standards, which local detention facilities should use a risk assessment instrument to determine those who may be at risk. In some cases, there should be an effort to determine the level of risk through the use of a rating scale; individuals who score high are then referred for mental health evaluation. Implementation of this level of screening also includes training for staff in identifying behavior that may indicate that the youth is at risk.

From a research perspective, these screening documents provide valuable information regarding the proportion of youth in the detention population whose behavior puts them at risk. From an operational perspective, the lack of suicide risk assessment procedures, decreases staff awareness of the issue. As a result, not only is there less documentation of risk, but there is also less sensitivity to the topic, which in turn can result in under-reporting.

Detention and mental health "jargon" may present barriers.

All professions have a language of their own; the detention and mental health fields are no exception. In addition, particularly in the on-reservation facilities, language

barriers are likely to occur when mental health professionals begin to talk with detention staff, whose "professional language" is significantly different and whose educational background involves far less formal education. As a result, researchers must consider carefully both written and verbal communication to ensure that detention personnel understand the nature of the questions being asked of them.

Summarizing the difficulties in gathering information, the need for more complete and consistent documentation must be stressed. This documentation can be accomplished through increased resources, increased training of officers, automation, standard forms, compliance with professional and BIA standards, development of a more unified and collaborative system with IHS and/or tribal mental health programs. Reporting for management purposes is a much-needed, new concept within Indian country.

Researchers face significant difficulties gathering information regarding juvenile suicide in on-reservation facilities. In projects which explore this issue, the research must develop strategies to deal with under-reporting, cultural sensitivities, lack of training on the topic in general, and the lack of available documentation.

#### Recommendations for Continued Basic and Applied Research

The exploratory findings and issues discussed within this paper suggest much needed continuing epidemiologic and preventive research. Risk factors must be explored both on the institutional as well as the personal psychological level. We need to examine the extent to which suicidal behavior is actually present among Indian/Native juvenile offenders both on and off the reservation. Does this picture vary

by jurisdiction, geographic areas, and local law enforcement policies, procedures, and management practices?

It is necessary to systematically characterize current identification and management resources and procedures for the suicidal adolescent from intake to release within these different jurisdictional areas. What predictive and protective factors come to light in the prevention of suicide? What policy and procedure changes need to be addressed for this specific behavior? Are current state-of-the-art practices (standards) culturally sensitive to this particular group?

Clinical and diagnostic studies will identify personal predictive, causal, and protective factors that influence this behavior. Rigorous prevention and evaluative research can then follow with the development of culturally sensitive preventive risk assessment tools and management/treatment practices.

Thus, continued basic and applied research must answer these questions: Is the suicidal Indian youth a problem within jails both on and off the reservation? What does the Indian/Native suicidal juvenile detainee actually look like? How can we prevent and treat this behavior within this unique setting? This can only be done through on-site, systematic, in-depth studies with built-in strategies for the difficulties in data collection identified in this paper.

#### Conclusion

Our intent is to illustrate the lack of consistent available data of suicidal behavior prevalence among Indian adolescent detainees. This paper began with a basic overview of the detention environment for American Indian adolescent offenders with a

focus on the reservation setting. Second, we looked at available juvenile offender data compiling a profile of youth detained in reservation based facilities. Third, we discussed literature addressing suicidal behavior within these settings, pointing out the dearth of information available on adolescents, especially American Indian youth. Fourth, preliminary data was presented, including a tentative "Indian" jail profile. Fifth, we discussed the significant difficulties in data gathering within and near Indian country. Finally, we presented future in-depth topics of basic and applied research within this unique treatment arena and cultural group, stressing on-site data collection.

The need for Indian juvenile suicide information in detention settings on and off the reservation is a highly pertinent topic. Currently, a number of tribes and the BIA are involved in detention planning projects. As these projects are implemented and policy made, the need for more information about the levels and strategies to minimize risk becomes even more critical. Those facilities located off the reservation that house a large number of Indians also will be affected greatly by continued research as minority inmate management becomes a more paramount issue. This neglected institutional treatment setting, especially in and near Indian country, will see massive changes within coming years as litigation is introduced over jail conditions. Continued research as suggested above not only will fill in gaps in the existing epidemiologic knowledge base, affect correctional/detentional policy, but also give impetus to well-informed preventive programs targeted toward this specific at-risk population.

## References

- Arboleda-Florez, J., & Holley, H. (1989). Predicting suicidal behaviors in incarcerated settings. Canadian Journal of Psychiatry, 34, 668-674.
- Beall, L. (1969). The dynamics of suicide: A review of the literature, 1897 - 1965. Bulletin of Suicidology, March, 2-16.
- Beigal, A., & Russel, H. E. (1973). Suicidal behavior in jail: Prognostic considerations. In B. L. Danto (Ed.), Jail House Blues, Orchard Lake, MI: Epic.
- Berlin, I. N. (1987). Suicide among American Indian adolescents: An overview. Suicide and Life Threatening Behavior, 17(3), 218-232.
- Bureau of Indian Affairs. (1988). American Indians, today: Answers to your questions. Washington, DC: Department of Interior.
- Bureau of Indian Affairs. (1990a). Justification of intarget program increases - decreases. Washington, DC: Department of Interior.
- Bureau of Indian Affairs (1990b). Detention facility survey. Washington, DC: Department of Interior.
- Clark, R. S. (1977). Fundamentals of criminal justice research. Lexington, MA: DC Heath and Company.
- Community Research Forum. (1980). An assessment of the national incidence of juvenile suicide in adult jails, lockups, and juvenile detention centers. Report for the United States Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention. Washington, DC: U. S. Government Printing Office.
- Hayes, L., & Kajdan, B. (1981). And darkness closes in: A national study of suicides.

- Final Report to the National Institute of Corrections. Washington, DC: National Center on Institutions and Alternatives.
- Hayes, L. M., & Rowan, J. R. (1988). National study of jail suicides: Seven years later. National Center on Institutions and Alternatives & National Institute of Corrections. Washington, DC: U. S. Government Printing Office.
- Jensen, G. F, Strauss, J. H, & Harris, V. W. (1977). Crime, delinquency, and the American Indian. Human Organization, 36 (30): 252-257.
- Martin, M. D. (1988). A look at Indian jails. American Jails, Spring, 19-21.
- May, P. A. (1987). Suicide and suicide attempts among American Indians and Alaska Natives: An annotated bibliography. Albuquerque, NM: Office of Mental Health Programs, Indian Health Service.
- National Academy of Public Administration. (1988). Survey of Indian detention facilities. Report for the U.S. Department of Interior, Washington, DC.
- Office of Technology Assessment. (1990). Indian adolescent mental health. Congress of the United States. Washington, DC: U. S. Government Printing Office.
- Rowan, J. (1988). Preventing suicides in police lockups: Training key #376. Gaithersburg, MD: International Association of Chiefs of Police.
- Rowan, J. (1989). Jail/Correctional Officers with "street attitudes" incur lawsuits. American Jail, 3(1), 13-17.
- Shaffer, D. (1974). Suicide in childhood and early adolescence. Journal of Child Psychology and Psychiatry, 15, 275-291.
- Steadman, H. J, McCarty, D. W., & Morrissey, J. P. (1989). The mentally ill in jail: Planning for essential services. New York: The Guilford Press.

- U. S. Department of Health & Human Services, Public Health Service, Indian Health Service. (1988). IHS Chart Book. Washington, D. C.
- U. S. Department of Justice, Bureau of Justice Statistics. (1980). Profile of jail inmates: Sociodemographic findings from the 1970 survey of inmates of local jails. Washington, DC.
- U. S. Department of Justice, Bureau of Justice Statistics. (1988a). Census of local jails, 1983: Volume V. Selected findings, methodology & summary tables. Washington, DC: U.S. Government Printing Office.
- U. S. Department of Justice, Bureau of Justice Statistics. (1988b). Survey of youth in custody, 1987. Bureau of Justice Statistics Special Report. Washington, DC: U. S. Government Printing Office.
- U. S. Department of Justice, Bureau of Justice Statistics. (1989). Children in custody, 1975 - 1985. Washington, DC: U. S. Government Printing Office.
- U. S. Department of Justice, Bureau of Justice Statistics. (1990a). Census of local jails, 1988. Bureau of Justice Statistics Bulletin. Washington, DC: U. S. Government Printing Office.
- U. S. Department of Justice, Bureau of Justice Statistics. (1990b). Population density in local jails, 1988. Bureau of Justice Statistics Bulletin. Washington, DC: U. S. Government Printing Office.
- U. S. House of Representatives. (1980). The Juvenile Justice and Delinquency Act of 1974: As amended through December 8, 1980. Public Law 93-415. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, Research, and Statistics, U. S. Department of Justice.

- Van Winkle, N. W., & May, P. A. (1986). Native American suicide in New Mexico, 1957-1979. A comparative study. Human Organization, 45(4), 296-309.
- Williams, S. D. (1989). When a private act of desperation becomes a public shame. Corrections Compendium, 14(8), 5-9.

**Authors' Notes**

The views expressed in this paper are the authors' and do not necessarily reflect those of the Bureau of Indian Affairs, Law Enforcement Service.

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National Academy of Public Administration

SURVEY  
OF  
INDIAN DETENTION  
FACILITIES

A Report  
for the  
Department of  
the Interior

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SURVEY OF

INDIAN DETENTION FACILITIES

BY A

STUDY TEAM OF THE  
NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

FOR THE

DEPARTMENT OF THE INTERIOR

November, 1988

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## PREFACE

The Academy is pleased to submit this report of its survey of the physical condition of jails on Indian reservations. The survey was conducted at the request of the Office of Construction Management in the Department of Interior.

The study team and the Academy Panel, chaired by Norman Carlson, former director of the U.S. Bureau of Prisons, appreciates the support and cooperation received from officials and personnel of the Department, the Bureau of Indian Affairs and the Tribal Governments involved in the survey.

We understand that the Office of Construction Management and the Bureau of Indian Affairs are already taking action to correct many of the deficiencies identified in the site reports. We trust that implementation of the report recommendations will improve the conditions found to exist.



Ray Kiine  
President

## EXECUTIVE SUMMARY

In the summer of 1988, a study team of the National Academy of Public Administration (NAPA) visited 37 jails on Indian reservations. The common link in 35 of those jails is that they are operated and maintained by funds appropriated to the Bureau of Indian Affairs (BIA) in the Department of the Interior. The team also visited two jails funded by the Navajo Tribe for background information and comparison purposes.

These are primarily jails for misdemeanants. People charged with felonies are usually moved quickly into federal custody at other locations.

The primary objectives of the survey were to determine operation and maintenance (O&M) costs, evaluate the condition of the facilities and develop recommendations to address any problems found.

Because O&M funds at the reservation level are not administered nor accounted for by function, the NAPA staff could not confirm or evaluate the adequacy of O&M funding for each jail. In general, the staff found that most jails, even though operated adequately, are maintained at minimum levels with inadequate attention to health and safety hazards. They range, as was expected, from very good to very bad.

It was clear to the NAPA team that the individual jails were a microcosm of their tribal community. If the community placed high standards on the health and safety of its residents, then this was reflected in the jail. Where it did not, as was the case in some communities, those detention facilities reflected that fact.

It was also clear to observers that funding alone is not the solution to maintenance problems. Poorly maintained jails frequently reflected problems of managerial competence which would have to be addressed before additional O&M funding would be justified. Lack of coordination between maintenance and detention staff, frequent turnover of staff in key jobs, inadequate managerial training, poor use of inmate labor and lack of scheduled maintenance all contributed to the conclusion that additional money is not the exclusive corrective measure for the deficiencies observed. Also, it is important that facilities improvement and repair or construction funds not become a reward for agencies or Tribes which improperly operate and maintain existing facilities.

Two facts heavily influenced all findings in this study. The first is that 95-99 percent of the inmates are jailed because of alcoholism and alcohol related (e.g., drunk and disorderly or

family abuse) problems. Most of those charged are known to the law enforcement officers as repeat offenders. The second is that these jails are poorly designed for the custody that these inmates require. Most are maximum security jails with cells arranged in straight lines, constructed of heavy concrete and steel in which direct supervision of inmates is not possible. They are expensive to build and expensive to operate.

Given the breadth of the problems identified in this survey and the realities about how much improvement can be effected in a year or two, we do not recommend remodeling detention centers as a solution. However, we recommend that all future jail renovation and construction efforts follow the contemporary "New Generation" design concepts. These concepts rely on continuing visual supervision of inmates and a normalized atmosphere in the jail. This approach has been found, in many communities, to be economical in terms of human and dollar resources. The "New Generation" approach is endorsed by the National Institute of Corrections.

Despite the problems found at many facilities, there were some facilities where program and maintenance operations were excellent. These facilities could be used to showcase excellence in operations and maintenance and to reorient jail management towards detoxification and treatment as distinguished from only detention. Training activities should take place on-site at these facilities to demonstrate effective program and facility operations.

Finally, we recommend more stringent administration of Public Law 93-638 self-determination agreements, consideration of local maintenance records when approving new construction, improved management training for law enforcement chiefs and maintenance supervisors and an improved inspection program by the Bureau's area offices. More exacting administration of agreements may, however, be difficult in light of P.L. 100-472, the 1988 amendments to P.L. 93-638. This recently enacted legislation is likely to make implementation of standards by the BIA more difficult. Even in this environment, training for law enforcement and facilities staff is crucial.

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## I. INTRODUCTION

This report is the result of a 1988 survey of 37 detention facilities on Indian reservations under the cognizance of the Bureau of Indian Affairs, (BIA). These facilities are listed in Appendix A. The survey was performed by the National Academy of Public Administration (NAPA) under a contract with the Office of Construction Management (OCM) in the Department of the Interior (DOI).

Management of these facilities takes different forms. Thirty-one are owned by BIA; one is leased by BIA; five are owned by the Tribes (including the two Navajo jails). For 22 of the 35 jails, the BIA is responsible for both the law enforcement program and the operational maintenance of the jail. For five, the Tribal Government has both responsibilities under self-determination (Public Law 93-638) contracts. For eight, the BIA has the operation and maintenance (O&M) responsibility while the Tribe performs the law enforcement function.

The term O&M as used here includes the costs for utilities and custodial work, including routine preventive maintenance.

The Bureau of Indian Affairs is a decentralized organization administering 84 agencies at the reservation level through 12 area offices. This survey covered facilities in seven area offices; the other five area offices did not have BIA funded jails.

The survey had these purposes:

- Evaluate the physical condition of detention facilities, emphasizing health and safety hazards.
- Verify building operations and maintenance (O&M) obligations for fiscal year 1985-87.
- Develop a management strategy to address any problems or deficiencies identified.

Five NAPA observers conducted on-site reviews. Each was selected for their experience in corrections, management and architecture. Observers visited sites during July, August and September 1988, and prepared site reports with photographs. Observers reported that, without exception, BIA and Tribal officials graciously cooperated in assisting observers to arrange the visits and in responding to observers' requests for information.

In offering their observations and recommendations, the NAPA observers are sensitive to the difficulties of generalizing about Indian Tribes. Each reservation they visited reflected the unique culture and values of the Tribe, and the observers came to realize that wide differences exist. The observers also gained appreciation for the complexities which attend BIA's administration of Indian affairs. The function of jail management, alone, involves the BIA central office, area and agency officials. It includes coordination and negotiations with: federal, state and local law enforcement officials; the Indian Health Service of the Department of Health and Human Services; the Tribes, which are ever conscious of their sovereign status; and the Congress.

NAPA observers are also aware of, and appreciate, the many measures, planned and underway, whereby the bureau is improving the management of detention facilities. These include adopting the so-called "PONI" (Planning of New Institutions) process which gives Tribes and other governmental entities voices in planning new construction. In the past, Tribes had little or no opportunity to provide advice. Another example is the development of new detention standards for BIA and Tribal jails. Clearly the bureau is in a major period of transition.

What follows are the overall findings of the NAPA observers and their recommendations.

## II. OBSERVATIONS

## A. Design Characteristics of Detention Facilities

Most facilities are small with accommodations for approximately 10 to 20 inmates. Typically, these facilities were built in the 1960s and 70s with Law Enforcement Assistance Administration funds. Similar jails are found in small and large communities throughout the country.

In most cases, the facility houses the uniformed police headquarters and the Tribal court, in addition to the jail. Nearly all facilities are of "linear" design, i.e., with blocks of cells arranged in straight lines. This means that the detention staff can only provide intermittent supervision by circulating around the cellblocks periodically. Almost all facilities are of masonry and/or reinforced concrete and are designed as high security institutions with hardware, plumbing and accommodations ordinarily associated with higher risk jail and penal institutions. It is apparent that prisoner security was the controlling concern in designing all facilities. Few designs reflect concern for any correctional or rehabilitative efforts which might be undertaken within the jail, e.g., meeting rooms usable for substance abuse counseling. Many facilities do not even include such amenities as dayrooms or dining rooms. Effective inmate supervision in jails of this design requires a staff complement beyond what is presently available and what is reasonable, given the number of inmates.

## B. Characteristics of Inmates

Law enforcement officials are unanimous in estimating that alcoholism is the cause of 95-99 percent of incarcerations on reservations. Most inmates have been jailed repeatedly and are well known to law enforcement and detention officers. When sober, inmates are rarely violent and seldom endanger citizens, detention staff members or each other.

However, strong suicidal tendencies often accompany alcoholism on reservations. Too frequently, inmates attempt suicide and are successful. For example, in the facilities visited, detention officials report that at least 14 inmates committed suicide during the past five years. Attempted suicides in the larger facilities occur as often as once a month.

Currently, the main function of reservation jails is to permit alcoholics to sober up. To be sure, a small percentage of inmates are serving sentences of up to one year for misdemeanors. In addition, on occasion, an alleged felon is held a day or two pending transfer to a state or federal facility. However, the vast majority of inmates are intoxicated when booked and are locked up to protect themselves and other citizens from harm. They may remain in the facility only long enough to become sober or they may serve a brief sentence, depending on the local Tribal court and the capacity of the jail. In any case, they are likely to be released within hours or days and, regrettably, the cycle is likely to be soon repeated.

The process of sobering up inmates is only rarely supervised by medical professionals and does not warrant the term "detoxification." Indian Health Service (IHS) doctors make regular visits to only a few jails. Ordinarily, inmates sober up on the floor of the "drunk tank." They are sent to the local IHS hospital or clinic only if the detention officials detect symptoms of convulsions or delirium tremens.

Assaults are not a problem. If inmates are occasionally disorderly, it usually occurs at time of booking or in the tank while the individuals are still intoxicated.

Few juveniles are locked up. This is probably due to two factors: 1) communities prefer not to lock up juveniles and 2) many jails, by their design, do not permit segregation of juveniles.

### C. Supervision of Inmates

NAPA observers report no evidence of abusive treatment of inmates. On the contrary, a tolerant gentleness appears to characterize the management of most facilities. Law enforcement staff members are sensitive to the fact that most inmates are simply afflicted with the disease of alcoholism.

However, observers also noted a disturbing lack of inmate supervision and discipline. This was revealed by the lack of cleanliness and order found in many jails. Worse, a lack of inmate supervision contributes towards successful suicide attempts, vandalism of the facility and a large number of escapes, usually "walk-aways."

In small and medium facilities, inmate supervision is ordinarily accomplished by a staff of three to five detention officers or guards. One or two officers, plus the dispatcher, are usually on duty from 8 a.m. until midnight although in a few facilities there were no detention officers. From midnight to 8 a.m., the police radio dispatcher is frequently the sole supervisor of inmates. In these situations, the dispatcher is expected to make the rounds of cells every 30 minutes (ordinarily) and also to attend to police radio dispatching duties.

#### D. Verifying Operations and Maintenance Obligations

NAPA observers found it impossible to accomplish one of the survey objectives of verifying detention facility operations and maintenance (O&M) obligations for fiscal years 85-87. O&M funds are allocated to agencies by area offices. Ordinarily, these are lump sum allocations for the entire agency and are not suballocated by function or facility. It is the responsibility of the agency superintendent to determine the amount of resources (funding and staff) to be spent or assigned to each function or facility. Records of such expenditures are available at the agency level in the form of journals, invoices and maintenance requisitions. However, time constraints did not permit observers to segregate records of resources spent exclusively on detention facilities.

#### E. Overall Quality of Maintenance

Observers' reports reveal that detention facility maintenance ranges widely from excellent to poor. Many need extensive maintenance attention. There was little evidence of a scheduled maintenance or inspection program for these facilities.

The observers' assessments of the quality of maintenance and sanitation in the individual detention centers is summarized in the following table.

	Maintained by BIA (30)		Maintained by Tribes (7)	
	<u>Maintenance</u>	<u>Sanitation</u>	<u>Maintenance</u>	<u>Sanitation</u>
Poor	15	11	4	4
Satisfactory	9	10	2	3
Excellent	5	7	1	0
Inappropriate to judge (facility just opened or was unoccupied)	1	2	0	0

As revealed by observers' site reports, jails which are marginally or poorly maintained are so for a variety of reasons. In some cases, observers found that insufficient resources have been available. However, the observers believe additional dollars are not the ultimate solution to most maintenance problems. The predominant reason for poor maintenance appears to be simply poor management. Observers cite failures in budgeting for jail maintenance; reluctance to hold facilities management and law enforcement officials accountable; lack of organizational discipline, starting within the jail and extending upwards; minimal oversight or inspection by agency and area officials; and lack of policy guidance from top management.

A major failure throughout the jails was not using available inmate labor. In some cases this failure appeared to be due to a lack of supervision and the subsequent concern about "walk-aways." Many routine maintenance tasks can be accomplished by inmates, but in too many cases our observers found inmates idle and no evidence that they were used to maintain their environment in a clean and orderly manner. With appropriate incentives and disincentives, inmates will work.

It should also be noted that a number of detention facilities owned and maintained by BIA were deeded or retroceded to the bureau by the local Tribes. At these locations, the agency officials, without exception, advised NAPA observers that the facilities had been in deplorable condition when received from the Tribes. Under Public Law 93-638, Tribal Governments can decide those functions they want to operate. The Secretary of Interior is directed to enter into a self-determination contract within 90 days of a request from any Indian tribe unless:

1. the services to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory;
2. adequate protection of trust resources is not assured; or
3. the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract.

#### F. Health and Safety Maintenance Concerns.

Serious maintenance problems and inadequacies bearing on health and safety are found in a number of facilities and are categorized as follows:

	<u>Number of Facilities in Which Observed</u>
Inadequate or malfunctioning heating, ventilation and/or air conditioning systems.	16 / 37 = 50
Frequent overcrowded conditions (excluding such occasions as fairs, rodeos or pow-wows).	13 / 27 = 35
Fire safety deficiencies.	14 / ) 35
Plumbing problems.	14 /
Lighting problems, including inoperative emergency lighting.	11
Major design or structural deficiencies.	17
Night supervision by dispatcher only.	14

#### G. Fire Safety Deficiencies

The number of fire safety deficiencies observed in detention facilities are of high concern and warrant priority attention to correct. Here are some examples:

- These facilities do not generally hold fire drills.
- Self-Contained Breathing Apparatuses (SCBA's) were found at only one facility.
- Rotten or inoperative fire hoses were found at three facilities.
- Inoperative smoke/heat detectors, fire alarms, or sprinkler systems were found at six facilities.
- Inoperative emergency lights or emergency generators were found at six locations.

#### H. Inventory of Maintenance Requirements

The Bureau's facilities management office in Albuquerque operates a computerized system which, among other purposes, provides an inventory of major repair backlog requirements on the reservations. It is called FACCOM (Facilities Construction, Operations and Maintenance System). While the system may be

useful at headquarters and area offices, observers reviewed the items contained in that inventory with local maintenance and law enforcement officials and found little relationship between their listing of needs and what was contained in FACCOM. It appeared that much of the data was out-of-date.

#### I. Evaluation Against New Detention Standards

The BIA Division of Law Enforcement Services (LES) issued new "Adult and Juvenile Detention Standards" in mid-1988. These standards are based on the American Correctional Association's standards for adult and juvenile detention facilities and were prepared with the assistance of representatives of the National Institute of Corrections and the federal Bureau of Prisons.

None of the detention facilities NAPA observers visited could meet the new BIA standards. Only one or two could approach meeting standards and even for them it would require a substantial investment in developing policies and procedures. There were numerous deficiencies in the areas of health and safety as outlined in the preceding sections. Additional deficiencies include, but are not limited to:

1. Cell square footage is inadequate in many facilities.
2. There is no "continuing observation" of multiple occupancy cells. To correct this would require hiring many more detention officers and/or major reconfigurations of facilities' cellblocks. Nearly all facilities visited are of linear design.
3. Cells in many facilities have no natural light.
4. Space for day rooms or multi-purpose rooms is unavailable at many facilities. In addition, indoor or outdoor exercise areas are unavailable at many locations.
5. Staffing at most facilities allows only one law enforcement staff member, the dispatcher, to be on duty during the midnight to 8 a.m. shift. The standards would require two staff members at all times.

The standards would require that numerous plans, policies and procedures be developed and maintained at the local level. In addition, a wide variety of reports and certifications would be required. Law enforcement officers would find these tasks impossible with present staffing levels.

LES recognizes that new standards can only be implemented on an incremental basis and implementation is not required until LES has published an accreditation system. However, the standards are raising Tribal expectations that the bureau will build new detention facilities to meet the standards and will staff current facilities at levels envisioned by the standards. Tribal expectations often exceed real needs. Further, it should be recognized that if the standards are finally implemented, the local law enforcement entity's liability to civil suits may be increased.

#### J. Management and Staffing Differences

There are wide differences in how reservation jails are owned, managed and staffed. Either the bureau or the Tribe may own the facility, provide maintenance, or be responsible for law enforcement and detention functions. Where Tribes are responsible for law enforcement or maintenance functions, their programs are usually based on Public Law 93-638 self-determination agreements, whereby the Tribes are reimbursed for performing bureau functions. Under that law, Tribes can unilaterally decide those functions they want to operate. This permits them to also turn functions back when they want to. BIA operates in an environment in which they are held accountable to a degree which is in excess of their actual authority to effect change.

Public Law 93-638 was modified in October of 1988 with the passage of "The Indian Self-Determination and Education Assistance Act Amendments of 1988." The following excerpts from the Senate Select Committee on Indian Affairs report on this law show that the intent of these amendments is to further reduce the federal government's role in the administration of self-determination contracts.

"The amendments are consistent with the philosophy that the Federal Government should not intervene in the affairs of State, local or tribal governments except in instances where civil rights have been violated, or gross negligence or mismanagement of federal funds is indicated."

"The amendments clarify that the Secretary is not to consider any program or portion thereof to be exempt from self-determination contracts."

"The burden of proof for declination is on the Secretary to clearly demonstrate that a tribe is unable to operate the proposed program or function."

The Bureau's operating environment is likely to be even more difficult with these changes to the law.

With regard to staffing, NAPA observers found no indication that agency superintendents are guided by either bureau or area staffing plans (sometimes called tables of organizations) in staffing the law enforcement and facilities management functions or in requiring Tribes to staff P.L. 93-638 functions. As a result, there are wide differences in staffing levels.

It should be noted, in this context, that agency-level managers are responsible for budgeting and accounting for all employee salaries and benefits. Funds for employee compensation are included in program allocations to the agencies. Temporary employees are frequently hired as hedges against unforeseen program requirements. This results in an unstable workforce.

### III. RECOMMENDATIONS

#### A. Adopt New Generation Jail Designs.

"New Generation" is a term used by corrections officials to refer to a different approach to designing and managing jails. BIA is adopting this concept in its planning for new facilities at Eagle Butte and Ft. Peck. The NAPA study team believes BIA should adopt the New Generation concepts in all renovation and new construction projects.

In a New Generation jail, the use of detention hardware and related materials is tailored to specific requirements based on differential classification of detainees. While that portion of the jail which houses maximum security detainees has maximum security hardware, the building is mostly constructed of standard, but durable, materials. The floor plan is podular, i.e., with detention officers' posts in central locations commanding maximum views of inmates' living and sleeping areas. To the extent practicable, the jail has a "normalized" atmosphere with conventional furniture, pay telephones and television. It provides inmates with access to recreation, communication and socialization.

The most important element in a New Generation jail is the staff. This type of facility requires detention officers to be posted within the housing unit on a 24-hour basis, providing continuous supervision of inmates' activities, controlling privileges, and providing leadership. This type of inmate supervision pays large dividends in human and dollar values. Suicide is rare, vandalism is minimized, inmates provide better maintenance of the facility, and fights can be broken up immediately if not preempted altogether.

While the appearance and the atmosphere of the New Generation jail is normalized, such a facility must contain some "hard" space in which inmates can become sober and for those few who are high risk or violent detainees. The hard spaces, or cells, deny those occupants the comforts and conveniences offered elsewhere in the facility, and are tools for effective supervision and detention of inmates.

The New Generation approach to building and managing jails has been pioneered by a number of municipalities throughout the country and is endorsed by the National Institute of Corrections, the American Institute of Architects' Committee on Architecture for Criminal Justice and the American Correctional Association.

#### B. Develop Area Facility Demonstration Sites.

There is a limit, given the organizational realities and the resources available, as to how extensive OCM and LES's corrective action can be, given the site-by-site deficiencies contained in the observers' reports. However, we recommend that in the four or five areas where there are the most BIA facilities, the bureau use as a training or demonstration site one of the better operated and maintained jails. Such jails could then be used to demonstrate to other BIA and Tribal managers what can be achieved with improved management, with consistent attention to routine maintenance and with better inmate supervision, including incentives to condition inmate behavior.

To the extent permitted by structural constraints, BIA should also employ the New Generation concepts of continuous supervision and a normalized atmosphere.

Effective training of LES and facilities management personnel could be built around these jails. Their operation and maintenance costs and their staffing patterns would provide the Bureau with necessary baseline information for calculating the costs of upgrading other facilities and for anticipating the costs of facilities run under Public Law 93-638 agreements. We believe that each area has one or more detention sites that can be used in this fashion.

#### C. Reorientation Towards Detoxification and Treatment.

Detoxification of an alcoholic is the process of permitting and facilitating the individual's physical and emotional systems to become free of the influence of alcohol and to stabilize. This process takes from two to seven days; the alcoholic should receive supervision by an individual who has received paraprofessional training in detoxification, including knowledge of symptoms requiring medical attention. Detoxification is a necessary prerequisite to treatment for alcoholism (or other substance abuse) and to acceptance, by the individual, of treatment. Since alcoholics are most likely to become depressed and suicidal during detoxification, the process requires continuing supervision.

The Indian Health Service and the Bureau have launched initiatives aimed at the prevention and treatment of alcoholism and other substance abuse on reservations. These measures include planning for two facilities which will combine detention with treatment for substance abuse. We endorse these efforts and recommend that, consistent with these initiatives, the management of Indian jails be directed from a security or detention orientation towards a more authentic detoxification and

treatment orientation. Such reorientation would recognize the real nature of most inmates' problems and, over the long term, encourage successful treatment at the reservation level.

This recommendation is not to suggest that the bureau minimize the importance of the detention function. Public safety will continue to require heavy security for the few inmates who are dangerous. However, NAPA's observers returned from their site visits with the strong conviction that the present focus on security is an inadequate response to the universal problem, on Indian reservations, of alcoholism.

NAPA recognizes that resources will not permit medical detoxification of all alcoholic inmates nor their sentencing to treatment at rehabilitation centers. However, just as some well maintained jails with New Generation concepts could be established, we believe that model detoxification and treatment programs, with specially trained detention staff members, could be established at a limited number of locations. Further, as the bureau and IHS and Tribal Councils move closer towards offering treatment at all reservations, these local detention staff members, trained at the demonstration facilities, will be better prepared to support these broader efforts.

The programs we suggest would require more training of law enforcement staff members in proper detoxification procedures. Perhaps more importantly, it would require local law enforcement and detention officials to assume more proactive roles in encouraging Tribal judges to sentence inmates to treatment and in persuading Tribal Councils to commit funds for treatment facilities within the Indian priority system for budgeting funds. Any such program would also require the local IHS facility to commit staff time to providing the necessary medical supervision and support. In order to assure effective coordination between IHS and BIA, congressional directives may be required.

#### D. Enhance Management Capabilities.

Underlying several of the observers' conclusions is the perception that the detention and facilities management capabilities need to be enhanced in terms of discipline, consistency, accountability and training. Supervisors in law enforcement and maintenance need managerial training and the encouragement of their agency and area supervisors to see their functions in a larger context than many of them now do. Too often, law enforcement chiefs did not take responsibility for the condition of their facilities. Agency superintendents need to provide stronger direction in coordinating the maintenance and law enforcement functions if their facilities are to improve. But, in the last analysis, it is the chief law enforcement official who is responsible for the condition of the jail. Pin-pointing that responsibility is basic to good management.

### E. Priority Attention To Health and Safety Deficiencies

Immediate attention is required to correct many health and safety concerns identified in the site reports. The fire safety deficiencies should receive top priority. In connection with fire safety, we recommend that:

- At least two self-contained individual breathing apparatuses be purchased for every facility.
- Fire drills be instituted at all facilities. (Drills would release inmates from cells to a central location, not to the street.)
- All electronic smoke/heat alarm systems be tested on a regularly-scheduled basis with records kept documenting each test.
- All fire extinguishers be inspected and recharged annually.
- All fire hoses be pressure tested annually.
- All electronic locks be evaluated in terms of their reliability in case of fire and possible power failure.
- The padding in all padded cells be removed. Such padding produces very toxic smoke when ignited. Padded cells are not recommended for any institution such cells are actually of little value in preventing suicide and give detention staff members a false sense of security.

For many of the steps outlined here, training of staff would be necessary.

### F. Enforce Public Law 93-638 Agreements

This report recognizes that Public Law 93-638 agreements providing self-determination reflect public policy in Indian affairs. However, visits at some Tribal jails and review of Public Law 93-638 documents at the reservation level have convinced NAPA observers that the Bureau must move towards more stringent administration of these agreements.

Many of the same problems witnessed by Academy observers in Tribal facilities also appeared in jails run by BIA. However the P.L. 93-638 agreements themselves lack specificity regarding programs to be performed, facilities to be utilized and performance standards to be met. It appears the bureau is either unwilling or unable to deny Public Law 93-638 agreements based on the Tribe's previous performance.

It may be that the bureau has not provided sufficient training or monitoring to support Tribal performance under these agreements. In any case, it appears that the Public Law 93-638 process, as it is being applied to detention facility maintenance, is not working effectively.

**G. Consider Local Maintenance Records in Approving New Construction.**

Even where clearly established needs for new construction exist, it is important that the bureau review the Agency's and Tribe's record in maintaining existing facilities. Too often, the NAPA evaluators found examples where adequate facilities had been allowed to deteriorate. These examples included facilities maintained by the bureau and by Tribes.

Appropriations for new facilities should not be granted where there is little likelihood that the facilities will be operated and maintained adequately. In this connection it should be recognized that the Indian priority system of administering local reservation budgets heavily affects the bureau's ability to staff and maintain local law enforcement and detention programs. New construction dollars should not be spent at reservations where Tribes, through either the Public Law 93-638 process or the Indian priority system, have shown a disinclination towards maintaining or staffing facilities.

**H. Improve Budget Coordination, Policies and Inspections.**

The NAPA study team recommends these measures:

- All appropriation requests for new facilities and major renovations should address both staffing and maintenance requirements for the facility. NAPA observers identified several facilities in which coordination on these resources had not occurred. As a result, these facilities were either vacant or not fully utilized.
- Publish bureau-wide detention policy and procedural guidance for reservation jail use after securing the views of reservation law enforcement officials. The new detention standards will require volumes of locally-published policies; there appears to be no need for such redundancy of effort.
- Institute annual maintenance inspections by area office staff with emphasis on health and safety. Assure appropriate follow-up on deficiencies.

## DETENTION CENTERS SURVEYED

ABERDEEN AREA - 11 Facilities

Cheyenne River  
Sioux Agency  
(Eagle Butte)

Crow Creek  
Sioux Agency

Fort Berthold Agency

Fort Totten Agency

Lower Brule  
Sioux Agency

Pine Ridge Agency  
(Pine Ridge)

Pine Ridge Agency  
(Kyle)

Rosebud Agency

Standing Rock Agency

Turtle Mountain Agency

Omaha Agency

ALBUQUERQUE AREA - 2 Facilities

Mescalero Agency

Zuni Pueblo

BILLINGS AREA - 6 Facilities

Blackfeet Agency

Crow Agency

Fort Belknap Agency

Fort Peck Agency

Northern Cheyenne Agency

Wind River Agency

MINNEAPOLIS AREA - 3 Facilities

Menominee

Red Lake Agency

Minnesota Agency  
(Nett Lake)NAVAJO - 2 Facilities (Owned and Operated by Tribe)

Tuba City

Chinle

PHOENIX AREA - 10 Facilities

Fort Apache

San Carlos Agency

Hopi Agency

Pima Agency

Tohono O'daham

Truxton Canyon Agency  
(Peach Springs)Truxton Canyon Agency  
(Supai)Eastern Nevada Agency  
(Owyhee)

Uintah &amp; Ouray Agency

Salt River Tribe

PORTLAND AREA - 3 Facilities

Quinalt Agency

Spokane Agency

Warm Springs Agency

Survey of Indian Detention Facilities  
Study Methodology

In the spring of 1988, before negotiating the contract with NAPA, the Office of Construction Management sent questionnaires to BIA agencies to obtain facts about detention programs and facilities and to secure agency-level advice regarding operations and maintenance issues. The responses were furnished to the Academy and were important sources of information.

Prior to visiting the detention facilities, the NAPA observers met at the Bureau's Facilities Management and Construction Center in Albuquerque, New Mexico, for orientation by facilities management and law enforcement staff members. Discussions included the responsibilities for building, managing and funding reservation facilities; the role of the Tribes in performing BIA functions under the Indian Self-Determination Act of 1975; law enforcement on Indian reservations; the new BIA standards for detention facilities; and the impact of Indians' cultures and perspectives on reservation law enforcement and facilities management concerns. This meeting included visits to the detention facilities at the Zuni and the Mescalero Apache reservations. At the conclusion of this orientation, the NAPA staff reached agreement on the format for uniform site reports.

Following the Albuquerque meeting, the expert observers made pilot visits to seven detention facilities. Then they met in Minneapolis in July to assure uniformity in their use of the reporting instrument and in their approaches to the on-site visits.

On-site visits were conducted during the months of July, August and September of 1988. On September 21, Academy staff members met with officials representing the department's Office of Construction Management including the Albuquerque Center, the BIA Division of Law Enforcement Services and the Indian Health Service of the Department of Health and Human Services. In this meeting the observers shared their findings and tentative conclusions and recommendations and the outline of a final report was developed.

On October 5, 1988, an Academy Advisory Panel was convened to review all findings, including a detailed recapitulation of facts and observers' views on each facility. The panel also reviewed the NAPA staff's draft of the final report. Panel members are identified in Appendix C; they were selected for their expertise in corrections, substance abuse and facilities management and for their personal knowledge of the Indian cultures. This report profited much from panel members' observations and advice; however, the report is a product of the NAPA study team rather than the panel.

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ROBERT J. WATSON, Commissioner, Department of Corrections of the  
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\* Elected Fellows of the Academy.

## SELECTED ACADEMY PUBLICATIONS

- Prospects for the Item Veto at the Federal Level: Lessons from the States (1988)*
- Welfare Reform Dialogue: Implementation and Operational Feasibility Issues (1988)*
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**REPORT ON COMPREHENSIVE  
DETENTION/TREATMENT CENTERS**

*Prepared By:*

**Indian Health Service  
Bureau of Indian Affairs  
Office of Construction Management**

**March 1990**

## REPORT ON COMPREHENSIVE DETENTION/TREATMENT CENTERS

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## PREFACE

This report has been prepared by the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA) and the Office of Construction Management (OCM) in response to Congressional directives in the Senate and Conference Committee reports accompanying the Fiscal Year 1990 Appropriations Act.

Specifically, the Senate Report of July 25, 1989 (number 101-85) states:

"The committee intends that the Bureau work with the Indian Health Service with respect to the inclusion of alcohol detoxification facilities within new planned detention facilities. The two bureaus should prepare a joint report, to be submitted by March 1, 1990, regarding efforts undertaken to meet this requirement. The bureaus should address such issues as staffing responsibility, costs, and design requirements."

Additionally, the Conference Report of October 2, 1989 (number 101-264) states:

"The managers expect the Bureau of Indian Affairs and the Office of Construction Management to work with the Indian Health Service to prepare a joint report, due March 1, 1990, regarding efforts to include detoxification facilities in detention centers."

## EXECUTIVE SUMMARY

In 1988, the Office of Construction Management (OCM) commissioned a study of Indian detention facilities by the National Academy of Public Administration (NAPA) as a result of concerns about safety deficiencies within these facilities and the high risk group of inmates, including the potential for suicide. Additionally, OCM requested that the Academy conduct an assessment of the Operations and Maintenance (O&M) program at these centers and the adequacy of O&M funds for proper maintenance. As a result of the NAPA study, the impact of alcoholism on Indian detainees became very clear and the most effective program approaches to meeting inmate needs have become an area of emphasis within the Bureau of Indian Affairs (BIA), OCM, and the Indian Health Service (IHS).

The NAPA report not only identified the most serious safety deficiencies and analyzed the O&M funding requirements, but it also accumulated and presented additional data which demonstrated that alcohol abuse and its illegal or anti-social behavioral consequences constituted almost the total cause for incarceration. Additionally, the study highlighted the fact that most detainees are well known to law enforcement personnel, considered non-violent after sobering up, and typically classified as passive/aggressive individuals requiring security restraint and housing while intoxicated. In most cases, they are "regulars" in the "revolving door" system which results from the lack of adequate operational procedures and programs for dealing with alcohol problems.

Because it seems unlikely that a proliferation of detention facilities, designed to perpetuate the "revolving door" system, would provide any optimism for addressing the basic problem of alcohol abuse, BIA, OCM and IHS have begun a joint effort to provide a model facility for detention and treatment for the Cheyenne River Sioux Tribe on its Reservation at Eagle Butte, South Dakota. It is anticipated that this facility will provide the opportunity to bring together social services, medical, tribal judicial, and other specialists who might make contributions toward a meaningful intervention as a beginning to change the behavioral problems resulting from alcohol abuse.

Additionally, further coordination efforts such as identifying IHS centers or services in the proximity of existing BIA detention facilities, are under consideration to more effectively address alcoholism problems elsewhere in the penal system. In this vein, the inclusion of detoxification services can be a step toward addressing alcoholism problems through the detention system, although a comprehensive effort involving after care and related services such as training, education, and employment is beyond the scope of this report.

It is anticipated that from the Eagle Butte comprehensive detention and treatment program, policies and operating procedures will be developed which will offer far better opportunities for reducing the unacceptable human costs which result from alcohol abuse.

That is the goal envisioned by the model program. Additionally, a continued emphasis will be placed on those facilities authorized for juveniles and "at risk" youth, under the provisions of the Anti-Drug Abuse Act (P.L. 100-690). OCM is recommending that results of the Eagle Butte initiative form the basis for future detention center construction planning. This report to the Congress will detail the status of joint planning for the model facility.

## BACKGROUND:

Introduction:

Data available from the Bureau of Indian Affairs (BIA), the contract completed for the Office of Construction Management (OCM) by the National Academy of Public Administrators (NAPA), and from the records of the Indian Health Service (IHS), indicates certain characteristics of the inmate population which confirms the prevalence of alcohol and alcohol-related problems. So dramatic is the association between alcohol abuse and offenders, that the figure of alcohol abuse as a cause of incarceration (e.g. drunk and disorderly conduct, family abuse, or crimes committed while under the influence) exceeds 95%.

The range in age, sex, and numbers of inmates housed at various detention facilities is noted in Table 1 from the NAPA study. This indicates the level of utilization which was observed by the study. Given the fact that the vast majority of these inmates are incarcerated for alcohol abuse offenses, the need for high security facilities constructed for housing non-alcohol criminal offenders has been questioned. Instead, regional centers designed to meet detention needs and address the alcohol problems through social detoxification, counselling and referrals is deemed more appropriate.

A major conclusion of the NAPA survey of 37 detention facilities was that, given the characteristics of the inmate load, the jails in essence were being used as a form of community-based social detoxification centers. Frequently, incarceration was the primary means of addressing alcohol abuse problems, as a result of tribal court sentencing and insufficient community resources and use of IHS authorized treatment and alcohol programs. Therefore, primary functions at detention facilities included detaining offenders who required high security restraint while intoxicated and continual supervision in view of enhanced suicidal tendencies during detoxification. Personnel were not trained for these functions; facilities were not built with treatment in mind; and jails operated independently of the treatment community and the family system. It concluded that a new generation of jails should be developed incorporating detoxification services to reduce recidivism.

In recognition of the unusual extent of alcoholism on illegal or anti-social behavioral disorders resulting in incarceration, a determination was made by BIA, OCM, and IHS to try to reduce the problem by placing a comprehensive detention and treatment program in a facility designed for this purpose.

## NAPA OBSERVED DETENTION CENTER INMATE POPULATIONS BY AREA:

Area	Facility	Agency	---Adults---		--Juveniles--	
			Male	Female	Male	Female
=====						
<b>Aberdeen</b>						
	Eagle Butte	Cheyenne River	26	5	5	2
	Crow Creek	Crow Creek	2			
	New Town	Fort Berthold	3			
	Fort Totten (Devil's Lake)	Fort Totten	11	2		
	Lower Brule	Lower Brule	1	1		
	Pine Ridge	Pine Ridge	12.9	3.7	1.5	0.8
	Kyle, S.D.	Pine Ridge	14	2	2	2
	Rosebud	Rosebud	17	2		2
	Standing Rock	Standing Rock Reservation	24	6	1	1
	Belcourt, N.Dakota	Turtle Mountain	9	1		1
	Macy, Nebraska	Omaha	5		4	3
<b>Albuquerque</b>						
	Mescalero	Mescalero Apache	15			
	Zuni Pueblo	Zuni Pueblo	7			
	So. Ute Justice Center					
<b>Billings</b>						
	Blackfeet	Blackfeet	9	1		
	Crow Agency	Crow	25	5	3	1
	Ft. Belknap	Ft. Belknap	2			
	Ft. Peck	Ft. Peck	19	3	1	
	Northern Cheyenne	Northern Cheyenne	12	3	0	
	Wind River Agency	Wind River	5	1	1	
	Rocky Boy IR					
<b>Minneapolis</b>						
	Menominee	Menominee Tribe	15	5		1
	Red Lake Agency	Red Lake	6			
	Nett Lake	Minnesota	1			
<b>Navajo</b>						
	Tuba City		44	4		
	Chinle		62	9		
	Window Rock					
	Shiprock					
	Crownpoint					
<b>Phoenix</b>						
	Ft. Apache	Ft. Apache	21	3	3	3
	San Carlos	San Carlos	22	6		
	Hopi	Hopi	35	0	2	
	Pima Agency	Pima	23	4	7	3
	Tohono O'Odham	Tohono O'Odham	19	3		
	Peach Springs	Truxton Canyon	8		2	1
	Uintah & Ouray	Uintah & Ouray	10	4		
	Salt River	Salt River	13	10		
<b>Portland</b>						
	Warm Springs	Warm Springs	21	4	1	

Since the early planning stages of a new law and order facility at the Cheyenne River Reservation in South Dakota already had begun, this seemed an ideal opportunity to coordinate efforts with the IHS in initial planning, and to anticipate additional program and tribal support as the planning and design progressed. It is within this total concept involving social services, medical, tribal, judicial and other specialists that BIA, OCM, and IHS are cooperating, in order that the program of requirements for the physical facility and the required staff and operational costs are anticipated in advance.

We believe that detailed consultations with tribal authorities will be required, especially with the tribal judges. These judges should have additional options available to them in the sentencing to include a variety of incarceration/treatment programs which will become available at the model facility. For example, increased detention time may be required for repeat offenders, and drug abuse treatment could be required of those whose offenses are basically related to alcohol or drug abuse. Specialized training will also be required for the security personnel at this center, since its mission is more complex than the traditional detention facility. Personnel must be more sensitive to the changed philosophy in dealing with these inmates through innovative approaches. These innovative approaches will have the objective of rehabilitating and returning to productive community and family life at least some of the inmates who now are subjected to the "revolving door" system of incarceration, release, and repeated incarceration which is now in place.

Success in addressing the alcohol related problems within communities is contingent on more than the imminent changes in detention facilities. Follow-up treatment and commitment to providing rehabilitation through adequate community treatment programs supported by the tribes is also critical.

#### Status of Planning for the Model Facility:

In the past, BIA detention facility designs included extensive security, which is not required for the nature of the offenses committed by the overwhelming number of inmates. Therefore, few, if any accommodations were made for rehabilitative activities. In addition, these high security designs were usually of a linear arrangement of spaces which precluded direct supervision of inmates and as a consequence, provided an environment which together with the loss of self worth by a sobering-up alcohol abuser, offered the opportunity for suicide attempts.

With greater emphasis on detoxification and alcohol treatment needs, careful consideration also must be given to the required resources. Although initial construction costs will not be as great as in the past as a result of more realistic assessments of security requirements, increased requirements may ensue with

respect to the additional need for special staff professionals and coordination of a full range of services between tribal organizations, IHS, and BIA management. Additional requirements will result from the provision of specialized training for the personnel who will be staffing the center. Estimates for these types of resource requirements will be developed between the BIA, and its responsible offices, and the IHS. More specific information relating to staffing requirements is provided later in this report, as prepared by IHS.

Also included as a part of this report as Appendix A, is a document entitled "Guidelines Concerning Operational Issues and Their Impact on the Design of Indian Country Detention Centers", dated October 1989. This document has been developed as a result of the coordinated efforts between OCM, BIA, and IHS to provide guidance for comprehensive detention and treatment centers which acknowledge the requirement to provide more than "lock up" facilities for alcohol abusers.

## EAGLE BUTTE - A MODEL FOR DETOXIFICATION/TREATMENT PROGRAMS:

General Background/PONI Process:

As noted previously, BIA, OCM, and IHS are determined to undertake a comprehensive program to incorporate all available resources addressing the prevention and treatment of alcoholism. In this vein, it is expected that education and social programs will provide the most long term beneficial effect. Additionally, a shift in emphasis toward prevention, early intervention (including juvenile programs) and rehabilitation is foreseen, with incarceration as an option of last resort. In those cases where incarceration is needed, an orientation toward authentic medical detoxification through a program with adequate facilities and a commitment of IHS staff to provide the necessary medical supervision and support is recommended.

As a part of this comprehensive effort to address underlying alcohol related problems, the need for a network of support and cooperation between BIA, IHS, OCM and tribes in developing detoxification services in detention facilities and associated treatment and rehabilitation programs is evident. A necessary part of providing detoxification services in detention facilities is in the planning of new facilities. In this regard, IHS, OCM, and BIA intend to work together in any future detention center renovation or construction efforts with the tribes to insure that requirements for detoxification services or units are included in the planning phase. The Cheyenne River Eagle Butte facility serves as a model for addressing these needs in the future.

Coordination and consideration of the long term requirements and total program needs specified by those participating in the Planning of New Institutions (PONI) decision-making process is crucial in assuring the most responsive construction design and operational staffing needs.

As the PONI process provides a structure for continued interaction on the part of agency for design and construction staff, and contract architects and engineers, it is expected that the PONIs will also play an integral part of any future detention detoxification coordination efforts as well. An evaluation of the process upon completion of the Eagle Butte model, with regard to application of specific elements in future planning, will be required in order to assess the most effective planning procedures and subsequently developing a viable process for future projects

Eagle Butte -

The Eagle Butte detention center was planned under the PONI process endorsed by the National Institute of Corrections, using "New Generation" design concepts. Under this process, the design and construction of the facility encompasses requirements determined on the basis of input by tribal, BIA, IHS, and OCM assessments of a total program to involve social services, medical, tribal judicial and other services.

In the Eagle Butte model, new generation design concepts are being applied, tailoring the facility to meet the specific requirements of differing types of activities and inmates, including juveniles and adults. Under this concept, the facility will have a "normalized" atmosphere (with conventional furniture, pay phones and TV), providing inmates with access to recreation, communication and socialization, to the extent possible. Additionally, under this design concept, a common wall is expected to separate the maximum security section of the facility from the detoxification unit.

In such a model detoxification unit plan, detainees could be expected to reside in the center from approximately 30 to 90 days, if necessary; to allow for physical detoxification and to accommodate a more effective transition toward longer term treatment. Sharing of heating, ventilation and other support systems would be accommodated within the design, reducing overall costs. Additionally, coordination is required to assure that available tribal intervention programs are linked programmatically to the detoxification program ensuring that a continuous treatment program within the community is available upon detainee discharge. Again, application of these design concepts and model programs in future planning efforts will be based on an evaluation of the Eagle Butte experience.

In addition, other planning features such as staffing are expected to be applicable to future planning of detention centers. Such staffing requirements include assuring the capability of continuous surveillance and supervision of inmates' activities by detention officers. In planning future detention facility programs, law enforcement staff will be expected to undertake more active roles than they had previously. Also, it is expected that detoxification services by IHS personnel will be included within planned facilities. In the Eagle Butte model, the facility is being constructed to accommodate these goals.

In this effort, IHS has begun planning to provide detoxification services at Eagle Butte by holding discussions with BIA officials at the Aberdeen Area Office and Cheyenne River Sioux Tribal officials. In this planning stage, IHS recognizes that

coordination with the reservation community is essential in assuring that detoxification services at Eagle Butte are integrated with the Tribal alcoholism treatment program. This planning will ensure that one coordinated program can be developed to handle individual inmates from the first day of incarceration through aftercare services available within the community. Although the extent of such services would vary from location to location, the planning process would be applicable toward any future detention center planning efforts.

Specifically, in developing the staffing plan for the Eagle Butte center, IHS reviewed the types of services to be provided, the estimated length of time for each case, and the type and extent of follow-up monitoring of individuals envisioned. In this regard, IHS has decided to provide three professional positions to coordinate services within the facility. These positions will be made available from within existing Area Office Full Time Employment (FTE) ceilings and will be funded from available Anti-Drug Abuse Act of 1988 funds. This staffing pattern is depicted in the section below as "Pattern B", serving as a potential model for future detention detoxification units planning.

#### Specific Features of the Facility:

Although individual detention facilities planned in the future will vary according to their special needs, the funding available, and the determinations reached through the PONI process described above, some of the specific features which are being incorporated into the Eagle Butte plan are ~~outlined~~ herein as a possible reference for future efforts.

#### Mission -

The mission of the Law Enforcement Center for the Cheyenne River Sioux Tribe, is to provide law enforcement and court facilities for the Tribe under the Tribal constitution and Law and Order Code as well as under the terms of the P.L. 93-638 Self-Determination Act contract with the BIA. It is also intended to incorporate standards established by BIA for adult and juvenile detention centers and adhere to the "Standards for Community Residential Facilities" of the American Corrections Association.

In this regard, the mission statement within the PONI guidelines states that the facility "is to be operated for the protection of society and the rehabilitation of offenders; the facility is not to be viewed as a means of inflicting punishment other than the lawful deprivation of freedom which comes from the legitimate imposition of sentence by the courts." The mission statement further states, "through the integration of community resources and programs, the judicious deployment of personnel, and an operationally efficient design, the facility will be operated as

cost-effectively as possible...through a trained, competent staff." Finally, it concludes, that the "facility and its operators recognize that they are part of a larger social system. The design of the justice facility and its operations must facilitate and help to maintain a strong relationship between the justice system and other social agencies to deal with broad social problems of concern to both."

As can be seen from the mission statement itself, the concept of an integrated system, with an added emphasis on rehabilitation and reintegration, is the cornerstone for the success of the facility. It is expected that this approach, intended to be inclusive of all areas of design and construction, IHS staffing, and BIA and Tribal operational staffing and community cooperation, will serve as the model for any future center planning.

#### Method of Inmate Management -

Two basic styles of inmate management, i.e. direct supervision and remote observation, are foreseen at the Eagle Butte center. This will be accomplished through the placement of a correctional officer at a post directly in the inmates' housing unit without barriers, as well as through a control station, separated by a barrier, capable of observing the housing unit. Direct supervision is expected to be intermittent, and interaction with higher risk inmates (including those determined to be violent detox cases) is to be undertaken only in the instance of immediately available backups.

#### Housing Style -

A podular style jail enabling easy observation is being applied to the design of the Eagle Butte unit. Inmates under direct supervision will be allowed to move unescorted into the facility under the observation of the control station. The design will accommodate internal movement of inmates to programs, services, and other activities. A more normalized environment is to be incorporated into the design, thereby using only a limited amount of non-traditional materials, color, and acoustic treatments (such as carpeting) to control noise.

#### Security -

At the Eagle Butte facility, no boundary fencing is proposed. Instead, internal barriers within the center will be emphasized, thereby providing strong security perimeters for each custody unit (i.e. male, female, juvenile, detox unit). The use of closed circuit TV will be minimized. Previous experience in the incarceration environment indicates that an over-reliance on this method has at times proven risky and questions regarding violations of 5th amendment rights have often arisen. At Eagle Butte, closed circuit TV will be used to survey areas with little or no movement

expected such as loading docks or corridors not routinely used.

Site Constraints -

The Eagle Butte site is located on a five acre site, several blocks away from the main street. It has been determined that the site is large enough to allow construction on a single floor, and allow for future expansions at the same location. It is expected that the facility would eventually accommodate detention, law enforcement and communications components of the Tribal Police, the Tribal Court and the Prosecutor's Office. Juveniles will also be accommodated in the physical structure.

Law Enforcement Staffing Pattern -

The optimal staffing pattern recommendations are outlined in the Eagle Butte PONI study. These plans call for having one fixed post, two roving officers (one primarily responsible for inmate housing and one for intake and release of inmates), one detention officer and one dispatcher to operate the adult section of the facility. Juvenile staffing would not require a fixed post, but would call for both male and female detention officers on duty for all shifts. A general goal is that a staff person will not be responsible for more than 12 to 15 inmates in each housing unit or program space.

Social Detox Center -

In planning the detoxification unit at Eagle Butte, goals envisioned included: (1) to create a distinct component within the same physical structure without duplicating support services or creating another parallel organization for this purpose; (2) to leave the law enforcement community in the arena as the element ultimately charged with responding to such problems; and (3) to minimize capital and operational costs.

In addressing these needs, a distinction has been made between the medical detoxification and social detoxification approaches. The National Commission on Correctional Health Care in the Standards for Health Services in Jails defines "medical" detoxification as "the process by which an individual is gradually withdrawn from a drug by the administration of decreasing doses of the drug upon which the person is physiologically dependent, one that is cross-tolerant to it, or one that has been demonstrated to be effective on the basis of medical research. Detoxification in alcohol-dependent individuals does not involve administering decreasing doses that are cross-tolerant to it". Therefore, medical detoxification occurs only when steps are taken to eliminate the chemical dependency aspect of the drug or alcohol addiction.

Social detoxification, however, does not involve the administration of medication or any effort to treat the chemical dependency with

drugs. At the Eagle Butte facility, the social detoxification unit will provide a designated area with a living environment complying with the Community Residential Standards of the American Correctional Association, to be occupied primarily by sentenced offenders. Additionally, a separate "intake area" for short-term holding of alcohol-related offenders will be provided. During the period of time in which individuals are in the social detoxification unit, peer counselors are used in a minimum security setting. Additionally, referral to available counseling within the community may be done prior to release.

The Eagle Butte law enforcement center will only provide social detoxification, and not medical detoxification or treatment at the facility. Social detoxification, as it is applied in the Eagle Butte model, does not involve the administration of medication or any effort to treat the chemical dependency with drugs. Rather, it involves holding individuals safely until such time as they are sober enough to be released safely. At Eagle Butte, peer counselors will be used during that time.

In cases where individuals require medical detoxification because of the severity of their addiction, placement in a hospital setting until the chemical dependence is adequately treated, would be appropriate. In cases where dependence is not severe enough to require hospitalization, counseling and treatment at a community treatment facility would be more appropriate. In any case, medical detoxification or extensive, long term counselling would not be included in the social detoxification approach at the detention center. The interface between social detoxification provided at detention facilities and follow up medical detoxification through clinical treatments and/or counseling is expected to vary depending on available resources within communities. Forthcoming experience at the Eagle Butte facility will be a significant model for consideration in other programs.

Integrating the social detoxification approach into a correctional setting constitutes a main focus of the Eagle Butte plan. Within the plan, there will be an "intake area" of detoxification cells to provide for short-term or emergency placement for alcohol-related offenders. It is expected that these detoxification cells will provide short-term holding of adult and juvenile offenders until court appearances (72 hours or less) or until individuals can be released on their own recognizance. The social detoxification unit itself will provide and beds for 16 inmates. Drug and alcohol staff in the area, as well as peer counselors, are to be used. IHS indicates that counselors will also be sent to the facility for screening and referral of those individuals held in the center prior to their release on their own recognizance or transfer to the court. Therefore, the primary emphasis of the social detoxification unit is to serve as a bridge to long-term treatment or community-based counseling as opposed to an end in itself.

The detoxification unit at the Eagle Butte facility is to be located outside of the security perimeter of the jail. Controlled access to the area will be based on operating practices as opposed to restrictive materials. The area will be built to comply with the Community Residential Standards of the American Correctional Association.

A counselor's office or workstation will be located within the social detoxification center, constructed to allow visual surveillance of each detox unit. The office can be used for individual counseling or interviewing of residents for private assessments, rather than in the group setting, and will accommodate two detainees.

The social detox center is also designed to accommodate sleeping areas for four units and toilet facilities. The area is designed to accommodate easy observation. Non-cooperative persons charged with alcohol offenses are to be held in a more secure environment in single, or individual detoxification holding cells in the booking area, until law enforcement personnel can safely move the individual.

#### Health Care Services -

In determining the extent of services and specific design of the social detox center at Eagle Butte, a profile of the adult and juvenile offenders detained in the past for alcohol-related charges was reviewed. The PONI study focused on 1987 and 1988 charges. In this period, it was determined that approximately 75% of all bookings were related to alcohol, including charges of drunkenness, public nuisance and disorderly conduct, and driving while under the influence of alcohol.

Therefore, a significant portion of the admissions have been based on detention cases which could be referred to the detoxification center. One analysis indicated that incorporation of social detoxification into the center may have a significant affect on the Justice System. This would particularly be the case if, in the future, charges for alcohol related offenses were referred directly for social detoxification. Although it is difficult to ascertain the extent to which such a practice may be undertaken and incorporate projections into the center's plans, such a process could relieve the court of a significant portion of its case processing as inmate alcohol problems will be handled more effectively and hence the "revolving door" will be better addressed. Carrying this further, by integrating the social detox effort with alcohol treatment, could result in greater benefits to the law enforcement facility, court, and individuals charged.

In working with the Tribe, and assessing the extent of the problems facing the community and law enforcement area as noted above, IHS has determined that up to three professional positions will be

committed at least on a part-time basis to the facility to coordinate services within the facility and to provide treatment services in conjunction with Tribal staff. The IHS estimated cost of this Tribal/IHS service staffing approach is \$385,967.

APPLICATION OF THE EAGLE BUTTE MODEL -  
INDIAN HEALTH SERVICE STAFFING  
DETOXIFICATION PROGRAM REQUIREMENTS:

Application of Services at Existing Facilities:

As a result of the cooperative effort being developed at the Eagle Butte regional detention center, OCM is recommending that this initiative form the basis for future detention center construction planning. Furthermore, IHS sees the viability of applying features of the model system to large service population areas throughout Indian country. Additionally, in considering the application of detoxification and treatment services to existing service population areas, IHS and BIA will assess the potential for further coordination between available resources within the vicinity. In this regard, Table 2 displays a listing of the existing BIA owned or operated detention centers surveyed by NAPA in 1988, and the proximity of IHS services.

Table 2:

PROXIMITY OF IHS AND BIA FACILITIES:

AREA/BIA	AVERAGE DETENTION FACILITY	DAILY POPULATION	IHS FACILITY	APPROXIMATE DISTANCE TO BIA FACILITY
<b>ABERDEEN</b>				
	Eagle Butte	30	Hospital	*
	Crow Creek	3.1	Clinic	*
	New Town	5	Clinic	3 miles
	Fort Totten	12	Clinic	*
	Lower Brule	2	Nurse Station	2 miles
	Pine Ridge	20	Hospital	*
	Kyle, South Dakota	32	Clinic	*
	Rosebud	22	Hospital	*
	Standing Rock	32	Hospital	*
	Belcourt, North Dakota	12	Hospital	*
	Macy, Nebraska	12	Clinic	*
<b>ALBUQUERQUE</b>				
	Zuni Pueblo	10	Hospital	5 miles
<b>BILLINGS</b>				
	Blackfeet	17	Hospital	*
	Crow Agency	10	Clinic	*
	Ft. Belknap	3.5	Hospital	*
	Ft. Peck	25	Hospital	*
	Northern Cheyenne	6.5	Clinic	*

(BIA/IHS Facilities Proximity continued):

AREA/BIA	AVERAGE		APPROXIMATE	
	DETENTION FACILITY	DAILY POPULATION	IHS FACILITY	DISTANCE TO BIA FACILITY
(BILLINGS Continued):				
	Wind River Agency	16.7	Clinic	(alcohol patients taken to county facility 16 miles)
MINNEAPOLIS				
	Menominee	12	Clinic	*
	Red Lake Agency	2.4	Hospital	*
	Nett Lake	2	Clinic	5 miles
NAVAJO				
	Tuba City	36	Hospital	*
	Chinle	30	Hospital	4 miles
PHOENIX				
	Ft. Apache	45	Hospital	3 miles
	San Carlos	13	Hospital	* (IHS doctor regularly visits center)
	Hopi	45	Hospital	5 miles
	Pina Agency	39	Hospital	* (IHS doctor weekly visits center juveniles)
	Tohono O'Odham	20	Hospital	*
	Peach Springs	12	Clinic	*
	Supai	1	Clinic	*
	Uintah & Curay	16	Hospital	*
	Salt River	20	Clinic	*
PORTLAND				
	Quinalt	6	Hospital	(Aberdeen hospital 45 miles)
	Spokane	2.4	Clinic	Same as above
	Warm Springs	26	Clinic	(Hospital 15 miles)

\* located within 1 mile or less of the BIA facility

Source: 1988 NAPA Report Survey of BIA Detention Facilities

Based on this information, further coordination of available

services and programs at existing facilities may be possible, depending on logistics and cooperative arrangements which will be emphasized at the location level. In cases where IHS and BIA operate in proximity, such coordination may focus on determining the extent to which current services can be made available to the detention population and attempting to address possible deficiencies through the use of cooperative arrangements.

#### Application of the Model to Large Service Populations:

According to NAPA recommendations and IHS assessments, current methods of addressing inmate detoxification and treatment needs are deficient. This deficiency is evident in facility design and construction as well as in the lack of providing the adequate treatment and detoxification which allows the individual's physical and emotional system to stabilize and become free of the influence of alcohol. Authorities state that this process takes approximately two to seven days, under the close supervision of trained paraprofessionals. Within the current system, inmates are generally detained long enough to become sober, being released within hours or days allowing a repeating cycle. Generally, IHS services are not immediately available for detention centers unless inmates are taken to the clinics specifically for treatment of convulsions or delirium tremens.

Through more effective coordination and application of the Eagle Butte model of direct intervention of detoxification methods within the detention center, IHS and BIA anticipate greater opportunities for intervening within the family system at a point of stress. More effective management of the alcohol "revolving door" problem is expected if aftercare is provided immediately, to reduce recidivism.

IHS has indicated that it will begin an evaluation of the Eagle Butte model in order to determine its success and feasibility, and assess the extent to which it can be applied in future centers. Although expansion of the program and the concept to all detention centers may not be cost effective or indeed warranted, IHS indicates that development of a regionalist approach serving a broad population base has merit, based on the experience of developing youth regional treatment centers authorized by the Anti-Drug Abuse Act of 1986 (P.L. 99-570). It indicates that such centers have been found to be valuable treatment resources over a broad area.

#### Staffing -

In order to assess the potential population to be served, IHS has reviewed past alcohol treatment experience, tracking the number of individuals served by IHS contract alcoholism programs by each Area. This information is provided in the following table. Although it is not clear that this indicates the extent to which

individuals will end up in detox centers, it does present a general picture of previous IHS case volume in its existing programs.

Table 3

## 1988 IHS ALCOHOL RELATED CASES SERVED:

Area	Cases	
	<u>Population</u>	<u>Served</u>
PORTLAND	105,379	4,609
BILLINGS	46,824	1,974
ALBUQUERQUE	56,904	2,069
MINNEAPOLIS	52,979	1,530
ABERDEEN	79,967	1,424
PHOENIX	92,476	1,492
NAVAJO	181,282	1,847

Sources: ASAPB Services and Discharge Report for 1988 IHS Service Population by Area, Table 2.1, Chart Series

In addition to IHS alcohol treatment caseloads, further assessment of the potential service population of detoxification and treatment programs would also have to take into consideration the volume of alcohol related crimes and arrests within each area (ranging up to 95% as indicated by the NAPA report).

Current IHS staffing and the number of staff certified in alcohol and detoxification treatments are noted in Table 4 that follows. IHS indicates that current staffing patterns typically reflect a "need" ratio of 3:1 of IHS staff to Tribal personnel. Therefore, future planning may take into consideration a recommended minimum staff involving this ratio of combined IHS and other Tribal program support staff.

Table 4

IHS/CONTRACT DETOXIFICATION PROGRAM STAFF LEVELS:

<u>Rank/Area:</u>	<u>Total Staff:</u>	<u>Certified Staff</u>
1 PORTLAND	107	72
2 BILLINGS	57	26
3 ALBUQUERQUE	64	36
4 MINNEAPOLIS	93	27
5 ABERDEEN	71	14
6 PHOENIX	55	23
7 NAVAJO	136	33

Source: ASAPB Program Listing Document, FY 1988  
(a) Assumption: 10 beds operational 25 hour coverage of 9.6 professional and 4.4 support staff

As noted earlier, staffing for the Eagle Butte model is based on this concept of integrating IHS and other available tribal program staff. It is expected that this approach would also be the most practical in considering future planning needs. Depending upon the population base, projected needs at individual detention centers, and available resources, IHS is proposing three models for considering future planning needs. These models differ based on the extent of integrating Tribal alcoholism programs within the overall program design. Table 5 depicts these three basic patterns, from which variations may be derived, with estimated costs as follows:

Table 5

## IHS ALTERNATIVE STAFFING PATTERNS:

<u>Pattern</u>		<u>Estimated Minimum Cost</u>
A.	1 Clinical Administrator	\$41,121
	1 Registered Nurse	28,852
	2 Alcoholism Specialists	69,160
	1 Secretary	<u>15,738</u>
		\$154,871
	or	
B.	1 Clinical Administrator	\$41,121
	1 Alcoholism Specialist	34,580
	1 Physician Assistant	<u>34,580</u>
		\$110,281
	or	
C.	1 Clinical Administrator	\$41,121
	1 Physician Assistant	34,580
	1 Registered Nurse	28,852
	1 Recreation Therapist	28,852
	2 Alcoholism Specialists	69,160
	5 Attendants/Counselors	97,465
	1 Driver	17,542
	1 Medical Record Specialist/Secretary	<u>17,542</u>
		\$335,114

In the table, pattern "A" assumes partial integration of the Tribal alcoholism program in the design; pattern "B" assumes integration of the Tribal program within the design; and pattern "C" assumes autonomous functioning of the unit. Each alternative assumes various levels of support from the detention center such as food service, janitorial services, and maintenance support. Other

program costs are not included in any of the alternatives such as equipment, paper supplies, telephones, mileage, etc.

The pattern recommended by IHS for the Eagle Butte center is "Pattern B", which integrates the Tribal program and community effort into the program. Application to other centers will depend largely on the success and experience to be encountered at the Cheyenne River model.

Application to Future Planning -

IHS estimates that regional detox programs at the seven Areas noted with high case potential could incorporate the recommended combined IHS and Tribal program staffing based on "Pattern B". Under this approach, IHS estimates that planning should be based on annual staffing cost of \$110,281 for a core of IHS professional personnel and approximately \$275,000 for Tribal or augmenting staff to provide a 24 hour program for each region. Additionally, costs associated with the BIA staffing and operation of detention facilities with detoxification units would have to be included. Although this projection forms a general guideline for consideration by IHS, it does not provide for population variances or space allocation differences in different facilities.

## CONCLUSION

The Eagle Butte Detention Center will serve as a model for future planning efforts on the part of IHS, OCM, and BIA to incorporate detoxification and treatment programs into the law enforcement and judicial systems. With the increasing recognition of alcohol-related problems in the Indian community and their impact on treatment within the law enforcement system, cooperative planning of the design and construction of new centers is crucial as a way of incorporating effective strategies against these problems. Additionally, cooperation between these agencies in assessing problems, channelling available resources, and better managing existing programs and facilities is essential. Given the comprehensive level of coordination between these agencies and the Tribe in attempting to provide a viable facility design and operational program at the Eagle Butte Detention Center, we believe a framework for future planning efforts has been laid. Application to specific future requirements or existing programs will vary depending on the actual requirements determined and successes expected from the forthcoming Cheyenne River project.



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