



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR 04 2024

The Honorable Lisa Murkowski
Vice Chair, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

The Tribal Law and Order Act of 2010 (Act) requires the Bureau of Indian Affairs (BIA) to submit an annual report to Congress for each fiscal year that includes (1) the number of full-time employees of BIA and Tribal governments who serve in Public Safety and Justice programs; (2) the amount of appropriations obligated for Public Safety and Justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing needs of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs. Enclosed is a report that satisfies the BIA's reporting requirements for Fiscal Year 2021 pursuant to the Act.

Identical letters are being provided to the Honorable Harriet Hageman, Chair, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; the Honorable Teresa Leger Fernández, Ranking Member, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; and the Honorable Brian Schatz, Chair, Committee on Indian Affairs, United States Senate.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 04 2024

The Honorable Harriet Hageman
Chair, Subcommittee for
Indian and Insular Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chair:

The Tribal Law and Order Act of 2010 (Act) requires the Bureau of Indian Affairs (BIA) to submit an annual report to Congress for each fiscal year that includes (1) the number of full-time employees of BIA and Tribal governments who serve in Public Safety and Justice programs; (2) the amount of appropriations obligated for Public Safety and Justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing needs of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs. Enclosed is a report that satisfies the BIA's reporting requirements for Fiscal Year 2021 pursuant to the Act.

Identical letters are being provided to the Honorable Teresa Leger Fernández Ranking Member, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; the Honorable Brian Schatz, Chair, Committee on Indian Affairs, United States Senate; and the Honorable Lisa Murkowski, Vice Chair, Committee on Indian Affairs, United States Senate.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 04 2024

The Honorable Teresa Leger Fernández
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Representative Fernández:

The Tribal Law and Order Act of 2010 (Act) requires the Bureau of Indian Affairs (BIA) to submit an annual report to Congress for each fiscal year that includes (1) the number of full-time employees of BIA and Tribal governments who serve in Public Safety and Justice programs; (2) the amount of appropriations obligated for Public Safety and Justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing needs of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs. Enclosed is a report that satisfies the BIA's reporting requirements for Fiscal Year 2021 pursuant to the Act.

Identical letters are being provided to the Honorable Harriet Hageman, Chair, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; the Honorable Brian Schatz, Chair, Committee on Indian Affairs, United States Senate; and the Honorable Lisa Murkowski, Vice Chair, Committee on Indian Affairs, United States Senate.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 04 2024

The Honorable Brian Schatz
Chair, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Tribal Law and Order Act of 2010 (Act) requires the Bureau of Indian Affairs (BIA) to submit an annual report to Congress for each fiscal year that includes (1) the number of full-time employees of BIA and Tribal governments who serve in Public Safety and Justice programs; (2) the amount of appropriations obligated for Public Safety and Justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing needs of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs. Enclosed is a report that satisfies the BIA's reporting requirements for Fiscal Year 2021 pursuant to the Act.

Identical letters are being provided to the Honorable Harriet Hageman, Chair, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; the Honorable Teresa Leger Fernández, Ranking Member, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; and the Honorable Lisa Murkowski, Vice Chair, Committee on Indian Affairs, United States Senate.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Enclosure

Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021



**Bureau of Indian Affairs,
Office of Justice Services
February, 2024**

Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021

TABLE OF CONTENTS

Executive Summary.....	1
I. Introduction	2
II. Data Sources	2
III. BIA Funding and Staffing	3
Methodology for Disbursing PS&J Funding.....	3
Law Enforcement and Detention/Corrections Programs.....	3
Tribal Courts	3
Disbursement of PS&J Funding	3
Law Enforcement Programs	3
Detention/Corrections Programs	4
Tribal Courts	4
BIA Staffing of PS&J Programs	4
IV. Total Estimated Costs.....	5
Methodologies for Calculating Estimated Costs of PS&J Funding	5
Law Enforcement Cost Estimate.....	6
Tribal Courts Cost Estimate	6
Detention/Corrections Cost Estimate.....	6
Total Estimated Costs of PS&J Programs in Indian Country.....	7
Appendix A: Summary of Findings by State.....	9
Appendix B: Report of PS&J Technical Assistance/Training	13
Appendix C: Tribal Law and Order Act Reporting Requirements.....	15
Figures	
Figure 1. Factors Considered to Determine Allocation of New PS&J Resources	3
Figure 2. Graph of Total PS&J Estimated Program Costs by State.....	6
Figure A-1. Tribal Entities for Program Cost Estimates by BIA OJS District, FY 2021	9
Figure B-1. Documented Instances of Technical Assistance by OJS District, FY 2021	13
Tables	
Table 1. Summary of Funding and FTE for BIA-funded PS&J Programs, FY 2021	4
Table 2. Scalable Budget Models Used in Report.....	5
Table 3. Impact of Population Data Source Change	7
Table 4. Summary of Total Estimated Tribal Public Safety and Justice Program Costs	8
Table A-1. BIA Law Enforcement Appropriations Expended and FTE by State, FY 2021	10
Table A-2. BIA Detention/Correction Programs Appropriations Expended and FTE by State, FY 2021	11
Table A-3. BIA Tribal Courts Programs Appropriations Expended and FTE by State, FY 2021	12
Table B-1. BIA PS&J Training by Type	14

Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country

EXECUTIVE SUMMARY

This report fulfills the Bureau of Indian Affairs (BIA) reporting requirements (see Appendix C) in the Tribal Law and Order Act of 2010 regarding existing and needed spending, staffing, and estimated costs for BIA-funded Public Safety and Justice Programs in Indian Country for 2021. Overall, Indian country BIA public safety and justice is funded at just under 13% of total need and an additional 25,655 personnel are required to adequately serve Indian country. The need estimates are driven by scalable budget models applying operational benchmarks such as the Department of Justice benchmark of 2.8 officers per thousand members of the service population.

2021 Costs:

The 2021 total estimated public safety and justice need for Indian country is \$3.509 billion, broken down as follows:

- Law Enforcement, including Public Law 83-280 (P.L. 280) States: \$1.7 billion
- Detention/Corrections, existing programs only: \$284.2 million
- Tribal Courts, including P.L. 280 States: \$1.5 billion

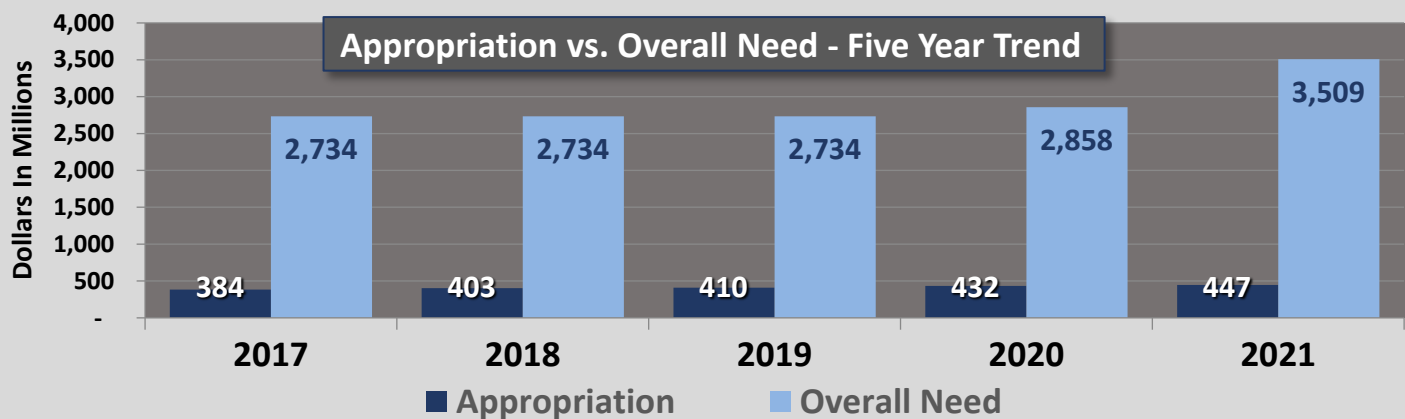
In 2021 the BIA spent \$446.7 million on public safety and justice, broken down as follows:

- Law Enforcement: \$256.4 million
- Detention/Corrections: \$125.0 million
- Tribal Courts: \$65.3 million, including court assessments and technical assistance

The 2021 estimated unmet need for Indian country is just over \$3 billion, broken down as follows:

- Law Enforcement, including Public Law 83-280 (P.L. 280) States: \$1.47 billion
- Detention/Corrections, existing programs only: \$159.2 million
- Tribal Courts, including P.L. 280 States: \$1.44 billion

[OBJ]



2021 Staffing:

The total estimated public safety and justice staffing need for Indian country is 29,436 Full Time Equivalent personnel (FTE), broken down as follows:

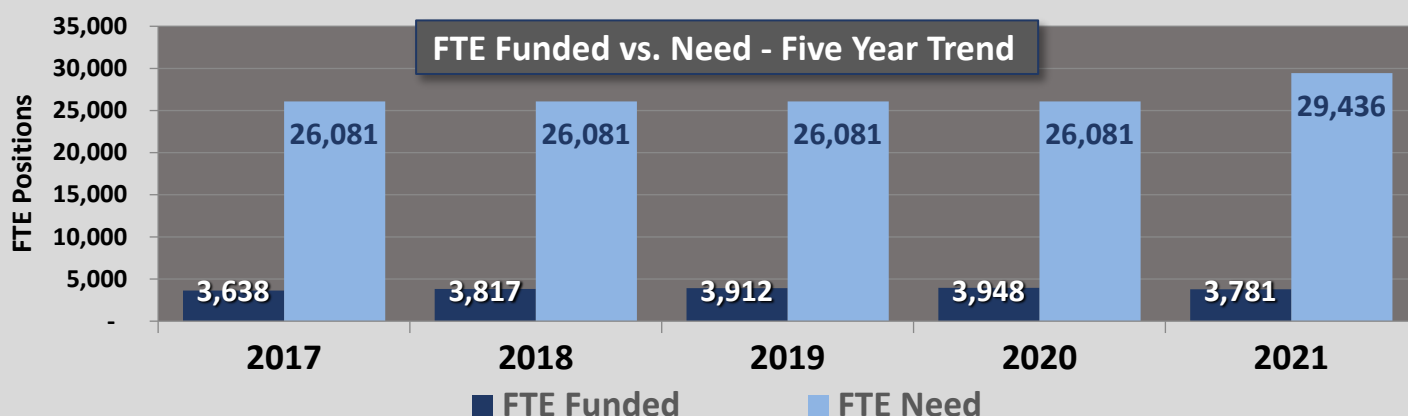
- Law Enforcement, including Public Law 83-280 (P.L. 280) States: 13,640 FTE
- Detention/Corrections, existing programs only: 2,610 FTE
- Tribal Courts, including P.L. 280 States: 13,186 FTE

In 2021 estimated public safety and justice staffing for BIA and Tribal was 3,781 FTE, broken down as follows:

- Law Enforcement: 2,005 FTE
- Detention/Corrections: 1,208 FTE
- Tribal Courts: 568 FTE

The 2021 estimated unmet staffing need for Indian country was 25,655 FTE, broken down as follows:

- Law Enforcement, including Public Law 83-280 (P.L. 280) States: 11,635 FTE
- Detention/Corrections, existing programs only: 1,402 FTE
- Tribal Courts, including P.L. 280 States: 12,618 FTE



Technical Assistance and Training:

This 2021 report includes data on Public Safety and Justice (PS&J) program-related technical assistance, training, and other support provided to Tribes that operate relevant programs under self-determination contracts or self-governance compacts, also required by the Act (see Appendix C).

- Technical Assistance: 6,240 documented instances
- Training: Provided/funded training of 5,429 Tribal and Federal public safety personnel

I. INTRODUCTION

The Tribal Law and Order Act of 2010, Public Law 111-211 (TLOA) was designed to provide greater freedom for Tribal nations to design and operate their own justice systems, making Federal departments and agencies more accountable in their service of Native people and lands. TLOA specifically requires the BIA Office of Justice Services (OJS) to report on spending, staffing, and unmet needs for PS&J programs in Indian Country. This report includes spending and staffing data for 2021, as well as annual cost estimates, for PS&J programs. The spending displayed may vary slightly from enacted amounts due to reprogramming of funds by BIA or Tribes.

II. DATA SOURCES

To meet the reporting requirements of TLOA, this report equates spending with BIA-obligated funding for PS&J programs and staffing with the filled Full Time Equivalent (FTE) positions in BIA-operated PS&J programs plus estimates of FTE for Tribally-operated BIA-funded PS&J programs. As a proxy for unmet needs, the report provides an estimate of total annual costs to operate appropriate-sized, fully staffed Law Enforcement and

Detention/Corrections programs, as well as Tribal Courts, in Indian Country.

This report does not include any funding made available for PS&J purposes in Indian Country on a permanent or one-time basis by organizations other than BIA. Tribal PS&J programs occasionally receive funding from Federal, State, and Tribal organizations other than BIA. The full scope of unmet needs cannot be addressed without considering non-BIA sources of funding, on which data are not readily available.

To ensure consistency of data, this report uses models to estimate annual program costs and FTE needs across the board. Previous BIA efforts to use a web-based data collection survey tool accessible to Tribes on the BIA webpage, www.bia.gov, yielded information that varied substantially in degrees of completeness and proved difficult to verify.

TLOA requires BIA to submit a detailed spending report and the methodology used to disburse funds for PS&J programs administered by OJS. OJS allocates its recurring appropriations to 191 Law Enforcement programs; 96 Detention/Corrections programs (for 55 Tribes); 15 district, headquarters, and support offices; 230+ Tribal

Courts; and other BIA agency offices that support PS&J programs. The BIA funds are spent either by BIA to deliver direct services or by Tribes when they contract services with funds transmitted to the Tribes through self-determination contracts or self-governance compacts, pursuant to the Indian Self-Determination and Education Assistance Act, P.L. 93-638.

III. BIA FUNDING AND STAFFING

BIA uses a Federal financial and accounting system to disburse funding to PS&J programs. The system provides reporting capabilities sufficient to meet TLOA requirements for reporting expenditures for all programs, whether BIA or Tribally operated, but can only meet the staffing reporting requirements for programs administered by BIA as a direct service to Tribes. This report uses the percentage of need funded (calculated at the State level) to estimate Tribal FTE figures. Law Enforcement and Detention/Corrections services are provided by both BIA and the Tribes. Nearly all Tribal Courts are administered by the Tribes. BIA operates a few Tribal Court functions directly but primarily provides technical support to Tribes that operate courts.

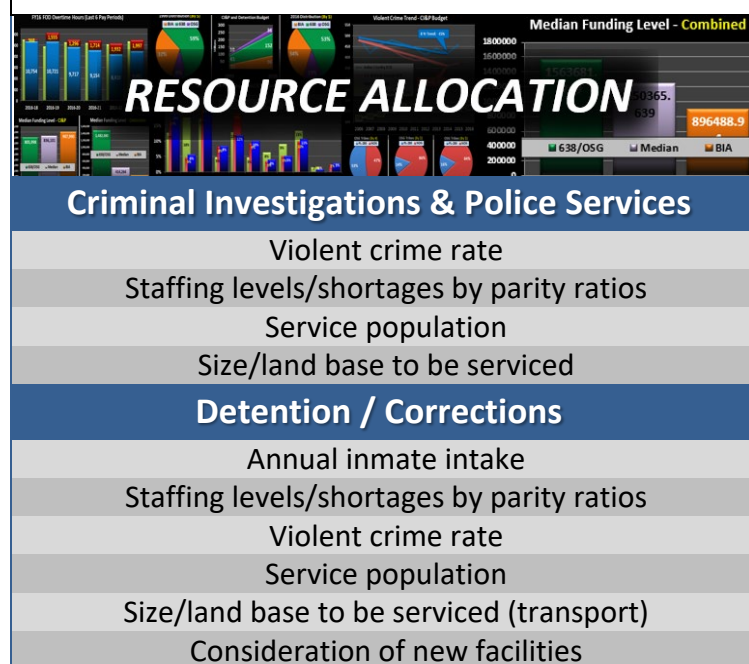
Methodology for Disbursing PS&J Funding

Law Enforcement and Detention/Corrections Programs—

The methodology for disbursing Law Enforcement and Detention/Corrections funding is based on historical allocations. Until 1999, funding for the Law Enforcement and Detention/Corrections program was provided to Tribes as Tribal Priority Allocations (TPA). The TPA designation provides Tribes the discretion to prioritize their annual base funding among all BIA-funded programs with a TPA designation to serve the unique needs of their communities. In 1999, to ensure that funding for Law Enforcement and Detention/Corrections programs was spent on those programs and to strengthen Federal accountability for public safety in Indian Country, the TPA designation for Law Enforcement and Detention/ Corrections programs was eliminated. The amount of TPA funds that Tribes allocated to Law Enforcement and Detention/Corrections programs in 1999, when the TPA designation was removed, is the basis for the current funding levels distributed to each Tribe. The budget increases provided since that time have been distributed on top of the historical base amounts because by law, one Tribe's base funding under contract or compact may not be reduced to increase the base funding of another Tribe.

BIA evaluates a number of factors (shown in Figure 1) to ensure budget increases reach the areas with the greatest need.

Figure 1. Factors Considered to Determine Allocation of New PS&J Resources



Tribal Courts—Unlike the Law Enforcement and Detention/Corrections Programs, the Tribal Courts program remains in the TPA category, allowing individual Tribes to mingle and allocate Tribal Courts funding among various TPA programs to best meet their unique need or priority in any given year. As with Law Enforcement and Detention/ Corrections funding, however, Tribal Courts funding is distributed according to historical allocations. Currently, BIA distributes Tribal Courts budget increases using either a pro rata methodology or request-based determinations that are supported by court assessment data.

Disbursement of PS&J Funding

Law Enforcement Programs—In 2021, BIA funding obligated for Law Enforcement programs reached \$256.4 million (see Table 1). About 39 percent of the funding was allotted to BIA direct-service programs, with the remainder going to Tribally run programs. A small amount of funding for Law Enforcement went toward operations in P.L. 280 States due to historical reasons, or because program administrative offices were located in those States. In mandatory P.L. 280 States, Congress has suspended federal criminal jurisdiction for certain

Table 1. Summary of Funding and FTE for BIA-funded PS&J Programs, FY 2021

Program / Operator	FY 2021		Five-Year Trend				
	FTE	Appropriations Expended (\$000)					
Law Enforcement:			Direct Service vs. Tribal Programs				
BIA Direct Services	478	99,680					
Tribally Contracted/Compacted Programs	1,527	156,670					
Total Law Enforcement	2,005	256,350	(Total Funds Expended in Millions)				
				\$0	\$100	\$200	\$300 \$400
Detention / Corrections:			2021	34%	66%		
BIA Direct Services	248	48,771					
Tribally Contracted/Compacted Programs	960	76,192	2020	34%	66%		
Total Detention / Corrections	1,208	124,963					
Tribal Courts:			2019	33%	67%		
BIA Direct Services	19	5,112					
Tribally Contracted/Compacted Programs	549	60,170	2018	36%	64%		
Total Tribal Courts	568	65,282					
All PS&J Programs:			2017	36%	64%		
BIA Direct Services	745	153,563					
Tribally Contracted/Compacted Programs	3,036	293,032					
Total PS&J Programs	3,781	446,595					

offenses committed by or against Indians in Indian Country, in favor of the relevant State’s jurisdiction.

Detention/Corrections Programs—In 2021, BIA funding for Detention/Corrections programs reached \$125.0 million. Roughly 39 percent of the funding was allotted to BIA direct-service programs, with the remainder going to Tribally run programs. A minimal amount of funding for detention goes to operations in P.L. 280 States due to historical reasons or program administrative offices in those States.

Tribal Courts—In 2021, BIA funding for the Tribal Courts program reached \$65.3 million, including court operations, court assessments, and technical assistance. Around 92 percent of the funding was allotted to Tribally contracted/compacted programs. The remainder funded court assessments and BIA technical assistance. Approximately one-third of the total funded Tribal Court activities in P.L. 280 States, as directed by Congress. In 2021, \$7.6 million was provided in BIA’s annual appropriations for Tribal Courts to support an opportunity to fund core Tribal justice systems positions and sustain court infrastructure designed to focus on the safety and well-being of children, youth, and families through traditional and cultural methods within the Tribal justice system. Approximately 25 percent of the \$7.6 million was designated to support the Tiwahe Initiative (Tiwahe) with the remainder of this specific appropriation

used to fund individual Tribes with core positions and other needs dedicated to child welfare and family law related cases.

BIA Staffing of PS&J Programs

In 2021, BIA-operated Law Enforcement programs employed 478 FTEs, Detention/Corrections programs employed 248 FTEs, and the Tribal Courts budget line item supported a staff of 19 FTEs for BIA to administer the program and provide technical support. The number of FTEs employed by Tribes operating those programs under contract is uncertain. Tribes are not required to provide employment information, and most Tribes do not provide such information; however, applying the percentage of total estimated program costs that were actually funded in FY 2021 to the budget models used for this report enables us to estimate the Tribal FTEs funded by BIA for FY 2021. The resulting figures are 1,527 Tribal FTEs for Law Enforcement, 960 for Detention/Corrections, and 549 for Tribal Courts.

The report provides an estimated total FTEs and cost of Law Enforcement for all Tribes throughout Indian Country, including P.L. 280 States, regardless of whether services are provided by Federal, State, local, or Tribal entities. Cost estimates for Tribal Courts also include all Tribes because of Tribal sovereignty and the potential for Tribal Courts to have expanded court responsibilities under TLOA and the reauthorization of the Violence

Against Women Act (VAWA). The FTE and cost estimates for Detention/ Corrections are limited to existing structures because not every Tribe may need a separate detention facility, and facilities often are shared regionally.

Tiwahe Initiative

Tiwahe (ti-wah-hay) means family in the Lakota language and symbolizes the interconnectedness of all living things and one’s personal responsibility to protect family, community, and the environment. Since 2015, BIA has administered the Tiwahe Initiative. Tiwahe is an extensive and bold approach to furthering Indian self-determination and self-governance. It provides Indian Tribes with flexibility in the administration of key Tribal programs, supports Tribal economic self-sufficiency, and strengthens Tribal cultural connections. Tiwahe fosters systemic change in the delivery of services to children and families through the integration of Tribal practices, customs, values, and traditions. Tiwahe integrates six key BIA programs: Social Services, Indian Child Welfare Act (ICWA), the Housing Improvement Program (HIP), Job Placement & Training (JPT), Tribal Courts, and the Public Safety Recidivism Reduction Initiative (RRI). Tiwahe provides increased social services and ICWA base funding to all eligible Tribes. Tiwahe funding and programming to over 40 Tribes for recidivism reduction and over 100 Tribal courts is reflected in this report.

In 2021, six Tribes were participating in a pilot project to implement a variety of services related to Tiwahe’s six program areas. BIA is in the process of expanding the pilot to new Tribes and developing the Tiwahe Incubator, which would provide one time funding to Tribes in order to develop a Tiwahe plan. Further information on Tiwahe can be found in the [2021 Tiwahe Final Report to Congress](#).

IV. TOTAL ESTIMATED COSTS

Methodologies for Calculating Estimated Costs of PS&J Programs

The cost estimates for Law Enforcement programs and Tribal Courts assume that all Tribes of a similar population size have Law Enforcement agencies or Tribal Courts with the same composition. Law Enforcement programs and Tribal Courts are usually sized to meet the needs of a population range. This report marks our transition from using population data in the *2013 American Indian Population and Labor Force (AIPLF) Report* (consistent with 2010 Census data) prepared by

the Office of the Assistant Secretary–Indian Affairs, to using Tribe-certified enrollment figures to estimate service populations by Tribe. Tribe-certified enrollment figures were collected from Tribes in 2021 by the BIA Office of Indian Services. We believe this data is more representative of current Indian service populations nationwide. The enrollment figures combine to a total Indian service population of 2.7 million nationwide. About 83 percent of the population is in non-P.L. 280 States, and 17 percent is located in P.L. 280 States, primarily Alaska and California. This report groups Tribes by population size and uses scalable cost models, adjusted annually for inflation, to create estimates for operating Law Enforcement programs and Tribal Courts for each group.

Table 2. Scalable Budget Models Used in Report			
Scalable Law Enforcement Budget Model			
Tribal Service Population Size	Law Enforcement Need	Number of Positions	Annual Cost (\$000)
< 600	Basic @ ≈ 1/3 capacity	7	\$ 856
600 – 1,600	Basic @ ≈ 2/3 capacity	14	\$ 1,713
1,601 – 6,500	Basic program	21	\$ 2,595
6,501 – 9,750	Basic @ ≈ 50% increased capacity	30	\$ 3,894
9,751 – 13,000	Basic @ ≈ 100% increased capacity	41	\$ 5,341
13,001 – 16,250	Basic @ ≈ 150% increased capacity	48	\$ 6,382
16,251 – 19,500	Basic @ ≈ 200% increased capacity	56	\$ 7,541
19,501 – 30,000	Basic @ ≈ 250% increased capacity	73	\$ 9,894
30,000 +	(Service Population / 30,000) = A	(73*A)	(\$ 9,894*A)

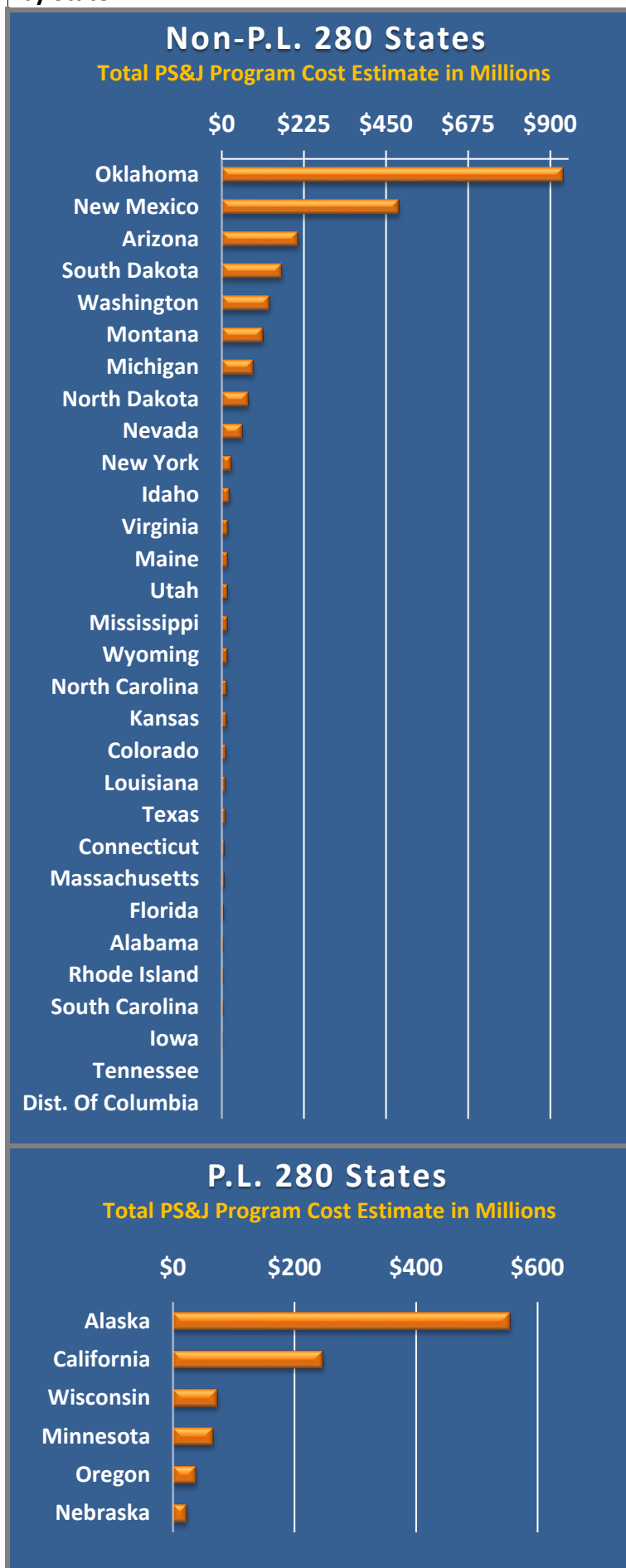
Scalable Tribal Court Budget Model			
Tribal Service Population Size	Tribal Court Need	Number of Positions	Annual Cost (\$000)
< 600	Part time (4.3 months)	7	\$ 818
600 – 1,600	Part time (8 months)	13	\$ 1,493
1,601 – 6,500	Full time basic program	20	\$ 2,261
6,501 – 9,750	Basic @ ≈ 50% increased capacity	30	\$ 3,392
9,751 – 13,000	Basic @ ≈ 100% increased capacity	40	\$ 4,523
13,001 – 16,250	Basic @ ≈ 150% increased capacity	50	\$ 5,654
16,251 – 19,500	Basic @ ≈ 200% increased capacity	60	\$ 6,784
19,501 – 30,000	Basic @ ≈ 250% increased capacity	70	\$ 7,915
30,000 +	(Service Population / 30,000) = A	(70*A)	(\$ 7,915*A)

Law Enforcement Cost Estimate—The cost of a full-time “basic” program that would serve Tribes with service populations ranging from 1,601 to 6,500 is estimated at \$2.6 million. That figure is based on a budget for a standard Law Enforcement program model that includes police officials, dispatchers, administrative services, and supplies and equipment. The number of officers budgeted at each level generally follows a ratio of 2.8 officers per 1,000 residents. The scalable Law Enforcement budget model in Table 2 shows the basic program scaled to various levels based on Tribal service populations. For example, Tribes with a service population of fewer than 600 could be served by a Law Enforcement agency with a lower capacity, at a cost of \$856,000 in 2021, whereas Tribes with a service population ranging from 16,251 to 19,500 would require a Law Enforcement presence three times the basic program size, at a 2021 annual cost of \$7.5 million.

Tribal Courts Cost Estimate—Data collected from Tribal Court assessments completed by BIA is used to produce a scalable Tribal Court budget model. The size of the Tribe’s service population drives the size of the court, and the size of the court drives the cost of the court. The scalable Tribal Court budget model in Table 2 shows the cost of a full-time court that would serve Tribes with service populations ranging from 1,601 to 6,500 is estimated at \$2.3 million and scaled to various levels based on Tribal service populations. For example, Tribes with a service population of fewer than 600 could be served by a court that operates for 4.3 months over the course of a year at a cost of \$818,000 in 2021, whereas Tribes with a service population ranging from 16,251 to 19,500 would require a Tribal justice system three times the size of a basic full-time court, at 2021 annual cost of \$6.8 million.

Detention/Corrections Cost Estimate—Unlike cost estimates for Law Enforcement and Tribal Court programs, for which a universal community need is assumed, this analysis estimates costs only for existing BIA-funded Detention/Corrections centers; not every community needs a Detention/Correction center. Staffing and operational needs for correctional programs are based, to a large extent, on facility design rather than service population; therefore, estimated total costs are based on individual staffing models developed for each BIA-funded jail according to

Figure 2. Graph of Total PS&J Estimated Program Costs by State¹



¹ Only States from Tables A-1, A-2, and A-3 are listed.

Department of Justice National Institute of Corrections standards in connection with building layout, type of prisoners housed, and programs and services offered.

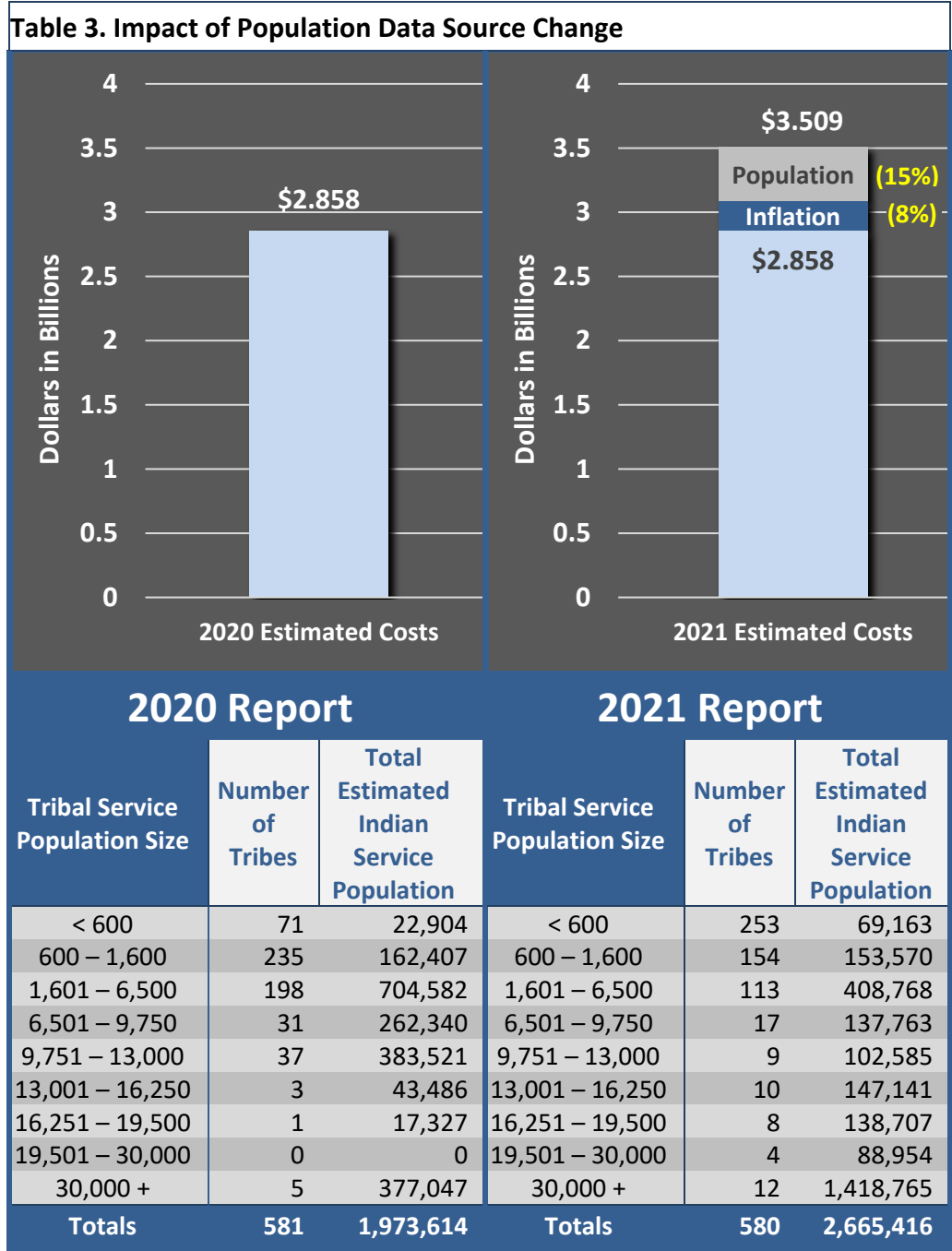
Total Estimated Costs of PS&J Programs in Indian Country

Based on the cost estimates for PS&J programs, the total annual estimated need for PS&J programs in Indian

which include 367 of the 580 Tribal entities that the BIA PS&J funding supports. These figures are summarized in Table 4 on the following page.

As stated earlier, this report reflects a change in the population figures used to estimate annual program costs. Previously, population data in the *2013 American Indian Population and Labor Force (AIPLF) Report*

prepared by the Office of the Assistant Secretary–Indian Affairs (consistent with 2010 Census data) was used to estimate service populations by Tribe. Beginning with this report, we adopted the use of certified enrollment figures collected from Tribes in 2021 by the BIA Office of Indian Services. We believe this data is more representative of current Indian service populations nationwide. Due to this change, the total estimated Indian service population in this report is 35 percent higher than last year’s report. However, the resulting total estimated public safety and justice program costs increased by only 23 percent despite the additional incorporation of an 8 percent inflation rate in the scalable models. This means that the service population increase of 35 percent resulted in a total cost increase of only 15 percent, excluding inflation considerations. Though counterintuitive, our analysis found that significant changes in the composition of population size groups used in our scalable models were responsible for the smaller cost increase relative to the increased service population. The largest shift was 182 Tribes moving from a larger group into the smallest sized group (population



Country is \$1.7 billion for Law Enforcement Programs, \$284.2 million for existing Detention Centers, and \$1.5 billion for Tribal Courts. For Law Enforcement, Detention/Corrections, and Tribal Courts, about 71 percent of the total estimated cost is for non-P.L. 280 States, and 29 percent is for costs in P.L. 280 States—

below 600) where only a part-time or shared program cost is estimated. While the number of Tribes in the largest four groups also increased – by 25 Tribes total – the change was effectively offset by the shift of 182 tribes into the smallest group. The impact of the change in population data source is summarized in Table 3.

Table 4. Summary of Total Estimated Tribal PS&J Program Costs

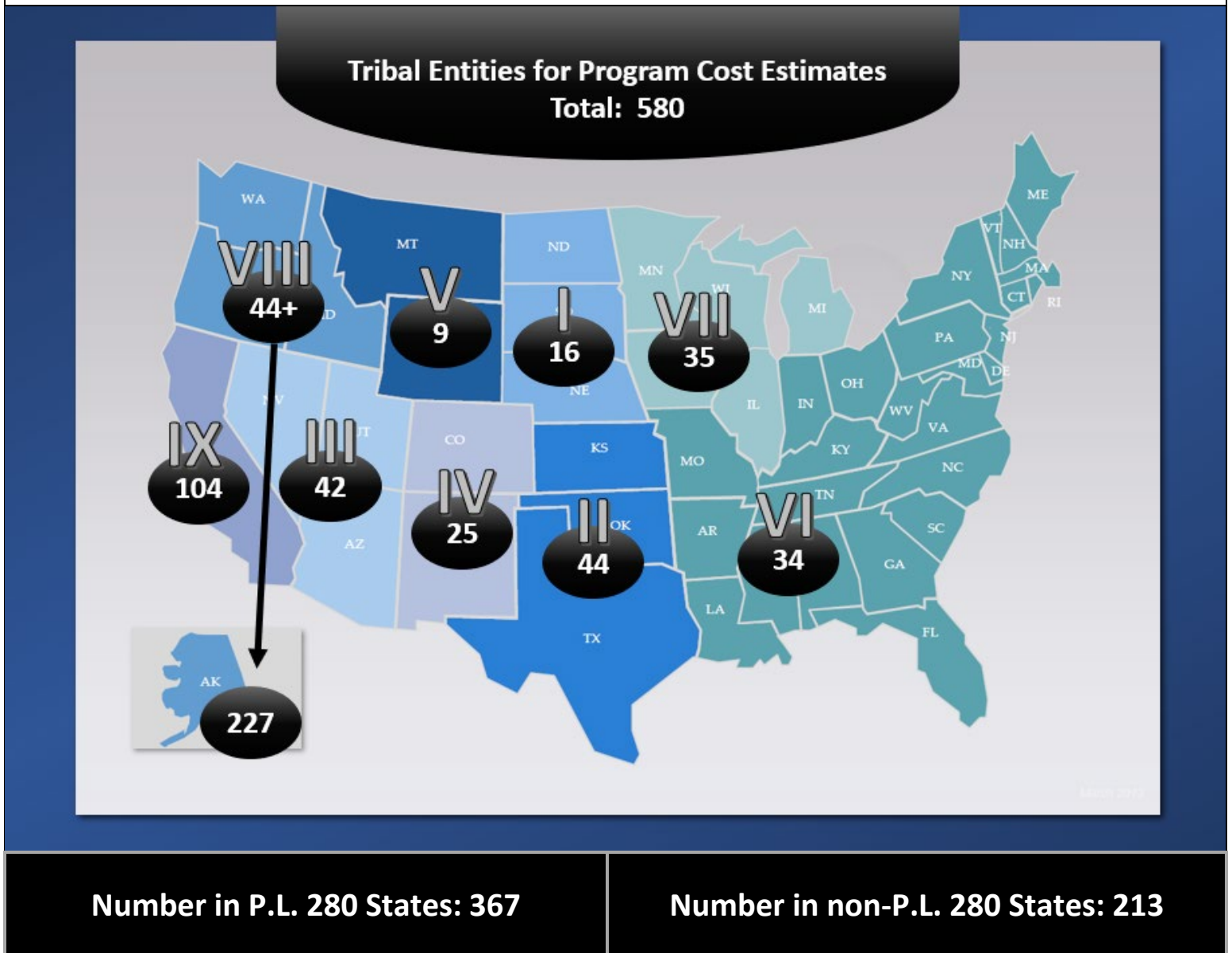
State	Number of Tribes	Total Estimated Indian Service Population	Annual Program FTE & Cost Estimate (Dollars in Thousands)					
			Law Enforcement		Detention/Corrections (Existing Programs Only)		Tribal Courts	
			FTE	(\$000)	FTE	(\$000)	FTE	(\$000)
Non-P.L. 280 States:								
Alabama	1	2,856	21	2,595	0	0	20	2,261
Arizona	20	158,313	661	85,581	494	50,565	650	73,712
Colorado	2	3,594	35	4,308	46	5,040	33	3,754
Connecticut	2	3,333	35	4,308	0	0	33	3,754
District of Columbia	0	0	0	0	0	0	0	0
Florida	2	4,890	28	3,451	0	0	27	3,080
Iowa	1	1,462	14	1,713	0	0	13	1,493
Idaho	4	12,309	70	8,642	64	6,128	67	7,602
Kansas	4	11,107	63	7,759	0	0	60	6,833
Louisiana	4	4,384	49	5,995	0	0	46	5,296
Massachusetts	2	4,329	35	4,308	0	0	33	3,754
Maine	4	9,546	77	9,498	0	0	73	8,277
Michigan	12	77,014	365	45,348	35	3,274	348	39,431
Mississippi	1	11,034	41	5,341	61	7,025	40	4,523
Montana	8	85,168	304	39,923	374	39,003	310	35,052
North Carolina	1	16,018	48	6,382	24	2,874	50	5,654
North Dakota	4	73,029	256	33,141	124	12,436	257	29,069
New Mexico	22	467,472	1,868	233,978	478	48,877	1,790	202,647
Nevada	18	19,679	231	28,364	43	4,061	220	25,220
New York	8	27,751	113	14,558	0	0	113	12,849
Oklahoma	38	983,784	3,825	496,778	51	20,623	3,685	416,873
Rhode Island	1	3,317	21	2,595	0	0	20	2,261
South Carolina	1	3,461	21	2,595	0	0	20	2,261
South Dakota	8	136,023	510	65,152	417	44,379	494	55,874
Tennessee	0	0	0	0	0	0	0	0
Texas	3	7,154	49	6,021	0	0	46	5,246
Utah	4	4,451	49	6,021	65	6,034	47	5,390
Virginia	7	5,658	77	9,446	0	0	74	8,519
Washington	29	70,886	477	59,164	204	20,953	455	51,855
Wyoming	2	14,960	62	7,936	18	1,801	60	6,784
Totals – Non-P.L. 280 States	213	2,222,982	9,405	1,200,900	2,498	273,074	9,084	1,029,324
P.L. 280 States:								
Alaska	227	189,458	2,367	290,810	8	766	2,284	263,382
California	105	75,119	1,057	129,573	0	0	1,020	117,725
Minnesota	11	59,336	260	33,310	46	4,475	259	29,402
Nebraska	4	20,088	93	11,679	19	1,824	90	10,176
Oregon	9	29,950	161	19,852	17	1,673	153	17,372
Wisconsin	11	68,483	297	38,220	22	2,344	296	33,514
Totals – P.L. 280 States	367	442,434	4,235	523,445	112	11,082	4,102	471,571
All States								
Grand Totals – All States	580	2,665,416	13,640	1,724,345	2,610	284,157	13,186	1,500,895

Note: There were 574 federally recognized Tribes at the time this report was compiled. The total number of Tribal entities in the summary tables (580) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. This number may vary by year depending upon the structure of self-determination agreements utilized by Tribes. The total cost figures may not equal the sum of individual figures, due to the rounding necessary for calculations.

APPENDIX A: SUMMARY OF FINDINGS BY STATE

At the time this report was compiled, 574 federally recognized Tribes existed. The total number of Tribal entities in the summary tables (580) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. Of the 580 entities, 213 Tribal entities are in non-P.L. 280 States, and 367 Tribes are located in P.L. 280 States, primarily in Alaska and California.

Figure A-1. Tribal Entities for Program Cost Estimates by BIA OJS District, FY 2021



The following tables summarize data for BIA Public Safety and Justice programs by State. Separate tables are presented for Law Enforcement, Detention/Corrections, and Tribal Court programs. Each table shows by State the number of Tribes, the total estimated Tribal service population, the annual estimated FTEs and cost of those programs, and FTEs and BIA appropriations expended for FY 2021. The information is broken out by P.L. 280 States and non-P.L. 280 States. The BIA 2021 funding and FTE information are further broken down into data by service provider, whether by BIA or through Tribal 638 contracts or self-governance compacts.

Table A-1. BIA Law Enforcement Appropriations Expended and FTEs by State, FY 2021

Law Enforcement (Dollars in Thousands)								
State	Number of Tribes	Total Estimated Indian Service Population	Annual Program FTE & Cost Estimate		FY 2021 Total FTE Funded			FY 2021 Appropriations Expended
			FTE	(\$000)	BIA	Tribal	Total	(\$000)
Non-P.L. 280 States:								
Alabama	1	2,856	21	2,595	0	5	5	651
Arizona	20	158,313	661	85,581	40	295	335	43,302
Colorado	2	3,594	35	4,308	16	13	29	3,607
Connecticut	2	3,333	35	4,308	0	7	7	911
District Of Columbia	0	0	0	0	10	0	10	2,776
Florida	2	4,890	28	3,451	0	18	18	2,188
Iowa	1	1,462	14	1,713	0	0	0	0
Idaho	4	12,309	70	8,642	0	41	41	5,090
Kansas	4	11,107	63	7,759	0	12	12	1,435
Louisiana	4	4,384	49	5,995	0	15	15	1,818
Massachusetts	2	4,329	35	4,308	0	1	1	178
Maine	4	9,546	77	9,498	0	16	16	1,998
Michigan	12	77,014	365	45,348	0	44	44	5,472
Mississippi	1	11,034	41	5,341	0	15	15	1,893
Montana	8	85,168	304	39,923	49	94	143	18,740
North Carolina	1	16,018	48	6,382	0	5	5	716
North Dakota	4	73,029	256	33,141	63	18	81	10,442
New Mexico	22	467,472	1,868	233,978	123	405	528	66,208
Nevada	18	19,679	231	28,364	17	47	64	7,916
New York	8	27,751	113	14,558	0	8	8	1,013
Oklahoma	38	983,784	3,825	496,778	54	89	143	18,630
Rhode Island	1	3,317	21	2,595	0	2	2	292
South Carolina	1	3,461	21	2,595	0	0	0	0
South Dakota	8	136,023	510	65,152	30	128	158	20,133
Tennessee	0	0	0	0	6	0	6	930
Texas	3	7,154	49	6,021	0	5	5	641
Utah	4	4,451	49	6,021	18	0	18	2,159
Virginia	7	5,658	77	9,446	0	0		0
Washington	29	70,886	477	59,164	5	117	122	15,175
Wyoming	2	14,960	62	7,936	29	0	29	3,677
Totals – Non-P.L. 280 States	213	2,222,982	9,405	1,200,900	460	1,400	1,860	237,991
P.L. 280 States:								
Alaska	227	189,458	2,367	290,810	0	7	7	918
California	105	75,119	1,057	129,573	2	10	12	1,473
Minnesota	11	59,336	260	33,310	6	39	45	5,748
Nebraska	4	20,088	93	11,679	5	26	31	3,948
Oregon	9	29,950	161	19,852	1	21	22	2,668
Wisconsin	11	68,483	297	38,220	4	24	28	3,604
Totals – P.L. 280 States	367	442,434	4,235	523,445	18	127	145	18,359
All States								
Grand Totals – All States	580	2,665,416	13,640	1,724,345	478	1,527	2,005	256,350
	BIA Direct Service Programs				478		478	99,680
	Tribally Contracted/Compacted Programs					1,527	1,527	156,670

Note: There were 574 federally recognized Tribes at the time this report was compiled. The total number of Tribal entities in the summary tables (580) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. This number may vary by year depending upon the structure of self-determination agreements utilized by Tribes. The total cost figures may not equal the sum of individual figures, due to the rounding necessary for calculations.

Table A-2. BIA Detention/Corrections Programs Appropriations Expended and FTEs by State, FY 2021

Detention / Corrections (Dollars in Thousands)								
State	Number of Tribes	Total Estimated Indian Service Population	Annual Program FTE & Cost Estimate		FY 2021 Total FTE Funded			FY 2021 Appropriations Expended
		FTE	(\$000)	BIA	Tribal	Total	(\$000)	
P.L. 280 States:								
Alabama	1	2,856	0	0	0	0	0	0
Arizona	20	158,313	494	50,565	28	216	244	25,004
Colorado	2	3,594	46	5,040	26	5	31	3,385
Connecticut	2	3,333	0	0	0	0	0	0
District of Columbia	0	0	0	0	0	0	0	0
Florida	2	4,890	0	0	0	0	0	0
Iowa	1	1,462	0	0	0	0	0	0
Idaho	4	12,309	64	6,128	0	50	50	4,776
Kansas	4	11,107	0	0	0	0	0	0
Louisiana	4	4,384	0	0	0	0	0	0
Massachusetts	2	4,329	0	0	0	0	0	0
Maine	4	9,546	0	0	0	0	0	0
Michigan	12	77,014	35	3,274	0	14	14	1,350
Mississippi	1	11,034	61	7,025	0	33	33	3,749
Montana	8	85,168	374	39,003	68	116	184	19,197
North Carolina	1	16,018	24	2,874	0	10	10	1,147
North Dakota	4	73,029	124	12,436	35	55	90	8,988
New Mexico	22	467,472	478	48,877	5	138	143	14,639
Nevada	18	19,679	43	4,061	12	7	19	1,812
New York	8	27,751	0	0	0	0	0	0
Oklahoma	38	983,784	51	20,623	2	0	2	691
Rhode Island	1	3,317	0	0	0	0	0	0
South Carolina	1	3,461	0	0	0	0	0	0
South Dakota	8	136,023	417	44,379	46	163	209	22,290
Tennessee	0	0	0	0	0	0	0	0
Texas	3	7,154	0	0	0	0	0	0
Utah	4	4,451	65	6,034	6	12	18	1,663
Virginia	7	5,658	0	0	0	0		0
Washington	29	70,886	204	20,953	8	89	97	9,957
Wyoming	2	14,960	18	1,801	10	7	17	1,682
Totals – Non-P.L. 280 States	213	2,222,982	2,498	273,074	246	915	1,161	120,330
P.L. 280 States:								
Alaska	227	189,458	8	766	0	0	0	41
California	105	75,119	0	0	0	0	0	0
Minnesota	11	59,336	46	4,475	0	19	19	1,814
Nebraska	4	20,088	19	1,824	2	11	13	1,244
Oregon	9	29,950	17	1,673	0	6	6	557
Wisconsin	11	68,483	22	2,344	0	9	9	977
Totals – P.L. 280 States	367	442,434	112	11,082	2	45	47	4,633
All States								
Grand Totals – All States	580	2,665,416	2,610	284,157	248	960	1,208	124,963
	BIA Direct Service Programs				248		248	48,771
	Tribally Contracted/Compacted Programs					960	960	76,192

Note: There were 574 federally recognized Tribes at the time this report was compiled. The total number of Tribal entities in the summary tables (580) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. This number may vary by year depending upon the structure of self-determination agreements utilized by Tribes. The total cost figures may not equal the sum of individual figures, due to the rounding necessary for calculations.

Table A-3. BIA Tribal Courts Programs Appropriations Expended and FTE by State, FY 2021

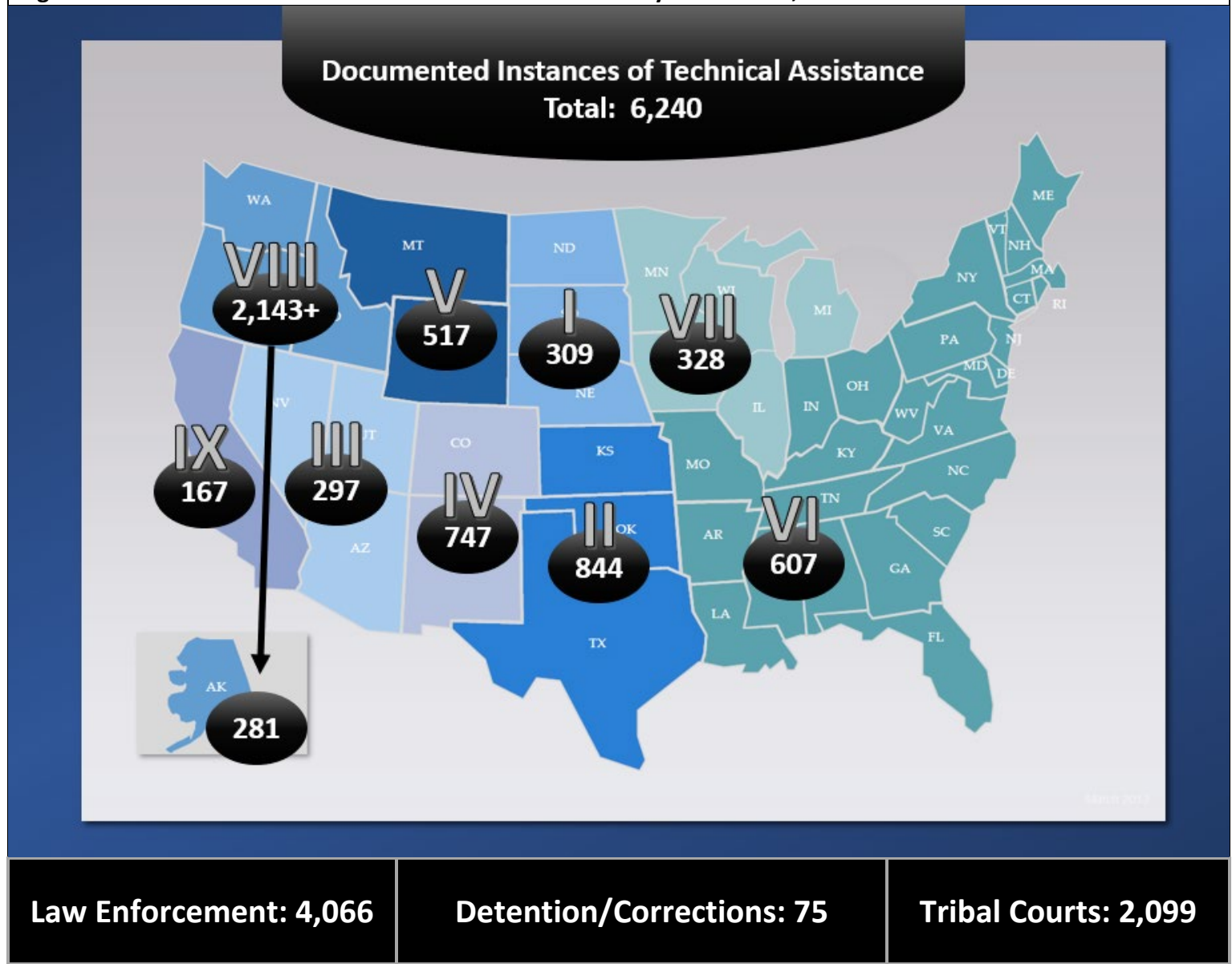
Tribal Courts (Dollars in Thousands)								
State	Number of Tribes	Total Estimated Indian Service Population	Annual Program FTE & Cost Estimate		FY 2021 Total FTE Funded			FY 2021 Appropriations Expended
			FTE	(\$000)	BIA	Tribal	Total	(\$000)
P.L. 280 States:								
Alabama	1	2,856	20	2,261	0	0	0	0
Arizona	20	158,313	650	73,712	3	36	39	4,410
Colorado	2	3,594	33	3,754	2	6	8	880
Connecticut	2	3,333	33	3,754	0	0	0	15
District of Columbia	0	0	0	0	0	0	0	460
Florida	2	4,890	27	3,080	0	0	0	0
Iowa	1	1,462	13	1,493	0	0	0	9
Idaho	4	12,309	67	7,602	0	8	8	887
Kansas	4	11,107	60	6,833	0	1	1	62
Louisiana	4	4,384	46	5,296	0	3	3	294
Massachusetts	2	4,329	33	3,754	0	3	3	371
Maine	4	9,546	73	8,277	0	5	5	555
Michigan	12	77,014	348	39,431	0	8	8	930
Mississippi	1	11,034	40	4,523	0	3	3	324
Montana	8	85,168	310	35,052	0	40	40	4,537
North Carolina	1	16,018	50	5,654	0	7	7	780
North Dakota	4	73,029	257	29,069	1	27	28	3,215
New Mexico	22	467,472	1,790	202,647	6	49	55	6,254
Nevada	18	19,679	220	25,220	0	14	14	1,654
New York	8	27,751	113	12,849	0	1	1	168
Oklahoma	38	983,784	3,685	416,873	7	41	48	5,465
Rhode Island	1	3,317	20	2,261	0	0	0	0
South Carolina	1	3,461	20	2,261	0	0	0	0
South Dakota	8	136,023	494	55,874	0	50	50	5,635
Tennessee	0	0	0	0	0	0	0	0
Texas	3	7,154	46	5,246	0	0	0	41
Utah	4	4,451	47	5,390	0	2	2	232
Virginia	7	5,658	74	8,519	0	0		0
Washington	29	70,886	455	51,855	0	34	34	3,860
Wyoming	2	14,960	60	6,784	0	19	19	2,178
Totals – Non-P.L. 280 States	213	2,222,982	9,084	1,029,324	19	357	376	43,216
P.L. 280 States:								
Alaska	227	189,458	2,284	263,382	0	102	102	11,733
California	105	75,119	1,020	117,725	0	34	34	3,879
Minnesota	11	59,336	259	29,402	0	12	12	1,395
Nebraska	4	20,088	90	10,176	0	4	4	500
Oregon	9	29,950	153	17,372	0	15	15	1,692
Wisconsin	11	68,483	296	33,514	0	25	25	2,867
Totals – P.L. 280 States	367	442,434	4,102	471,571	0	192	192	22,066
All States								
Grand Totals – All States	580	2,665,416	13,186	1,500,895	19	549	568	65,282
	BIA Direct Service Programs				19		19	5,112
	Tribally Contracted/Compacted Programs					549	549	60,170

Note: There were 574 federally recognized Tribes at the time this report was compiled. The total number of Tribal entities in the summary tables (580) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. This number may vary by year depending upon the structure of self-determination agreements utilized by Tribes. The total cost figures may not equal the sum of individual figures, due to the rounding necessary for calculations.

APPENDIX B: REPORT OF PS&J TECHNICAL ASSISTANCE / TRAINING

In accordance with Section 211 (b)(17) of TLOA, the BIA OJS maintains records documenting technical assistance and training provided to Tribes. With regard to technical assistance, various forms of communication are included, such as formal in-person or virtual meetings, written correspondence, conference and phone calls, and emails. The data are summarized below by BIA OJS District and by program, totaling 6,240 instances of technical assistance during FY 2021.

Figure B-1. Documented Instances of Technical Assistance by OJS District, FY 2021



The BIA OJS, through the U.S. Indian Police Academy, Advanced Training Center, and the Office of Tribal Justice Support, completed or funded the training shown below during FY 2021. Overall, 5,429 Tribal and Federal public safety personnel received training during the year. The number of personnel trained by type are summarized below. This table has been updated from previous years to show more detailed information about training types.

Table B-1. BIA PS&J Training by Type, FY 2021	
Training by Type	Individuals Trained FY 2021
Indian Police Academy (New Mexico)	
Basic- Police Officer (Incl. Bridge Program)	156
Basic- Corrections Officer	84
Basic- Telecommunications Officer	66
Basic- Criminal Investigator	19
Advanced Training Center (North Dakota)	
Advanced Peer Support	5
Amber Alert	10
Background Investigation	72
BIA/DEA Strategic Drug Workshop	48
Cold Case Investigation	18
Community Opioid Awareness	32
Criminal Jurisdiction in Indian Country	2,931
Critical Incident Stress Management	11
Field Training Officer	23
Indian Country Criminal Investigator	41
Indian Country Jail Administrator	19
Mastering Based Interviews	11
Missing Child Investigation in Indian Country	29
Missing Person Protocol	27
Naloxone & Opioids	7
Narcotics Investigation	11
Police One Academy	620
School Resource Officer	5
Tribal Justice Support	
VAWA-Specific Training for court personnel	859
Child Welfare-Specific Training	26
Other Tribal Court Training	299
Totals	5,429

APPENDIX C: TRIBAL LAW AND ORDER ACT REPORTING REQUIREMENTS

TLOA Section 211(b)(1) amended Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802), by inserting a Section 3(b)(16) which requires the BIA OJS to submit to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding Tribal Public Safety and Justice programs that includes—

- (A) (i) the number of full-time employees of the BIA and Tribal governments who serve as—
 - (I) criminal investigators;
 - (II) uniform police;
 - (III) police and emergency dispatchers;
 - (IV) detention officers;
 - (V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and
 - (VI) Tribal Court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and
- (ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;
- (B) a list of amounts dedicated to Law Enforcement and Detention/Corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and Tribal Court personnel, facilities, indigent defense, and related program costs;
- (C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at Tribal and BIA justice agencies, the replacement and repair needs of Tribal and BIA corrections facilities, needs for Tribal police and court facilities, and public safety and emergency communications and technology needs; and
- (D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the Public Safety and Justice programs administered by the OJS.

Section 211(b)(1) of TLOA amended Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802), by inserting a Section 3(b)(17) which, requires the BIA to submit to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary.