

**STATEMENT
OF
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U.S. DEPARTMENT OF THE INTERIOR
AT THE HEARING
BEFORE THE
SENATE FINANCE COMMITTEE
UNITES STATES SENATE
ON THE
INDIAN TRIBAL DETENTION FACILITIES**

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Good morning, Mr. Chairman and Members of the Committee. I am David Anderson, Assistant Secretary – Indian Affairs. Thank you for inviting me to speak with you today on the conditions of Indian country detention center facilities, especially regarding the issues raised by the Department’s Office of the Inspector General (OIG) in an interim report issued in April 2004. The OIG plays a critical role in providing objective oversight, which promotes efficiency and effectiveness in the Department. We take very seriously the deficiencies raised by the OIG interim report and are actively working on implementing improvements. On June 23, 2004, I testified before the Senate Committee on Indian Affairs on this issue. We appreciate the opportunity to provide this Committee with information concerning improvements that have been made to detention centers.

Problems with Indian country detention centers have been decades in the making. At the beginning of my term as Assistant Secretary, I was briefed on the problems with these detention centers. Within 24 hours, I convened the necessary resources to address these serious issues. We immediately inspected all 39 BIA detention centers for health and safety problems. We completed more than 1,000 physical condition repairs. This year we have committed \$5 million more than last year in making these corrections. I have personally visited several detention centers to see the conditions firsthand. We sought, received and retained expert advice from the Department of Justice’s Bureau of Prisons. We are surveying our facilities and have developed a strategic plan to address immediate issues and build long term infrastructure in the detention operations. Many of the recommendations in that strategic plan are echoed today by the OIG report. We are addressing the problems of health and safety issues and escapes by improving management and oversight, increasing training for detention personnel, and repairing facilities. We are making progress, but recognize a lot more work needs to be done. I stand committed to addressing these problems.

BACKGROUND

Until the 1960’s, jail construction on Indian lands was very limited. Department of Justice Law Enforcement Administration Assistance grants were provided for construction of jails in Indian country. Many of these facilities, now forty years old, are

still in operation today. Older detention centers present many challenges, such as ongoing maintenance and needed improvements to these aging, high-use facilities.

There are seventy-four confinement facilities, detention centers, jails, and other facilities - to be referred to in this testimony as “detention centers” – operated by tribal authorities or the Bureau of Indian Affairs in Indian Country. Nineteen facilities are BIA operated. The remaining fifty-five are tribally operated. Thirty-nine facilities are BIA owned (three of these detention centers do not house inmates and are used for Law Enforcement offices). The remaining thirty-five detention centers are owned and operated by tribes, either independently or through P.L. 93-638 contracts or self-governance compacts. The BIA administers and monitors these contracts facilities. We recognize the need to be more active in the administration of these contracts. In addition, within the past two years we have opened three new Department of Justice funded detention centers and anticipate that an additional seventeen new detention centers will be completed in 2005. Eight of these new DOJ facilities will replace existing centers. These detention centers are being built by the tribes from grants issued by the Department of Justice. Funding for staffing, operating and maintaining these facilities is provided by the BIA.

IDENTIFICATION OF DEFICIENCIES

In February 2004, when I became Assistant Secretary – Indian Affairs, I was briefed on Indian country detention programs and the ongoing challenges related to the physical conditions and management structure and the issues raised by the OIG interim findings. At this briefing I immediately determined that critical improvements were needed, in addition to those that were already underway. Since February, the BIA has taken immediate and proactive steps to identify the deficiencies at the detention centers and to take appropriate action.

Within forty-eight hours of my February briefing, I assigned key personnel to be responsible for identifying and addressing detention center issues. All 39 of the BIA owned detention centers were inspected for operational, health, and safety concerns by March 10, 2004. The twenty detention centers in the poorest condition that are owned by the BIA were also inspected for structural, plumbing, electrical and environmental concerns by March 10, 2004 and inspections of the remaining nineteen were completed by June 1, 2004. Inspections were completed in compliance with BIA handbooks that are based upon national standards, uniform building codes, National Fire Life - Safety codes, and all pertinent environmental standards.

We have identified 4,313 deficiencies; 57% of which were life safety problems, 31% physical plant problems, 8% handicap problems and 3% environmental problems. All needed repairs have been entered into the BIA’s Facility Management Information System for tracking of project completion and full financial accountability.

REPAIRS MADE

To date, we have repaired 1,723 of the deficiencies cited; 54% of the life safety problems, 29% of the environmental problems, 15% of the handicap problems, 23% of the physical plant problems, 20% of the energy problems for a total of 40% of the problems repaired.

We prioritized the repair of health and safety items first to ensure the safety of inmates and staff.

Repairs include such items as renovation of fire/smoke alarm systems, installation of interior door closures, renovation of sprinkler systems, interior and exterior painting, installation of heating system circulation pumps, kitchen renovations, cross-flushing toilet repairs, and security camera systems renovation.

The following are specific examples:

- At the Fort Peck facility, we renovated the air conditioning system and replaced part of the facility's roof. We also installed a new water softener, and cleaned the duct system. These repairs cost approximately \$160,000.
- At the Wind River detention center, we replaced the roof, the emergency sprinkler system, and upgraded the kitchen heating, ventilation, and air conditioning system. We also renovated the duct system. The BIA spent approximately \$113,000 on these repairs.
- At the Northern Cheyenne reservation, we renovated the facility's heating, ventilation, and air conditioning system. We renovated the fire suppression system, installed new floor coverings in the offices, renovated toilets and showers, installed handicap railing, replaced freezers, and installed a handicap water cooler. These renovations cost approximately \$49,000.

The BIA is committed to addressing these deficiencies. We have identified the deficiencies, prioritized the repair, and have systems in place to monitor the work and expenditure of the funds. In 2004, we have dedicated and distributed over \$6.4 million to address the normal annual facilities operations as well as facilities' safety, and environmental deficiencies concerns.

STAFFING AND MANAGEMENT

The OIG interim report addressed the need to reduce the threats of harm to both staff and inmates. The OIG also noted a lack of management and oversight. Within the past several months, I have taken critical steps to continue to improve the detention program management system. As an initial step in the restructuring of the organization of detention operations, three District Detention Specialists were hired. The hiring of these individuals occurred this summer. They are becoming actively involved in addressing day to day operational issues and provide improved on-site assistance for Indian communities. In addition, I created an Associate Director of Corrections position within Law Enforcement. I have also assigned an Assistant Director for Detention Facilities within Facilities to focus specifically on the repairs and improvements of detention facilities.

I have also directed the BIA to enter into partnerships with outside entities in order to improve the overall management of the Indian Country detention and corrections program. We have ongoing partnerships with the Bureau of Prisons, National Institute of

Corrections, American Jail Association, American Correctional Association, Indian Health Service, and the Office of Indian Education Programs.

The Bureau of Prisons detailed an expert, Michael Janus, to work in partnership with our detention center staff to help evaluate and improve the Indian Country detention and corrections program. Mr. Janus has been with the Bureau of Prisons for over 25 years and has served in various capacities, including Assistant Warden at two federal prisons and as the assistant to the Director. Most recently he was responsible for contract administration in the bureau involving day to day operations of eleven facilities, 17,000 inmates, and a contract budget of over \$360 million a year. We are very pleased with his knowledge and expertise and are very happy to have him on board.

Critical to the success of detention centers is the safety of both inmates and personnel. The BIA plans to work with tribes to find solutions to the long-term challenges of providing safe conditions at Indian country detention centers. The Office of Law Enforcement Services is working cooperatively with tribes and tribal law enforcement to reduce overcrowding, place juveniles in appropriate facilities, develop uniform management standards, and gather detention statistics.

Three deaths have been reported in Indian country facilities in 2004: two suicides and one death from natural causes. For each of these deaths, we have ensured that the FBI was notified and that our or the tribal investigator followed proper procedure. In addition, we are working closely with the Bureau of Prisons staff to ensure appropriate follow-up and assistance by conducting post incident reviews. Through these reviews we examine what lead to the incident and how to be in a better position to prevent a similar situation from occurring in the future.

For example, during the week of September 13, a Bureau of Prisons representative and BIA representative went to a facility that recently experienced a suicide. The team went to follow up on the post incident review that was conducted on June 29, 2004. During the June 29, 2004 visit, we made recommendations to the operator of the facility on how to implement a suicide prevention screening, including how to modify facility structures. We also recommended ways to better manage staff resources to ensure more than one officer was present at all times. We directed the operator of the facility to prepare a progress report on the recommendations we provided. The operator provided us with the report and is now working with the BIA and the Bureau of Prisons' representative on implementing them.

Another area we are improving is the training of our detention center personnel. Currently, most training is conducted at the Federal Law Enforcement Center Indian Police Academy in Artesia, New Mexico. Training our personnel is key to management success and suicide intervention and prevention. Therefore, I felt the need to bring additional training to our staff in the field as well as provide training at the academy. Recently, trainers from our academy were dispatched to the Blackfeet reservation to train personnel on such issues as suicide intervention and prevention, arrest and search techniques, and facility security. They also teamed up with the Indian Health Service to provide to our staff CPR and First Aid training. As we move forward with this initiative, we will continue to localize training as much as possible.

We have also made improvements in housing our juvenile offenders. Prior to my coming on board, some facilities housed juvenile offenders in adult facilities that did not comply with sight and sound separation requirements. Upon becoming aware of this issue, I immediately ordered the removal of juveniles from adult facilities that did not comply with these requirements. This was accomplished over several months due to the limited number of juvenile facilities in proximity to reservations. The juveniles were transported to juvenile only centers and this policy remains in effect today.

STRATEGIC PLAN

Based on our success thus far, I am optimistic about our ongoing and future improvements in Indian country detention centers. We have made great improvements but recognize that more work still needs to be done. The BIA immediately began assessing and developing a plan to address issues at detention centers. Working in partnership with staff from the Bureau of Prisons, we have finalized and are operationalizing this strategic plan. In formulating this plan, we sponsored a Leadership summit for Indian Country Detention professionals, visited facilities, and regularly spoke and met with detention staff.

I am firmly convinced that a strategic plan, that specifically address deficiencies identified by my staff and the OIG interim report, is key to improving detention facilities. We must ensure that our facilities keep pace with growing demand. Therefore, a team comprised of the Bureau of Prisons' representative and members of my staff worked together on creating a Strategic Plan that examines how best to address deficiencies at detention centers identified by my staff and the OIG interim report. The objectives of the Strategic Plan are as follows:

- Identify staffing deficiencies and develop and implement long and short term corrective actions.
- Develop and schedule on-going basic, supervisory and specialized training of new and current employees.
- Standardize the administrative review process for all Serious Incident Reports to respond and correct deficiencies in a timely manner.
- Develop and implement direct line authority for Detention center managers.
- Review and update correction standards and philosophies.
- Develop and implement an annual detention inspection and follow up programs.
- Develop and implement a plan to ensure the timely activation of new DOJ funded facilities.
- Develop and implement a national recruitment strategy for both staff and management positions.
- Improve coordination between facilities and the Office of Law Enforcement Services.
- Improve coordination between Office of Facilities Management and Construction, Regions, and Agencies.
- Improve planning for correction of facilities deficiencies at the detention centers.

We have made varying degrees of progress on each objective to date. We now have a Serious Incident Reporting policy under review. We have identified detention officer vacancies and have begun implementation of a recruitment plan. We have completed a survey to ensure detention center personnel receive appropriate levels of training. We have begun a process of reviewing and updating our correctional standards and philosophies. We have created a schedule for annual detention inspections. We have implemented a plan to ensure the timely opening of new DOJ funded detention center facilities. We have established a team to review facility safety and environmental inspection processes. We have also developed a process for developing cooperative maintenance and work plans between facility managers and detention center personnel.

We are continually examining ways to improve and further implement the strategic plan. It is my vision to provide safe and efficiently run detention centers. The strategic plan is a key element to do this. Through this plan, we can identify and quickly react to the needs of Indian country.

As I mentioned in the beginning of my statement, resolving the detention issues raised by the OIG and BIA staff is one of my top priorities. I have committed resources and skilled professional staff to address these issues. We have made significant progress in the last six months on this problem, which has been decades in the making. Working together I know we can resolve the immediate concerns, and at the same time develop a solid organizational infrastructure to prevent situations raised in the interim report from occurring again. We are dedicated to working closely with the tribes, the Bureau of Prisons, and other detention professionals to improve the BIA detention centers in the most effective manner possible. Based on our success thus far, I am optimistic about our ongoing and future progress in Indian Country detention centers.

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