

1 UNITED STATES DEPARTMENT OF THE INTERIOR  
2 BUREAU OF INDIAN AFFAIRS  
3 TRIBAL LAW AND ORDER ACT CONSULTATION  
4  
5  
6  
7 Miccosukee Resort & Gaming  
8 500 Southwest 177th Avenue  
9 Miami, Florida 33194  
10 Thursday, October 28, 2010  
11 1:00 p.m. - 5:00 p.m.  
12  
13 -----  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PANEL MEMBERS:

- DARREN CRUZEN, DEPUTY BUREAU DIRECTOR
- CARLA FLANNAGAN, ASSOCIATE DIRECTOR OF CORRECTIONS
- JIMMY GIBSON, JR., SPECIAL AGENT IN CHARGE
- GAYE L. TENOSO, DEPUTY OFFICER
- SUSAN KAROL, CHIEF MEDICAL OFFICER

1 (Thereupon, the following proceedings were had.)

2 MR. CRUZEN: We have the Indian Country  
3 doing these consultation on the Tribal Law  
4 and Order Act we've often said we have to  
5 start off the right way with a prayer. And  
6 Officer Nicole from the Miccosukee Tribe has  
7 offered to say a blessing, so if we could do  
8 that.

9 (Thereupon, a Prayer was said and the proceedings  
10 continued as follows:)

11 MR. CRUZEN: Thank you very much.  
12 Thank you to the Miccosukee Tribe for  
13 hosting this; you've been very gracious to  
14 do that for us. We are honored to have  
15 Chairman Billie with us who is going to say  
16 a few words. So Chairman Billie, thank you  
17 again for being here, it's very much an  
18 honor. And we turn it over to you, sir.

19 CHAIRMAN BILLIE: From here.

20 MR. CRUZEN: Wherever you are most  
21 comfortable.

22 CHAIRMAN BILLIE: Tribal leaders,  
23 Tribal representatives, all government  
24 representatives that are here with us, my  
25 name is Agnes Billie. I'm the Chairman of

1 the Business Consult for the Miccosukee  
2 Tribe of the Indians of Florida. And I just  
3 want to say welcome to Miccosukee. The  
4 Everglades is my home as well the home of  
5 the Miccosukee Tribe of Indians of Florida.  
6 I just want to say that where you are you're  
7 on the eastern edge of the Florida  
8 Everglades. If you've never been out here  
9 before, I know that this is a one-day  
10 meeting and if you get a chance to come back  
11 on a different day I hope you can come out  
12 and visit the main headquarters which is  
13 approximately 18 miles west of here. That's  
14 where our main community is located as well  
15 as our Tribal administration building,  
16 that's where my office is located. And I  
17 just wanted to say welcome. As far as this  
18 consultation that's taking place, as a  
19 Tribal leader and as Tribal Chairman I  
20 wanted to say Tribal leaders and  
21 representatives, I know that this federal  
22 legislation that was passed, which is the  
23 law and order legislation, I understand that  
24 each tribe can voluntarily adopt. Before  
25 you do that it's my recommendation or

1 suggestion that you proceed cautiously.  
2 We're taking a look at it. And there are  
3 some things that I've seen that makes me  
4 feel a little uncomfortable. Some of the  
5 things are the reporting departments and the  
6 sharing departments. Those things, you  
7 know, you need to take a look at with your  
8 Tribal lawyers and discuss it with your  
9 counsel. But I would just want to make a  
10 suggestion that you proceed cautiously on  
11 this. I just want to say thank you and  
12 welcome to Miccosukee.

13 MR. CRUZEN: Again, Chairman, thank you  
14 very much. And as I was saying to you  
15 earlier it's an honor to have you here.  
16 We've had consultations across the country  
17 for the last three weeks. And you know it's  
18 been attended, extremely well but one of the  
19 things that was noticeably missing, I think,  
20 in a lot of locations were the Tribal  
21 leaders. And so to me it says a lot about  
22 your commitment to law enforcement on your  
23 reservation and safeguarding your people and  
24 that you're here and that you're willing to  
25 -- I know your time is very busy, you'd

1           probably want to be in a thousand other  
2           places right now so I appreciate you taking  
3           your time as scheduled to be with us as long  
4           as you can. I understand that you may have  
5           to leave and I completely understand that.  
6           But thank you again for being here. As I  
7           said, we've done these now in California,  
8           Montana, Minneapolis, Albuquerque, Oklahoma  
9           and here. And it's been received extremely  
10          well as we go around. I know it's a new Law  
11          and Order Act. It was just signed in in  
12          July by the President. So if you've read  
13          it, if you've had an opportunity to read it  
14          it's a bit overwhelming, it can be --  
15          there's a lot to it. And so -- and before  
16          we get started here what I wanted to do is  
17          to make sure that there was an understanding  
18          that these consultations are just exactly  
19          that. They are consultations. Nothing is  
20          in stone right now as far as a way forward  
21          for us and I'm very much interested in  
22          hearing your thoughts and opinions. And as  
23          I said, I know that there's a lot to this  
24          Tribal Law and Order Act. And there's a  
25          good possibility that you haven't had an

1 opportunity to read through the whole thing  
2 and digest it. So my hope is today that we  
3 can share some of the, you know, top issues  
4 that we need to look at immediately that  
5 have a time on them and reporting, that we  
6 have to report back on. And you know what  
7 I'm sorry, I didn't introduce myself, my  
8 name is Darren Cruzen. I'm the director for  
9 law enforcement for the Bureau of Indian  
10 Affairs Office of Justice Services. And  
11 I've been there a whole three weeks. So I  
12 may not have all of the answers for you, but  
13 I can only tell you one thing that I do come  
14 here with is a sincere desire to work  
15 collectively and collaboratively with our  
16 Tribal partners, our DOJ partners, our  
17 Indian Health Services partners, our SAMHSA  
18 partners and anybody else that is willing to  
19 help me to do what we are trying to do to  
20 improve the quality of life of our community  
21 members across the country. Just a little  
22 bit about myself, so you don't think that I  
23 completely have no idea what is going on in  
24 the country. I spent about ten years prior  
25 to leaving the BI, with the BI, I started my

1 law enforcement career about 18 years ago in  
2 -- for city police department in the  
3 Midwest. And in my tribe the Miami Nation,  
4 they don't -- if you say Miami in Oklahoma  
5 they are ready to fight. So it's Miami in  
6 Oklahoma but -- so the Miami Nation called  
7 and asked if I would come and be part of  
8 their police department which is where I'm  
9 enrolled. So I did that and then I attended  
10 the Indiana Police Academy. And while I was  
11 there I was hired as BI police officer GS --  
12 I like to say GSIOU1 but it was the GS3 and  
13 I worked my way through. I was a training  
14 sergeant at our Indiana Police Academy. And  
15 then was the Regional Agent in charge for  
16 our Portland office. And from there I was  
17 the Chief of Police at the Crow Indian  
18 reservation in Montana. And then was  
19 brought over by the then acting director of  
20 law enforcement to Washington to serve as  
21 the senior advisor. And then from there  
22 went over to -- so I was with the BI for  
23 about ten years. And then from there went  
24 over to work my last four and a half years  
25 was at the Pentagon in Washington, D.C. I



1 was the Assistant Special Agent in charge  
2 for the criminal investigations there. And  
3 also did protecting missions all over the  
4 world for some of our high level DOD  
5 officials. So world traveler now and back  
6 to the BIA and back three and a half weeks  
7 ago, maybe four weeks now. I guess I've  
8 been saying three and a half weeks but maybe  
9 four weeks now. But I could say I come back  
10 with a sincere optimism this Tribal Law and  
11 Order Act I think once you hear about it,  
12 once you start learning a little bit more  
13 what it has to offer I think you'll share my  
14 excitement. And Chairman, I agree with what  
15 you said, there are some things that are  
16 unknown right now and we're trying to work  
17 through that. So hopefully we can answer  
18 some of those question for you but those are  
19 very smart words and advice that you gave.

20 With that, one other thing that I would  
21 like to do, is let you know that we do have  
22 a court reporter here that's typing away  
23 right over here feverishly every word that  
24 we say. So I know that she would appreciate  
25 as we move through this and if you have

1           comments or suggestions or thoughts or  
2           questions, if you could, before you speak if  
3           you could give your name at which she can  
4           log it and then after that every time that  
5           you -- as we move through the day, if you  
6           have another comment if you could again  
7           announce yourself so she doesn't have to try  
8           and remember who is who, that would be very  
9           helpful. What I'd like to do is start on at  
10          this end of the table, let everybody  
11          introduce themselves and then what I'd like  
12          to do is if there's any other Tribal leaders  
13          in the room that have anything that they  
14          want to say or start out with we'll do that  
15          and then we'll have our Department of  
16          Justice friends out here kind of giving an  
17          overview of the Tribal Law and Order Act.  
18          And we'll progress through the day. So if  
19          that's okay, Gaye can you introduce  
20          yourself.

21                 MS. TENOSO: Sure. Hello, my name is  
22                 Gaye Tenoso. I'm a citizen of the Citizen  
23                 Potawatomi Nation in Oklahoma. I belong to  
24                 the Thunder clan. I'm also Deputy Director  
25                 at the Office of Tribal Justice in the U.S.

1 Department of Justice.

2 MS. FLANAGAN: Good afternoon. My name  
3 is Carla Flanagan. I'm the Associate  
4 Director of Corrections and Bureau of Indian  
5 Affairs.

6 MR. GIBSON: Hello, my name is Jimmy  
7 Gibson. I'm a member of the (Inaudible)  
8 Indians. I'm the district to -- special  
9 district six, special agent in charge.

10 MS. KAROL: Good afternoon. My name is  
11 Susan Karol. I'm an enrolled member of the  
12 Tuscarora Indian Nation which is in New  
13 York. I'm also the Chief Medical Officer  
14 for the Indian Health and Service based in  
15 Rockefeller.

16 MR. CAULUM: My name is Andy Caulum.  
17 I'm with the Office of the Solicitor  
18 Division of Indian Affairs in Washington.

19 MR. CRUZEN: Thank you very much. And  
20 I think that, we did this the other day, we  
21 had about 120 in the room and it was very  
22 difficult for our court reporter to keep up.  
23 But with the size of the room that we have  
24 in here if maybe we could just go around. I  
25 think we probably can do this fairly easy,

1 so if we can just start with you.

2 MR. COLLINS: Daniel Collins, Chief of  
3 Public Safety for the Manshantucket Pequot.

4 MR. GONZALEZ: Xavier Gonzalez, I'm the  
5 Interim Chief of Police of the Miccosukee  
6 Tribe.

7 MR. CARROLL: Kitcki Carroll, Executive  
8 Director of United South and Eastern Tribes.

9 MR. LATCHFORD: Will Latchford, Chief  
10 of Police of the Seminole of Tribe of  
11 Florida.

12 MS. BILLIE-MOTLOW: Agnes  
13 Billie-Motlow, Legal Department, Tribe of  
14 Florida.

15 AUDIENCE MEMBER: (Inaudible), Seminole  
16 Tribe of Florida.

17 MS. BILLIE-MOTLOW: Agnes Billie-Motlow  
18 Legal Department, Seminole Tribe of Florida.

19 MR. KAMEN: Michael Kamen, outside  
20 counsel for the Seminole Tribe of Florida.

21 MS. WILLIAMS: Officer Nicole Williams,  
22 Miccosukee Police department.

23 MR. ROMAN: Bernie Roman, Miccosukee  
24 Tribe. I'm an attorney.

25 MR. IMPSON: I'm Bob Impson. I'm the

1 Deputy Regional Director of the Bureau of  
2 Indian Affairs in Nashville, Tennessee.

3 MR. NEVES: Keith Neves, the Seminole  
4 Agency Bureau of Indian Affairs  
5 Superintendent.

6 MR. OSCEOLA: Curtis Osceola,  
7 Miccosukee Tribe.

8 MR. SOTO: Good afternoon, Fernando  
9 Soto, Sergeant for Miccosukee Police.

10 MR. STINSON: Brad Stinson Court  
11 (unintelligible) Department.

12 MR. HAMMONDS: Larry Hammonds, Police  
13 Chief of Porch Creek.

14 MR. PANTHER: Richard Panther, Eastern  
15 Cherokee.

16 MR. CRUZEN: All right. Well, thank  
17 you very much and pretty -- I have a pretty  
18 diverse group. That's BIA folks and USEF  
19 and regional directors and folks from all  
20 over, some attorneys. That's great. Okay.  
21 So what I'd like to do then if there's any  
22 other Tribal leaders in the room that would  
23 like to maybe begin with comments our  
24 thoughts or concerns or questions, kind of  
25 open that up for them in the beginning.

1           Okay. I don't see anybody, so what we'll do  
2           is we'll go ahead and start down here with  
3           the Office of Justice Programs, if you could  
4           give in depth detail four/five hour  
5           description of the Tribal honor program.

6           MS. TENOSO: Actually what we've tried  
7           to do -- did everybody pick up one of these  
8           at the front table. What we tried to do --  
9           this is a PowerPoint. And since I don't  
10          like PowerPoints I turned it into a handout,  
11          but we tried to do is boil it down to what  
12          Tribal Law and Order Act changes, what used  
13          to be the case and what is new that's in the  
14          Tribal Law and Order Act. As Darren pointed  
15          out earlier there's a whole lot in this  
16          bill. And it's -- I understand that it will  
17          be a lot easier to offer input about how the  
18          various departments represented here can  
19          implement these provisions. If we  
20          understand exactly what it is we've been  
21          told by Congress to do. As you may know a  
22          couple of slides -- a couple of the slides  
23          deal with the bill to which the Tribal Law  
24          and Order Act was attached so that it could  
25          get passed. And that's actually amendments

1 to the Indian Arts and Crafts Act. So I'm  
2 actually going to skip those two slides  
3 because we're not really here to consult  
4 about those. But it does show what the  
5 changes are before and after. There's two  
6 slides to that. So I'm going to start with  
7 the bottom two slides on the handout.

8 And let's see, the first one is not  
9 very tough. And we really don't have to do  
10 any consulting on it. It just confirms what  
11 happened in 2005. The BIA changed their  
12 Office of Law Enforcement Services, the name  
13 of it changed to the Office of Justice  
14 Services. So it codifies that, it a new  
15 law. And on the second one and in that  
16 section 211(b) the -- there's new  
17 responsibilities given to that office which  
18 includes: dispatch services, 911 emergency  
19 services and training for access to the  
20 National Crime Information Center. Section  
21 211(b) of the act, we're still on that,  
22 here's some of the other new duties of the  
23 Office of Justice Services, and that is the  
24 collection, analysis and reporting of crime  
25 data. This is a very, very important, I

1 understand that Chairman Billie had some  
2 concerns about some of the data sharing, but  
3 I want to sort of try to help you understand  
4 why this is so important. The Department of  
5 Justice has certain grants and awards that  
6 are made to Law Enforcement Services and in  
7 Indian Country. And in order -- and those  
8 are based on these -- the amounts are based  
9 on -- in order to be eligible the department  
10 has to have this data about the crime rates  
11 on the reservations to be eligible for these  
12 grants. That's one of the reasons it's very  
13 important to have this data. Also, very  
14 important, I think for your purposes to have  
15 data input in these -- into these systems  
16 because one of the things the statute tries  
17 to do is to make sure that Tribal Law  
18 Enforcement Services and Tribal court  
19 systems have the ability not only to input  
20 their information into the systems but also  
21 to access it so that if a Tribal officer  
22 pulls someone over, they'll be able to  
23 access the same crime data basis that State  
24 and local and Federal Law Enforcement  
25 officers resort to to find out whether the



1 person they stopped maybe has an outstanding  
2 warrant on them and that sort of thing. So  
3 collection, analysis and reporting of crime  
4 data I think is very important. And you  
5 have training responsibilities for that.  
6 Reporting the UCR crime data to FBI, CJIS on  
7 a tribe-by tribe basis. And it needs to be  
8 split up by tribe. And I think one of the  
9 problems that was causing the grant issue  
10 was that it was being reported in an  
11 aggregated way so the individual tribes  
12 weren't getting their eligibility for these  
13 grants. So I guess also they're going to  
14 have to write a report every year to  
15 Congress talking about the unmet need in the  
16 areas of tribal law enforcement,  
17 prosecution, judicial corrections and other  
18 resources that make up our Indian Country  
19 Justice systems. And I think, you know,  
20 this is very important to you and to  
21 Congress because if Congress needs to know,  
22 okay, if there are -- especially personnel  
23 shortages because they can't be funded, then  
24 that's going to help Congress decide  
25 hopefully to give us the money that we need

1 to make up this things, to fill up those  
2 vacancies.

3 MR. CARROLL: Can I ask you a question?

4 MS. TENOSO: Sure.

5 MR. CARROLL: I'm sorry to interrupt  
6 but you mentioned a couple of times now, you  
7 referred to grants, I know the whole issue  
8 of the funding of Tribal Law and Order Act  
9 has not been appropriated at this point in  
10 time. The question I have is when you're  
11 using this language -- I'm sorry Kitcki  
12 Carroll, with the South and Eastern tribes,  
13 when you're using this language of grants  
14 when the Tribal Law and Order Act is passed  
15 one of the things that they were  
16 highlighting and celebrating is that this  
17 was a celebration because the government was  
18 given us it's trust and responsibility as it  
19 relates to law enforcement in the Indian  
20 Country. My concern though, and I'm looking  
21 for some clarification is, when in assuming  
22 that the monies are going to be appropriated  
23 for carrying out all of these things that  
24 are out -- I mean, in the acts, is it going  
25 to be through a competitive grant process?

1           Because the concern that I have is that  
2           within just the USEF area we have 25 tribes  
3           that have very increased ability to write  
4           strong grant reports. And I don't think  
5           that the intent of the legislation would be  
6           to allow for certain tribes to receive money  
7           simply because of their ability to write  
8           stronger grants and then tribes that don't  
9           have that resource to not receive any money.  
10          So can you clarify what the intentions are  
11          as far as monies getting out to the new  
12          country if the vehicle that is going to be  
13          used is a grant process?

14                 MS. TENOSO: I think, and you could  
15                 feel free to jump in, but my understanding  
16                 of funding is that there are various sources  
17                 of funding. The Department of Justice's  
18                 main source of funding is through our grant  
19                 programs. We just -- I think under  
20                 consolidated grant program this year ordered  
21                 nearly \$127 million to numerous tribes. I  
22                 wish I can remember the number. I think  
23                 that the crime reporting data is for these,  
24                 what are called burnt grants; and I  
25                 apologize I'm not actually in the office of

1 Justice Service or that familiar with the  
2 grants but the ones that are -- were with  
3 the crime data is needed that's already  
4 funded. And also the -- included in that  
5 consolidated grant allocation for earlier  
6 this year were, for example, the cops grants  
7 for community -- community oriented policing  
8 services, which do fund a lot of law  
9 enforcement officer positions in Tribal  
10 police departments. Now the Bureau of  
11 Indian Affairs, through its Office of  
12 Justice Services, also has a more regular  
13 kind of funding; is that correct? So it's a  
14 combination not only of grants. While this  
15 bill is not an appropriations bill, a lot of  
16 what it does is it builds on existing  
17 programs and I think it makes them more  
18 readily available here by including the  
19 individual tribe criminal reporting data,  
20 this opens up a grant program for tribes  
21 that they're not eligible for now because  
22 they don't have data. Does that help answer  
23 your questions?

24 MR. CRUZEN: Well, and also as she said  
25 that the Tribal Law and Order Act, that does

1 not come with appropriations. There are a  
2 lot of things in here and primarily what  
3 this says I think or as I understand it is  
4 if it allows us to better streamline and  
5 work together with things that we're already  
6 -- should be doing, you know, collecting and  
7 most all are already reporting, whether it's  
8 internally and some are -- everybody is  
9 capturing that, but not everybody is  
10 reporting. So what this Tribal Law and  
11 Order Act is is it tries to better paint the  
12 picture of what's going on in the country  
13 with the things we're already doing. And as  
14 we move forward, we spoke, there are reports  
15 that as you read through here, where we're  
16 required to submit to Congress here and one  
17 of those is our unmet needs. So as we work  
18 together with -- I mean really it's a  
19 numbers driven and, you know, in order for  
20 us to go out to Congress and say, look,  
21 we've been saying here are the problems and  
22 here are the numbers to back that up. And I  
23 know that historically there has been a  
24 concern about some tribes that, you know,  
25 well you are using these numbers and it's

1 not equitable, how are you using the numbers  
2 to get the budget up that it's not equitable  
3 how the funding goes out to tribes. And I  
4 can't really speak to how that has been done  
5 in the past. But one of the things that I'm  
6 looking to do is -- and I love this  
7 collaboration consultation concept. To me,  
8 and I saw this at the department of defense  
9 work time and time again, is if I come to  
10 the table with an idea alone and say, here's  
11 what we're going to do and here's the  
12 formula that we're going to use to do it.  
13 It doesn't have to be funding. It can be  
14 anything. This is how we're going to, you  
15 know, build this phone. It's only as good  
16 or as smart the idea as I am. But if -- and  
17 it just boggles my mind that we don't do  
18 this more often. And I can assure you under  
19 my time here as the director that's the  
20 direction I'm going is to have more of these  
21 consultations because I know -- one of the  
22 things that makes me the most optimistic is,  
23 as I travel around and as I've been the  
24 director and attended these meetings is, the  
25 gist and it's evident in the room as we went

1           around and talked the Tribal Law and Order  
2           Act, you can say already is a success in the  
3           fact that there are very, very smart people  
4           from all over the Indian country, from all  
5           over the Department of Justice, from our  
6           IHS, SAMHSA across the board that are on the  
7           hook, if you will, or responsible now to  
8           work together and should have been happening  
9           but this is the -- you know, the tool I  
10          guess, if you will, that's going to bring us  
11          together to work on these issues. And so  
12          one of the things, and you'll have to  
13          forgive me too, if you have children have  
14          seen the movie Up where the dog is running  
15          around and one of them will say squirrel and  
16          the dog will look over there and get off  
17          track? Sometimes I do that. Please don't  
18          mistake that for anything other than my  
19          excitement for what we have to do here. So  
20          I'm energetic about it. So getting back on  
21          track here, one of the things that working  
22          together I want to do as we move forward  
23          since you started touching upon that, I want  
24          to get Tribal leadership from across Indian  
25          countries, to sit down in a working group

1 setting to help me figure out what is a fair  
2 way to do this. You know, people will say,  
3 all right, well, it's a number of people on  
4 the reservation. Okay, that's one way.  
5 Some people will say, well, it's the  
6 highways and people that transverse through  
7 you on the reservation, you've got to count  
8 that. Well, it's a number, it's number of  
9 acres. Well, it's the number of population  
10 that gets based on from Tribal casinos,  
11 Tribal gaming, whatever. If you ask 50  
12 different people what the formula is, 50  
13 different people will tell you, well, this  
14 is what it is. So I don't want to be the  
15 guy responsible in D.C. That has to  
16 explain, well, here's my idea. This is what  
17 I thought made the most sense. I want to  
18 bring smart people, very smart, smarter than  
19 I am, together from Indian country, across  
20 the country, to say, all right, let's talk  
21 about this formula, let's come up once and  
22 for all with a formula that you plug in all  
23 of these wonderful variables that we come up  
24 with and then at the end it spits out a  
25 number and says, all right, here's what it



1           should be. So you'll know I'm not looking  
2           at starting from zero and, you know, based  
3           funding is based funding. But what I'm  
4           looking for is a way forward, how do we do  
5           that, how do we do that that's fair and  
6           equitable across and I also know that not  
7           everybody is going to agree. And I get  
8           that; but I think if we can bring people in  
9           that have an understanding of what the needs  
10          are out there that we can build a formula  
11          that will meet everyone's needs and will be  
12          fair and equitable. So I -- you know, to  
13          get back to your question this Tribal Law  
14          and Order Act doesn't come with funding.  
15          But the results of the Tribal Law and Order  
16          Act is how we move forward to address our  
17          needs in the future is how I see it. Yes,  
18          sir you have a question in the back.

19                 MR. OSCEOLA: Yes, Curtis Osceola,  
20                 Miccosukee Tribe. The lady to your left or  
21                 your right was talking about the information  
22                 sharing and that it's for own my good that I  
23                 can share this data and information but, you  
24                 know, I fully disagree with your statement  
25                 that it's for our own good. I don't think

1           it's automatically a beneficial statement  
2           and, you know, the tribe, in particular the  
3           Miccosukee Tribe, the State or local law  
4           enforcement agencies, you know, are always  
5           trying to get into our business and data and  
6           some of our police information. We can  
7           share certain things, but I don't think that  
8           it's good for us to share everything that  
9           these agencies to want to get into. And I  
10          don't think it's a fair statement to say to  
11          us that it's for our own good.

12                 MR. CRUZEN: And let me just address  
13                 something really quick. And maybe -- I  
14                 think at least from my prospective of what  
15                 I'm looking at is the -- you know, boils  
16                 down -- since we are talking about law  
17                 enforcement, it's an officer safety issue  
18                 that we're looking at primarily from BIA is  
19                 that if an officer pulls a car over and is  
20                 walking after that car and can run the  
21                 license plate and say, okay, this car is  
22                 stolen or this car is registered to this  
23                 person who has a warrant for assault on a  
24                 police officer or has, you know, just robbed  
25                 a bank or something like that, that's the

1 kind of information I think that we're  
2 primarily concerned with as it relates back  
3 to officer safety. So if that maybe clears  
4 that up.

5 MR. OSCEOLA: I think so. But when,  
6 you know, traffic stops occur, you know, you  
7 can deal with it as a local matter. And  
8 sometimes we do that, you know, we have our  
9 own Tribal Law and Order Acts and some of  
10 our members can be subject to that and in  
11 some cases it's nobody's business.

12 MS. TENOSO: Any more questions? I'm  
13 going to keep going through the statute but  
14 feel free to interrupt me with a question or  
15 a comment at any time. One of the -- and  
16 I'll pick up on Darren's reference to our  
17 collaboration. In the next slide the  
18 Departments of Interior and the Department  
19 of Justice are working together and they  
20 obviously will be consulting with you about  
21 this too. The need to develop a long-term  
22 tribal detention plan and report to Congress  
23 back on that plan within one year of the  
24 laws passed. So that's one of the -- one of  
25 the areas where we would like to have tribal

1 input.

2 MR. CARROLL: Can you clarify one thing  
3 for me before you go further, Kicki Carroll  
4 Southern and Eastern Tribes, a significant  
5 portion of this language in this legislation  
6 relies upon inner agency, inner government  
7 collaboration and you've already spoken to  
8 that. That's very clear with the language.  
9 And you also made a comment a little bit ago  
10 as far as these are things that should have  
11 been happening and for whatever reason had  
12 not. I guess I'm interested in hearing what  
13 is it that's changing beyond the act itself  
14 and the reporting requirements within the  
15 act that are going to cause that  
16 relationship and that partnership to be any  
17 different than it has been at this point.  
18 Because we've heard over and over from the  
19 prospective of the FBI, which has not  
20 fulfilled its commitments, when you talk  
21 about two-way states what states have not  
22 done their responsibility, jurisdictional  
23 responsibility, so these responsibilities  
24 and accountabilities were there to we begin  
25 with. It's just that they weren't being

1 fulfilled to the extent that they should  
2 have been. So what is it that's changing  
3 that, if the majority of this legislation is  
4 required upon that collaboration, what is it  
5 that's changing from yesterday to today that  
6 going to cause that to be successful, where  
7 in the past it's failed in many instances  
8 beyond just saying there's a reporting of  
9 requirements to the act. Because you're  
10 talking about more effort, more energy  
11 that's going to need to be put forward but  
12 you've already made a comment, this is not  
13 an appropriations bill. So there's no  
14 financial resources coming to the table to  
15 help with any of these requirements that are  
16 being put forth. In addition to that, we  
17 already know in talking individually whether  
18 it's the BIA or IHS or whomever, DOJ, that  
19 there's a human capital deficiency already  
20 in place that prevents it from doing some of  
21 the things it was supposed to. So there's  
22 no additional monies coming in to add  
23 resources to the mix, how do you foresee  
24 that this is going to -- I mean, I don't  
25 want to sound like if I'm pessimistic at

1 all, I just want a better understanding as  
2 to how this is going to work in reality.

3 MS. FLANAGAN: If I could just take a  
4 stab at a couple of those issues. One of  
5 the things that the bill is consistent in  
6 doing is sharing the responsibility for  
7 individual or for task areas between the  
8 Department of Interior and the Department of  
9 Justice or IHS or SAMHSA. And it outlines  
10 it, specifically, whereas it would have  
11 previously said for instance the secretary  
12 of interior, the assistant secretary of  
13 Indian Affairs is responsible for, now it  
14 enjoins the attorney general and other  
15 people or the director by IHS. It also  
16 places some responsibility, at least in the  
17 detention area, and that's what I'm most  
18 familiar with but it permeates throughout  
19 the bill, it also requires us to cooperate  
20 and it lays out specifics and it will be in  
21 consultation with tribes. I think that we  
22 have identified that -- at least in Indian  
23 Affairs we haven't always been, at least for  
24 the Office of Justice Services I'll say, we  
25 haven't always been tuned in enough to

1           consult with tribes on matters that we deal  
2           with. And now we're required and can be  
3           held accountable to the law. So I think  
4           that that's what's changed. Now what's  
5           changed in actuality is we have our partners  
6           at the table during these consultations and  
7           for the past five and this one, we've been  
8           here together. When we've been in D.C. we  
9           meet regularly, at least on the detention  
10          plan and there are other issues, on the  
11          accountability issues, on the information  
12          sharing. Apart, separate there are work  
13          groups that are chaired by the deputy  
14          attorney general and the deputy secretary of  
15          interior. They cover the most -- many of  
16          the areas of the bill that predates the  
17          bill. So if you're asking what's concrete  
18          and happening with that, we know each  
19          other's names, we have relationships and  
20          guidelines and we're going to -- we're  
21          committed to working together to get these  
22          things done. And also the responsibility is  
23          shared, so it's not just on the burden of  
24          one agency. It's a recognition that the  
25          federal government, in its entirety, those

1           pertinent agencies need to work together. I  
2           hope that's how -- there are probably some  
3           more examples that I could give you once I  
4           go through them and think of them. And I  
5           just want to kind of touch on your comment.  
6           You couldn't be more right about the issue  
7           about the superior grant writers within  
8           tribes and account superior grant writers  
9           sometimes benefit better than tribes who  
10          don't have that that accessibility. And  
11          that's something that I, on the detention  
12          side, bring up frequently with the Office of  
13          Justice programs who are the grant -- who  
14          are the grant awarders. And they're aware  
15          of that and that's something that we're  
16          looking at and how we can better assist and  
17          make that process easier. I'm thinking of  
18          -- within our OJS staff of maybe having, on  
19          the detention side, a grant writer that can  
20          assist and kind of help through the grant  
21          process. But your point is well taken. And  
22          we need to do something better with just the  
23          tribes who can have it -- have better grant  
24          writing skills getting grants, while tribes  
25          who perhaps are more needier and don't have



1           those resources need to have equal access to  
2           the grants.

3           MS. KAROL: I would like to respond  
4           from the Indian Health Service standpoint.  
5           We have had years of inadequate funding, as  
6           you know. We have often made lemonade out  
7           of lemons when we've had big projects to get  
8           started. One of our recent big project is  
9           the domestic violence project, DVPI, as we  
10          abbreviate it. 95 of the programs across  
11          the country not totally greatly funded but  
12          somewhat funded in the first step was from  
13          Congress to get us to pay attention to  
14          domestic violence and sexual assault. So  
15          yes, we haven't been doing great strides as  
16          the years have gone by, but new things have  
17          come up. In this administration we have  
18          individuals frequent at the top that have --  
19          that are native that are looking out for us  
20          and have put us together. And you have a  
21          series of made individuals here who are  
22          committed and concerned. You got the BIA  
23          talking to the Indian Health Service,  
24          probably for the first time in many years,  
25          if ever. Honestly putting programs together

1           and we're going to be working now with the  
2           sexual assault policy and protocols. So I  
3           think you should see that we take this  
4           Tribal Law and Order Act very seriously.  
5           Dr. Roblo has charged me with being present  
6           at these consultations in making sure that  
7           we do interact with the BIA and DOJ. And so  
8           yeah, you might think it's more lip service,  
9           but I think you have a bunch of committed  
10          individuals that really want to see some  
11          change happen. And maybe with hearing --  
12          I'm excited to hear that I get a yearly  
13          chance to put some comments in about funding  
14          needs. So maybe it will have some effect as  
15          the years go forward.

16                 MS. TENOSO: The Department of Office  
17                 of Justice Programs also does a significant  
18                 amount of training and technical assistance  
19                 for any would be grant recipients and so if  
20                 you have -- if your tribe is interested in  
21                 pursuing a grant, then I encourage you to  
22                 contact our office and we'll put you  
23                 together with the people in the Office of  
24                 Justice Programs so it could be helpful that  
25                 way.

1           So from detention, Section 211(c)(2)(B)  
2           this change is a standard upon which a BIA  
3           employee can carry out a warrantless arrest.  
4           The statute used to say reasonable grounds,  
5           now it says probable cause, which is  
6           consistent with other standard for other law  
7           enforcement. It adds additional offenses  
8           that a warrantless arrest can be carried out  
9           for and those are controlled substances,  
10          federal firearms offenses, assault, and  
11          bootlegging, were added to the list of  
12          crime. And someone had mentioned earlier  
13          that I need a Tribal Law and Order Act as  
14          having two overarching equals and one is  
15          making federal agencies with responsibility  
16          for public safety Indian country more  
17          accountable for their responsibilities. And  
18          also trying to empower tribes to take on  
19          more of this to spend -- their willing and  
20          able to take on more of this themselves.

21          So to start the TLOA Section 212, we  
22          feel we get into the accountability area and  
23          this is lot of -- those of you who follow  
24          the government act you know this was a big  
25          driving force in the passage of the act

1           where -- what's called declinations. And  
2           that is when a prosecutor or an investigator  
3           declines to pursue a case that occurs in  
4           Indian country, either at the  
5           investigation's stage or the sitting to  
6           prosecute stage. So what they've done here  
7           is the statute requires, what makes common  
8           sense that should happen, requires that the  
9           -- if a U.S. attorney declines a  
10          prosecution, they need to coordinate with  
11          Tribal officials who have concurrent  
12          jurisdiction for those crimes. And about  
13          what the decision is, why, if they're  
14          declining a case, they're declining a case  
15          if there is an opportunity to share  
16          evidence, so that the tribe decides to  
17          pursue the case where federal government has  
18          declined can use it for the statute of  
19          limitations expired. So that's the goal of  
20          this provision. And the accountability is  
21          enhanced with the -- with the Executive  
22          office for the United States Attorneys  
23          having to submit an annual report to  
24          Congress and the annual reports go district  
25          by district in explaining how many cases

1           were declined, the reasons for the  
2           declination and so forth. The -- another  
3           thing the statute does is codify things that  
4           were just being done, maybe not in every  
5           U.S. attorney's office but some of them.  
6           For example, Section 213 it specifically  
7           codifies the practice of what was going on  
8           in some of these attorney's offices where  
9           tribal prosecuting attorneys may, with the  
10          consent, obviously, of the tribe they work  
11          for also serve as Special Assistant in the  
12          United States Attorneys to help prosecute  
13          the crimes that are occurring in Indian  
14          countries. So it's a way to have more  
15          prosecution resources available for Indian  
16          country crimes. And now most U.S.  
17          Attorney's offices with Indian country have  
18          what they call Tribal liaisons in them,  
19          assistant United States attorney one or more  
20          who is specifically designated to be the  
21          Tribal liaison. Now any district with an  
22          Indian Country is required to have at least  
23          one. And their jobs or their duties are  
24          spelled out in the statute.

25                 One of the things obviously of the

1 Tribal Liaison, one of the things they're  
2 supposed to do is facilitate, help  
3 facilitate that communication in keeping  
4 Tribal Justice Officials aware of what's  
5 going on with regard to particular cases.  
6 And they also help coordinate the  
7 prosecution of Indian countries offenses in  
8 their own offices.

9 And on a parochial note, the office I  
10 work for, which was established by Attorney  
11 General Janet Reno in 1995, well, has -- is  
12 now required to be a permanent office and  
13 we, like you, are waiting on funding but  
14 everyone in the Office of Tribal Justice is  
15 assigned detail from another part of the  
16 department. Our director has been on detail  
17 for ten years, for example, from the U.S.  
18 Attorney Office in Montana. So we will  
19 become -- we are going to become a permanent  
20 office in -- with our own funding in our  
21 position under the statute. And this  
22 similarly, there are -- there has been for  
23 many, many years a person who's title is the  
24 Native American Issues Coordinator and that  
25 person is like a career attorney and they

1 work in the executive office for United  
2 States attorneys. And they also work with  
3 the -- I don't know if you know the attorney  
4 general has an advisory counsel that  
5 consists of the United States Attorney's,  
6 called the Attorney General Tribal Counsel,  
7 and they have subcommittees. And right now  
8 the largest subcommittee of that counsel is  
9 the NativeAmerican issue subcommittee. And  
10 so this career attorney works with those  
11 United States attorneys that are on that  
12 subcommittee. And also has a number of  
13 duties under the statute. I think I already  
14 mentioned one in connection with another  
15 section and that's that the person is  
16 supposed to report these statistics about  
17 declinations to Congress. This -- a person  
18 she -- the person who is doing this now is a  
19 woman, so that's why I say she collects the  
20 data from the U.S. Attorney's Offices and  
21 puts them in a report form and sends them to  
22 Congress. That is one of the many duties.  
23 We don't -- do we have anyone here who from  
24 the Public Law 280 State Mandatory? I don't  
25 think so. I think everyone is from Florida

1 and Alabama, right?

2 I don't know if you're familiar with  
3 Public Law 280. That's where the 50  
4 Congress gave certain states criminal  
5 jurisdiction in Indian countries and to the  
6 exclusion of the United States major crimes  
7 that don't apply there. And it used to be  
8 that the only way the jurisdiction could  
9 come back to the federal government was if  
10 the State asks. But now the State had to  
11 agree if a tribe wanted jurisdiction to come  
12 back to federal government. Now, these  
13 tribes that are located in Public Law 280  
14 States can request that the attorney general  
15 reassume concurrent jurisdiction. If it  
16 doesn't become exclusive to the United  
17 States. And the state will still have  
18 concurrent jurisdiction. And this can be  
19 important to tribes who feel like the States  
20 are not responsive to their law enforcement  
21 needs. And there are some of those and  
22 unfortunately parts of the country --

23 MR. CRUZEN: Can I? Just a minute. I  
24 got in a lot of trouble at our last  
25 consultation because, you know, any of us or



1 any of you can get up and use the restroom  
2 whenever you want to but our court reporter  
3 really got mad and I don't say that  
4 jokingly. She was very upset because we  
5 went on and on and on. So if that's okay,  
6 if we can take about a ten-minute break.  
7 And then we can come back and jump right  
8 back into this. And the Miccosukee Tribe  
9 has given us coffee and things like that  
10 back there in the back. So we thank them  
11 for that. Restrooms are straight out that  
12 door. Women's is on this side, Men's is on  
13 this side. And if we can come back in here  
14 in about ten minutes. We'll get fired off  
15 from here. Thank you.

16 (Thereupon, a break was taken and the proceedings  
17 continued as follows:)

18 MS. FLANAGAN: Couple of things that  
19 the Law and Order Act does in 231(a) it --  
20 now OJS, BIA is required to recognize  
21 training and provide programs of training  
22 that are provided by State and Tribal Police  
23 Academies and other programs as long as they  
24 meet the peace officers standard of  
25 training. In addition to help fill the

1 unmet needs, the maximum age of new BIA OJS  
2 officers was raised by ten years. And now  
3 anyone under the age of 47 can service a BIA  
4 police officer. This also requires the  
5 Department of Interior, this is the second  
6 part of Section 231, requires the Department  
7 of the Interior to establish procedures for  
8 establishment of SLEC MOA understanding.  
9 And I think, Darren, that this is more in  
10 your neck of the woods than mine. But it  
11 does have a number of deadlines.

12 Okay. When you had asked earlier about  
13 funding, interestingly the statute requires  
14 the secretary of interior office to set up  
15 the law enforcement foundation that's  
16 effectively a charity, to accept donations  
17 and that the donations are be used to help  
18 Tribal Public Safety and Justice of Service  
19 programs. And so that's going to be another  
20 potential area of resource.

21 MR. CARROLL: Can I ask a question?

22 MS. FLANAGAN: Sure.

23 MR. CARROLL: I seem to hit a little  
24 bit on your slides, on the handout I didn't  
25 see it. So forgive me if you plan talk to

1           about it later, but there's a component of  
2           it -- that talks about the percentage for  
3           the Tribal states cooperation. And just  
4           some conversation that we had during the  
5           break, I guess I'm curious as to, you know,  
6           there's almost two components. There's one  
7           that is the federal side and the  
8           jurisdiction and the resources of the FBI  
9           and what not and the responsibility of the  
10          FED. And there's a whole other side of  
11          equation that is the Tribal and State  
12          relations and jurisdiction issues and how  
13          that relationship goes.

14                 Without speaking on behalf of the  
15          tribes in our area but some of the tribes  
16          that are within this national area, national  
17          serving area have issues with the  
18          relationships with States. And not always  
19          recognizing the effort of these forces  
20          themselves. So what -- can you tell us more  
21          about what the idea is or what the intent is  
22          behind the incentives for the Tribal state  
23          and cooperation. Because that's really  
24          where the heart is for all tribes that we  
25          work with is that that's not always the

1 case. So I'm curious how the FEDs in their  
2 prospective plan to address a State Tribal  
3 relationship issue that are often times is a  
4 real interference as to the jurisdiction on  
5 recognizing the servitude of the tribes, et  
6 cetera. And then I guess just to put out  
7 there, since, you know, the funding issue  
8 has come up there -- and there would seem to  
9 be an opportunity since the appropriations  
10 have not been completed for the funding of  
11 this legislation. I know that a lot of the  
12 feedback that I, personally, have received  
13 from Tribal relationships within our area is  
14 that some of these police forces that we're  
15 talking about don't even have the resources  
16 to begin with to do some of the things that  
17 you're talking about. One of the tribes in  
18 the northeast said they have a Tribal police  
19 force, six individuals working a seven days  
20 a week, 24-hour coverage time. So having  
21 six officers is nowhere near sufficient. So  
22 I know that their hope and desire would be  
23 that as part of the funding for Tribal Law  
24 and Order, whether it's under the BIA, where  
25 ever the funding is coming from that there

1 be an intention in efforts in price to all  
2 on the table so that these police forces get  
3 to just the basic level of performance and  
4 operation where they need to be to then be  
5 considering these potential relationships  
6 and partnerships and collaborations. I was  
7 just there -- it's just very difficult to  
8 have a conversation about pursuing something  
9 new when you're struggling to meet with what  
10 the current needs are to begin with.

11 MS. TENOSO: I understand. Sorry, what  
12 exactly is your question? I apologize.

13 MR. CRUZEN: I can answer that. I can  
14 respond. I think one of the things is that  
15 we're running into, and as I told you  
16 earlier, I ran into the chief up there in  
17 IACP and I voiced some of his concerns about  
18 the relationships between his department and  
19 the State. And how the State is not  
20 recognizing or cooperating with them. We're  
21 in a very similar situation that we're  
22 running into in California. And I flew down  
23 there some three, you know, basically the  
24 first week that I was on board. We had a  
25 consultation and met with them. And their

1 issue is, going back to the officer safety,  
2 the State doesn't recognize them as police  
3 officers, of course for purposes of gaining  
4 access to their state criminal databases.  
5 Now the department of the justice through  
6 Bob Cheney, from the Attorney General's  
7 Office, went down there and did a needs  
8 assessment throughout Indian country Army  
9 locations that had access to NCIC and worked  
10 with them to make those available to those  
11 tribes. So that solved the need there in  
12 California but still the problem is the  
13 communication and the access to those  
14 databases simply for those officers' safety  
15 issues. So one of the things that I've  
16 asked our solicitors office that we're  
17 working on, is drafting a letter of support  
18 to the State of California saying, because  
19 of officer safety needs we believe that  
20 these officers need to have access to those  
21 databases. And so we're working on that.  
22 And I told the Chief from Oneida the same  
23 thing, you know, if it was, you know,  
24 certainly the BIA Office of Justice Services  
25 had zero problem in supporting efforts that

1           make our officers more safe. And -- so  
2           that's one way we're doing that. And I  
3           don't think that will be any different with  
4           the State of New York for us to, you know,  
5           change California to New York and do the  
6           same thing you know. And we -- for officer  
7           safety reasons, we need to be doing  
8           everything that we can to work together to  
9           make sure that the men and women out there  
10          that are protecting our communities are  
11          doing so with all the tools and resources  
12          that they need to do it in a very safe --  
13          it's inherently a dangerous job. So we need  
14          to make sure that we're doing everything to  
15          make their job safer. So in putting our  
16          support, you know, behind that is a no  
17          brainer. And so we're definitely willing  
18          to help out anywhere in the Indian country  
19          where we're having a problem with  
20          communications. And if it means, you know,  
21          Mr. Gibson, special agent in charge of this  
22          region, going out there to meet with the  
23          sheriff's association or for that matter  
24          I'll fly up there and do the same thing. I  
25          understand that sometimes states, you know,

1 are -- have their very strong views and  
2 opinions of how things should be.  
3 Certainly, you know, what I think should  
4 happen isn't necessarily what they're going  
5 to do. But I'm certainly willing to throw  
6 in our support for those issues. Because at  
7 the end of the day we can all agree, we may  
8 not agree on everything but I guarantee  
9 there's not anybody in this room that will  
10 disagree that at the end of the day we want  
11 to make sure number one, that our  
12 communities are safe and that our people  
13 living in our communities in Indian country  
14 share the same ability and luxury, not  
15 luxury, the same ability to go out in their  
16 communities and feel safe. The other thing  
17 that we will all agree on is that we want to  
18 make sure we're doing everything we can do  
19 to make sure that our officers have those  
20 same safeties and securities; that they got  
21 the tools and the resources. And that we're  
22 working hard to make sure that those things  
23 happen. And so like I said, if it amounts  
24 to us, you know, throwing our support behind  
25 that, certainly we're willing to do that.



1           MR. CARROLL: So what is the incentive  
2 point that took --

3           MS. TENOSO: I'm sorry. You said  
4 states took out --

5           MR. CARROLL: There's a section that's  
6 identified as incentives for tribal-state  
7 cooperation. What are -- what's the  
8 substance of those incentives?

9           MS. TENOSO: I think the part of the  
10 act that deals with state -- could you give  
11 me the section.

12          MR. CARROLL: Well, the section that I  
13 have numbered is showing as Section 202.  
14 I've already realized that the sections is  
15 not coordinating necessarily with your  
16 PowerPoint slides.

17          MS. TENOSO: Really the main incentive,  
18 if you will, is in addition to the Public  
19 Law 286 being able to go to the FEDs and say  
20 take over, there is a section there that  
21 says, the attorney general -- it's really  
22 kind of general, it says, the attorney  
23 general may provide technical and other  
24 assistance to the state, tribal and local  
25 governments that enter into cooperative

1           agreements, including agreements related to  
2           mutual hot pursuit across declination to  
3           improve law enforcement effectiveness. I  
4           guess there isn't -- it doesn't seem to be  
5           like any monetary incentive that's built  
6           into the statute. But the incentive, I  
7           guess, is that the -- they're looking to the  
8           attorney general, the Department of Justice  
9           to help facilitate these. And I think part  
10          of it -- sometimes part of it may just be an  
11          indication component to bring the two groups  
12          together and everybody talk; maybe that will  
13          help improve the situation. But these inner  
14          -- where they have these and they're  
15          working, they work really well. I mean a  
16          number of tribes are very happy with the  
17          cooperation they're getting from their  
18          local, the local people. Sometimes tribes  
19          have difficulty with the county but have a  
20          really good relationship with the State  
21          police. So I mean the incentive, I guess,  
22          is that -- maybe this is an area where we  
23          need to get your ideas about how best to  
24          facilitate these kinds of inner cooperative  
25          agreements.

1           You had also a question about --

2           MR. CRUZEN: Andy has something.

3           MR. CAULUM: I just wanted to add

4           before I went out to Washington, I lived in

5           Wisconsin. And for the longest time tribes

6           and it was -- it was very dependent just

7           even on a county by county basis of how well

8           Tribal law enforcement and county sheriffs

9           cooperate. And until about a year and a

10          half, two years ago there was really no

11          question about whether tribes in state or

12          county or state law enforcement provide

13          mutual aid to one another. Unfortunately,

14          there was an attorney general in Wisconsin

15          that said that state or county law

16          enforcement were not covered, nor were

17          tribal law enforcement covered by

18          essentially insurance requirements under the

19          mutual aid. And one thing that happened

20          there, I believe, is that the U.S.

21          Attorney's Office, at least for the western

22          district, which was very helpful in

23          facilitating discussion in trying to find

24          ways for everybody to work together. And I

25          agree there really isn't anything that's

1 specific in terms of what kind of financial  
2 incentives there might be, but -- you know,  
3 there are, as you know, it varies state by  
4 state, there are some states where they  
5 don't want to have -- they don't want to  
6 have some be with the tribe or want to see  
7 jurisdiction in those kinds of question you  
8 have that you're dealing with like in  
9 California, for example. I think the U.S.  
10 Attorney's Office if they are encouraging  
11 even almost requiring a sit down and  
12 bringing all of those parties together is  
13 something that is in some cases very unusual  
14 in area six, you know. And I believe that  
15 that was something that did happen in  
16 Wisconsin. And that's happening in other  
17 states where perhaps in the past all of  
18 those parties have not sat down and really  
19 tried to address these issues and trying to  
20 find ways to solve them.

21 MS. TENOSO: We already talked about  
22 access to criminal basis and I just heard in  
23 TLOA I thought it already was available to  
24 get into the Federal criminal information  
25 databases. I think we worked out all of the

1           glitches on those. And now with regard to  
2           empowering tribal justice systems and  
3           234(a)-(b), Section 234 the statute -- this  
4           is the enhanced sentencing authority if the  
5           tribes' justice system satisfies certain  
6           requirements that are listed in the statute  
7           than there sentencing authority can be  
8           raised to -- as much as three years per  
9           count for a total of nine years per case for  
10          serious crimes. And this is also in  
11          connection with enhance sentencing authority  
12          a lot of tribes do have detention or  
13          correction facilities issues, so that it is  
14          partnered with this Pilot Program of the  
15          Bureau of Prisons of Department of Justice  
16          who will house up to 100 prisoners  
17          nationwide who have been convicted under  
18          this enhanced authority. And to the extent  
19          they have the room and they will do it at  
20          their own expense. So it's -- there's  
21          certain conditions, for example, it has to  
22          be a violent crime, they have to have space  
23          and I think they're -- the statute directs  
24          them to house the prisoners in a facility as  
25          close as possible to the reservation or the

1 -- it's most possibly trying to --  
2 descending them from incarceration.

3 In addition to foundation there's also  
4 going to be a Tribal Law and Order  
5 Commission established that will study -- do  
6 a comprehensive study of Indian Country  
7 criminal justice system and report to the  
8 President and Congress. The -- there's also  
9 an effort to -- to deal with Alcohol and  
10 Substance Abuse Prevention and Treatment.

11 MR. CARROLL: Can you clarify the last  
12 thing, please. When you talk about the  
13 Indian Law and Order Commission. And what  
14 I'm looking at here it shows that the points  
15 met are being made by the presentation --  
16 the president of Congress attorney general  
17 and the Secretary of Interior, et cetera.  
18 I'm assuming that those are for the Tribal  
19 state and local justice officials. But how  
20 is the process going to be to get Tribal  
21 representation on a commission? Where are  
22 those points coming from?

23 MR. CRUZEN: I'm not sure that anybody  
24 here on this panel can address that very  
25 well. That's probably something that would

1           have to be addressed by the assistant  
2           secretary's office. I just don't have the  
3           answer for that.

4           MS. FLANAGAN: Wait, I think in one of  
5           our consultations a couple of weeks ago we  
6           had Ronda Harjo who is the minority counsel  
7           for the senate community with Indian  
8           Affairs. And she advised, because if you  
9           try -- the commission is appointed by the  
10          President and then six by Congress, that if  
11          there was anybody interested they should  
12          reach out and contact the Senate Committee  
13          in Indian Affairs if anybody is interested  
14          in serving on that commission. But Darren  
15          is right. Basically, that's way kind of  
16          above our head but if -- she made that  
17          comment so I'm passing that on. If anybody  
18          is interested I would certainly reach out to  
19          either your legislatures or whomever you  
20          want to connect through. Now, I don't know  
21          if NCAI is playing a role. They were also  
22          at this session and made a remark that they  
23          were commenting on it. So I think there's a  
24          number of ways to do that or through the,  
25          you know, the assistant secretary, to let

1 people know that if somebody is interested  
2 that's what they should do.

3 MS. TENOSO: If you refer to your  
4 PowerPoint Substance Abuse Prevention and  
5 Treatment that they request the tribe, some  
6 are the Department of Justice Office  
7 Programs, the Department of the Interior and  
8 IHS are supposed to help develop, help  
9 tribes develop, action plans to deal with  
10 those issues. And their efforts to  
11 authorize Federal Pretrial and Probation  
12 Services to appoint officers in Indian  
13 Country can provide for substance abuse and  
14 other treatment services.

15 MS. FLANAGAN: 247 deals with Alaska.  
16 261 the bureau prisons other responsibility  
17 in the statute is they must notify the  
18 tribe's chief law enforcement officer  
19 whenever they are releasing to tribal  
20 jurisdiction a prisoner convicted of violent  
21 crime, drug trafficking or sex offense. And  
22 then Section 263 attempts to make it more  
23 likely that the Bureau of Indian Affairs and  
24 Indian Health Service employees who are  
25 needed to make a case, to make as witnesses



1 or if they have evidence that need to be  
2 subpoenaed and make it -- should make it  
3 easier for that to happen. And then the  
4 Department of Justice Office on violence  
5 against woman, the Bureau of Indian Affairs  
6 Office of Justice Services and Indian Health  
7 Service are supposed to work together to  
8 develop standardized sexual assault policies  
9 and protocol for these and those kinds of  
10 cases.

11 Can I ask for the jurisdictions that  
12 are here where your prisoners are housed at  
13 Miccosukee; are you using county jail?

14 MR. GONZALEZ: No, we have our Tribal  
15 Court so we house them in the reservation.

16 MS. FLANAGAN: So you have a jail?

17 MR. GONZALEZ: No, what we have is a --  
18 we have holding facilities and a  
19 rehabilitation center.

20 MS. FLANAGAN: Okay. So if you have a  
21 case where somebody isn't accepted, it's not  
22 accepted by the feds, so it's a major crime.

23 MR. GONZALEZ: Well --

24 MS. FLANAGAN: They're tried tribally  
25 and then they're sentenced to --

1           MR. GONZALEZ: No, usually if it's --  
2           like the majority of our -- of the crime  
3           that we deal with that involve community  
4           members they're processed through Tribal  
5           court. In case where it would be a -- let's  
6           say a major crime, if it's state  
7           jurisdiction, state; if it's federal  
8           jurisdiction, federal. But the majority of  
9           the time when we do deal with Tribal members  
10          it goes through Tribal court. And we do  
11          have holding facilities and a rehabilitation  
12          center.

13          MS. FLANAGAN: Okay. And then the  
14          gentlemen in the back, your jurisdictions?  
15          Can you talk into the mic? And I'm sorry,  
16          can you identify yourself for the court  
17          reporter?

18          MR. PANTHER: Richard with Eastern  
19          Tribe, Turkey. Ours is housed by the  
20          county. We don't have a jail. We got  
21          scheduled the ground but it's like in a year  
22          or so; but we don't have a jail at this  
23          point.

24          MS. FLANAGAN: Okay.

25          MR. KAMEN: Michael Kamen, we also use

1 county. We have three different law  
2 enforcement groups and we have three  
3 counties to say that fortunately it doesn't  
4 cost us a dime, so we're real fortunate.

5 MS. FLANAGAN: I'm asking because of --  
6 I think that it's an interesting issue on --  
7 one of the issues that we have under the BOP  
8 Pilot Program to take 100 prisoners, if your  
9 tribe or your community accepts the enhanced  
10 sentencing provisions, is how to get those  
11 prisoners from your jurisdiction into the  
12 BOP System and any of you that know that,  
13 it's pretty complex with the Marshalls and  
14 the BOP. It's perhaps a little easier here.  
15 There may be more jails that we can get them  
16 to, but that's why I'm asking.

17 AUDIENCE MEMBER: We come with Ms. Gaye  
18 on the way back on what you said earlier;  
19 now if it goes to a three-year sentence the  
20 -- (unintelligible) won't house them,  
21 correct?

22 MS. FLANAGAN: I'm sorry, say it again.

23 AUDIENCE MEMBER: If Tribal court, you  
24 know, sentences someone for three years the  
25 state will not house them, correct?

1           MR. CRUZEN: No, there's the -- there's  
2           a Pilot Program of Bureau of Prisons is  
3           working on it. And so I think there hasn't  
4           been any since the act has been enacted that  
5           would -- but there are standing by and  
6           waiting.

7           AUDIENCE MEMBER: But there is no fund  
8           in case that happens.

9           MR. CRUZEN: Well, there's --

10          MS. FLANAGAN: No, they don't need  
11          funding. They have, for their for that  
12          Pilot Program, they have absorbed this cost  
13          already with their own expenses. Now,  
14          because -- but that individual will go --  
15          they may not necessarily go to Coleman or  
16          Miami, they may go to wherever the Bureau of  
17          Prisons designates them. Now, they try to  
18          keep them close to home. And it may be  
19          fortunate that there for people in the  
20          southeastern United States, Florida, that  
21          there are places, or Alabama, that, you  
22          know, Talladega, or any of those facilities;  
23          they may go there if their security level  
24          warrants it, if their classification  
25          warrants it, if their health needs warrant

1           it, but otherwise they would go somewhere  
2           else. So at the expense of the U.S.  
3           Government, so at the bureau prison's  
4           expense.

5                     57 And that also and my interpretation  
6           is including that transportation which is a  
7           big issue for some tribes.

8                     I think there was a question over here  
9           and there was also another jurisdiction.

10                    MR. SHORE: Jim Shore, Seminole Tribe.  
11           Just to expand and this is coming from  
12           Miccosukee. The Miccosukee's have a  
13           rehabilitation center which is a lockdown  
14           level four facility. And throughout the  
15           years what the tribe has experienced is  
16           traffic the other way around. It has been  
17           very common for a State judge, and maybe  
18           some Federal judges, to send someone who has  
19           been sentenced to serve time to the  
20           Miccosukee Treatment Center, including a  
21           couple of cases where there are violent  
22           offenses committed outside of the  
23           reservation and they were sent to Miccosukee  
24           because of the combination of being in lock  
25           down on level four facility and having the

1 ability to provide treatment that is  
2 individualized and culturally related. So  
3 the Tribe has experienced with several years  
4 and from Collier County, Broward County,  
5 Dade County, Monroe County, when they have  
6 allowed tribal members to come to the  
7 facility.

8 Usually the tribe doesn't send them  
9 out. If they get sentenced and they have to  
10 serve they going to treatment centers, there  
11 are only lockdowns and facilities, you have  
12 a staff with 24-hour counselors and security  
13 guards. I think they get, obviously, to  
14 take advantage of the rehabilitation and the  
15 counseling part of it.

16 MS. FLANAGAN: Thank you. Seminole?

17 MR. LATCHFORD: Currently, the Seminole  
18 Tribe does not have a Tribal court. We are  
19 separated geographically six different  
20 locations throughout the state. And soon it  
21 will be seven within the next year. All our  
22 arrestees or turned over to the county  
23 facility, the local sheriff has the  
24 authority to handle all of the county  
25 facilities. After prosecution and found

1 guilty they go into the Florida State  
2 Correctional System. And of course could be  
3 transferred to any facility within the state  
4 within the number of facilities they have.  
5 On the Federal side that just depends on  
6 whether the reservation is located where we  
7 -- if we do decide to go federal prosecution  
8 what facilities are dropped off at sometimes  
9 like for instance if it's here in Broward,  
10 sometimes we'll bring them down to Miami,  
11 sometimes they're dropped off in Ft.  
12 Lauderdale, just all depends on the  
13 circumstances, after conviction and those  
14 circumstances are sent anywhere. We have 50  
15 percent across the United States after their  
16 convictions, so it's just varies.

17 MS. FLANAGAN: Thank you.

18 MR. CRUZEN: That's very interesting to  
19 me that the Miccosukee, that the -- you  
20 obviously see the need for provision and  
21 treatment. That's encouraging. And I've  
22 shared this story once or twice or mil but  
23 before we get into our corrections portion  
24 of it here, everybody in this room that's in  
25 law enforcement will have a Mike that you

1           dealt with. And this is a story that I'm  
2           not very proud of.

3           But, now, in this new position that I'm  
4           in maybe we'll have an opportunity to make a  
5           difference. But when I was the Chief of  
6           Police of Crow Agency we had a guy and his  
7           name was Mike. Mike would -- you could  
8           count on Mike every Thursday or Friday night  
9           to go into -- this was the Crow Agency so it  
10          was a dry reservation, so you'd go into  
11          Harden which was a city right off the  
12          reservation, and he would somehow get  
13          alcohol and then he would start drinking,  
14          Thursday or Friday night. And he would go  
15          out and he would act silly and somebody  
16          would call the police on him. And then  
17          officers from my department would respond  
18          out there. And Mike, when he was sober, was  
19          as nice a guy as you'd ever meet. As a  
20          matter of fact, Mike and I become very close  
21          in the -- in our working relationship, if  
22          you will. But Mike was a really a good guy,  
23          super good guy. But when he was intoxicated  
24          he was a handful, just out of control. And  
25          so you could count on one of two things



1           happening.  Either one of my officers  
2           getting injured, going out there to arrest  
3           him or Mike getting injured every -- you  
4           know, every weekend.  And so they would  
5           bring, you know, they would respond, wrestle  
6           with him to the car, they'd get him in the  
7           car, they'd wrestle with him when they got  
8           to the police department or the correction  
9           facility, they'd wrestle with him all the  
10          way into booking and they'd wrestle with him  
11          all the way into the cell.  Well, then he'd  
12          go to sleep.  Monday morning, and we never  
13          did this but we could have, it was -- Mike  
14          was this kind of guy, you could open the  
15          door and say, okay, Mike, go get a shower  
16          and walk over to the Court and see the  
17          judge.  And so anyway we would get him  
18          cleaned up and we'd take him over to the  
19          judge.  And the judge would go, Mike, what  
20          are you doing to yourself?  Well, Judge, I'm  
21          here drunk and, you know, this is what  
22          happened as best as I can remember.  And the  
23          judge would go, okay, Mike two weeks in  
24          jail, go back over there.  And so Mike was  
25          doing -- and we all have Mikes, we all know

1 Mike, Mike was doing a life sentence in  
2 tribal jail in two week increments. In  
3 other words, he spent two weeks in jail,  
4 he'd get out, he'd be okay for a couple of  
5 days, he'd get alcohol and then he would the  
6 next -- same cycle, right back in jail. So  
7 he was doing a life sentence in two weeks  
8 increments. And -- but when he was in  
9 there, he would always go up to the  
10 correction officer and say, hey, can I go  
11 see the chief? And they would say  
12 absolutely. And at that point they really  
13 would open the door and he'd walk right  
14 over. It was a building it's probably, you  
15 know, 50 yards or so from the correction  
16 facility. He'd walk over there by himself  
17 and he'd come in, good morning Chief, can I  
18 vacuum your carpet or can I do dust or empty  
19 the trash? Sure, Mike. You know it's not  
20 funny, you know. I don't want to make a  
21 light of it Mike and I, we became good  
22 buddies. The office would look as good as  
23 it ever did when Mike was there and, you  
24 know. So -- but here's the sad story and  
25 this is what I'm not proud of. I never did

1 anything to help him break that cycle. It  
2 wasn't that Mike was a bad guy at all. Mike  
3 had a problem with alcohol and probably  
4 every one of your Mikes that you're thinking  
5 about in here, that's the same thing;  
6 they're probably really good people, they're  
7 probably wonderful whenever they're not  
8 intoxicated or under the influence. And so  
9 then I leave and I've always -- and I  
10 probably will always carry this with me as a  
11 reminder, you know, what did I do when I had  
12 the opportunity to help somebody who is in a  
13 bad situation? What I don't want to be is a  
14 warehouse of our people. What I think that  
15 we need to do, I think we need to be more  
16 into that treatment preventing and these  
17 kinds of programs.

18 Well, flash forward a few years and now  
19 I'm the director. And I go down to Denver  
20 to meet with Carla and some of her  
21 correction folks who are having a meeting  
22 there in Denver. And it was a pretty tough  
23 audience because they were correction people  
24 and I told the story. I looked over here  
25 about where Andy is sitting, and there's a

1 lady sitting there, big smile on her face.  
2 And it was kind of strange to me because to  
3 me it's a very sad story. And so I said  
4 what are you smiling about? And she said  
5 I'm from Crow Agency. I'm the correction  
6 supervisor there. I said, oh, okay. She  
7 said, I know Mike. And so instantly that  
8 was good news to me that Mike is still  
9 alive. She said not only is Mike still  
10 alive but Mike is now a counselor at our  
11 Seven Hills Treatment Facility on the Crow  
12 Indian reservation. So once again, Darren  
13 didn't do anything to help Mike, but  
14 somebody did though. And so I really  
15 applaud the tribes that are thinking forward  
16 in saying look everybody doesn't need to be  
17 in jail. Now, there are people, I'm a firm  
18 believer there are people that need to be in  
19 those jails. However, not most of them.  
20 Most of them are in there because of alcohol  
21 or substance abuse problems. So I think as  
22 we progress in law enforcement and IHS here,  
23 I wish SAMHSA was here, they've got a new  
24 acting director now, a guy by the name of  
25 Dennis Romero who is just as proactive on

1           this as you can possibly imagine. I think  
2           we're getting better at thinking about how  
3           we're doing business. And certainly, you  
4           know, the enforcement of laws are our  
5           responsibility but I think prevention is  
6           something else that we need to really be  
7           looking at and taking an approach on it.

8                        So now that I'm in this position, I'm  
9           in a situation where now maybe I can help  
10          more Mikes and not the Mikes -- I'm looking  
11          forward to go back to Crow and meeting with  
12          him. But I really do applaud, and it's very  
13          exciting and anxious to make a meeting and  
14          take a look at that place just as best  
15          practices throughout the Indian Country.  
16          Because I think there's a lot of places that  
17          aren't doing that. There are lot of place  
18          that are, but we need to really be, you  
19          know, focusing on that. So again don't mean  
20          to ramble on, but that's something that's  
21          very near and dear to me. And so without me  
22          going on any further I'm going to turn this  
23          over to Carla Flannagan. She's the  
24          Associate Director for Corrections. She  
25          works there in Washington, D.C. with me.

1 She's going to go through -- I don't know  
2 how relevant this to the tribes down here,  
3 to be honest with you. As I sat here and  
4 listened to some of the things that you're  
5 doing with contracts in different counties  
6 and things like that. So we'll go through  
7 here and if there's any comments, questions  
8 or concerns we'll talk about them. But  
9 she'll tell you -- again, this is -- there  
10 are three issues that we're really here  
11 consulting on. And thank you, Gaye, for  
12 going through that -- through that list.  
13 But there are three things that have a  
14 timeline for us. There are special law  
15 enforcement commissions and it is our  
16 background investigations for pre-employment  
17 and then there's our long-term corrections  
18 -- not long-term corrections, but our  
19 certification for the plan of our long-term  
20 corrections. So Carla if you could share.

21 MS. FLANAGAN: Hi. If you have any  
22 questions or comments or for the services  
23 just through something at me, yell, do  
24 whatever. One of the requirements in the  
25 area of corrections is for the BIA to

1           develop approval procedures for long-term  
2           incarceration or to develop guidelines that  
3           we can approve Tribal correctional centers  
4           for long-term incarceration. So that's  
5           under the enhanced sentencing guidelines and  
6           it's one of the short deadlines of the  
7           statute. We have 180 days, by January 25th  
8           we have to have these guidelines developed.  
9           So what we did was we assembled the best of  
10          the brightest in Indian Country jail  
11          administrators. We have some really  
12          top-notch people across Indian countries  
13          that don't get enough recognition. So we  
14          took all of these Tribal folks, about 15 of  
15          them, and we met off site in Denver. And we  
16          tried to develop these guidelines using  
17          somewhat established procedures, so that we  
18          didn't reinvent the wheel. And I don't know  
19          how many of you are familiar with the  
20          American Correctional Association, but it's  
21          the organization that sets standards for  
22          prisons, jails, juvenile facilities,  
23          probation programs, training facilities and  
24          a couple of other areas. Luckily enough for  
25          us they have just published a poor jail

1 standards. First edition; it came out in  
2 May or June. So without any country jail  
3 administrators we take a look at that and  
4 determined that that's what we were going to  
5 use as the baseline. And just so you can  
6 see it, this is a copy of the -- this is the  
7 HCA Core Jail Standards that are used --  
8 that are going to be used by jails across  
9 the country, including likely many of the  
10 county jails and facilities that you all are  
11 using. And what we did was we went standard  
12 by standard. There are 138 standards. Let  
13 me make sure; 138 standards, 45 of which are  
14 mandatory, about 93 are non-mandatory. And  
15 we evaluated each standard for applicability  
16 to Indian Country, whether it was directly  
17 applicable, whether it needed to be tweaked  
18 or whether we felt it shouldn't be addressed  
19 at all. I had -- we had two of our folks  
20 who run our facilities there and I have the  
21 -- our district supervisors there. But they  
22 didn't want our district supervisors  
23 weighing in on the issue and tried to keep  
24 our management and staff from laying in on  
25 the issue. So it was actually the



1 practitioners. And we went through a week.  
2 And what we did was we developed the Indian  
3 Country Core Detention Standard -- Core Jail  
4 Standard, the title is that, but they're  
5 Indian Country Core Jail Standards they  
6 address specifics to the needs of the Indian  
7 Country. They basically follow -- they're  
8 very much identical to the ACA Standards  
9 with some exceptions. And I can give you an  
10 example where there's a standard that  
11 prisoners or inmates be programmed. We  
12 included a notation that there be cultural,  
13 traditional and religious programs available  
14 for the prisoner population in recognition  
15 of the importance of traditional, cultural  
16 and religious practices amongst our  
17 population. Not that it's any more so than  
18 other populations, but it's critical and we  
19 recognize that.

20 And I think we did take out one  
21 standard that had to deal with four-point  
22 restraints because the jail administrators  
23 just didn't want to see that being  
24 available. So what we ended up doing is  
25 coming up with those standards and those

1 guidelines. Our intent is to publish them  
2 on the BIA website and seek comments on it.  
3 So even if -- I mean, I would appreciate you  
4 all looking at them and commenting and  
5 weighing in if you see anything that's  
6 problematic or that you think might be  
7 problematic or you know from your expertise  
8 that is a problem or if they are great. If  
9 you think they are great and they'd work or  
10 that you might look to a document.  
11 Eventually I would like to work with ACA who  
12 is very interested in Indian Country and see  
13 about having them officially develop them in  
14 a document like this. And what we have yet  
15 to do and we are also seeking input, it will  
16 be on the website, is the process by which  
17 we go out and evaluate facilities. The  
18 statute requires us and this is verbatim, a  
19 Tribal Court may require the defendant one,  
20 to serve the sentence, a. in a Tribal  
21 correctional center that has been approved  
22 by the BIA for long-term incarceration in  
23 accordance to the guidelines to be developed  
24 by the BIA in consultation with Indian  
25 tribes not later than 180 days after day of

1           enactment of the Tribal Law and Order Act  
2           2010. And so we were left with our --  
3           that's our charge and that's our admission.  
4           And so we get the guidelines, now we're  
5           going to develop the procedure. And I think  
6           part of what I know the procedure is going  
7           to be, and we talked to the jail  
8           administrators, is to have kind of a peer  
9           review type process so that we get jail  
10          administrators from different parts of the  
11          country who would go be part of the team  
12          that evaluate facilities. So we also have  
13          to work hand in hand with our court's  
14          component and Joe Little is not here. He is  
15          our Tribal Court's Associate Director.  
16          There's a certification process if you're  
17          going to use the enhanced sentencing that  
18          plays into this. So that's where we are in  
19          the guidelines.

20                 You know, again we welcome all of your  
21          comments or input in the process or the  
22          guidelines. These apply to adults. We  
23          intend probably to do the same for juveniles  
24          at some point even though this enhance  
25          sentencing doesn't affect you now. So two

1 of the other areas or two other areas of the  
2 act that require attention from detention  
3 folks are the development of long-term plans  
4 for detention.

5 71 One for adults and one for  
6 juveniles. And both of those long-term  
7 plans are in conjunction with DOJ, also with  
8 IHS and SAMHSA, especially for the juvenile  
9 component, and with BIA in education. And  
10 so that we are covering a lot of the basis  
11 that we haven't really been covering lately.  
12 And so we need and Darren said it, I think  
13 DOD said it, you know, we certainly do not  
14 need to be warehousing -- certainly don't  
15 need to be warehousing anybody but we don't  
16 need to be warehousing children or kids  
17 without furthering their legal education as  
18 opposed to their education of illegal  
19 matters. Both of those plans also have to  
20 be done in consultation with the tribes,  
21 which we will be doing. And that's part of  
22 the group that we've already kind of  
23 established in D.C. It also includes Dennis  
24 Romero, who is from SAMHSA. And he's the  
25 head of the Indian Substance Abuse and

1 Alcohol treatment -- he has a new title.  
2 It's one of the things required by the  
3 statute that has been established within  
4 SAMHSA. The other issue touched briefly on  
5 was the BOP Pilot Program. And while that  
6 doesn't really affect us, it will eventually  
7 because somehow we're going to have to  
8 recognize the issues of transporting those  
9 accepted prisoners from Indian Country jails  
10 to wherever the designated BOP facility is,  
11 which as we've talked about could be some  
12 distance away. We somehow have to get them  
13 into that kind of Conair system somehow.  
14 The last thing I think and I don't know if  
15 we will assist our DOJ partners, we do have  
16 discussions with the Bureau of Prisons is  
17 the notification procedures and Gaye talked  
18 a little bit about that. The Bureau of  
19 Prisons will tell you that they do notify  
20 whomever that they're releasing a prisoner.  
21 Especially if that prisoner is under  
22 supervised release. But that also every  
23 prisoner has a release plan. And so I think  
24 that there's probably some room for  
25 improvement and we'll assist the Bureau of

1 Prisons in any way that we can. And the  
2 last thing I can think about in Miccosukee,  
3 I would love to get out there to see that  
4 facility. I think that's terrific. And I'd  
5 like to talk about finding funding sourcing  
6 and how you're doing it. But the other  
7 thing and we may have said it or the  
8 attorney may have said it, concerning the  
9 Feds and releasing; the Bureau of Prisons is  
10 much more open lately to releasing Federal  
11 prisoners. Every Federal prisoner comes out  
12 to a halfway house the last six months of  
13 their sentence. And as recently as earlier  
14 this month they approved releasing, they  
15 approved the Pine Ridge Adult Facility as a  
16 release site. They're kind of in lieu of  
17 the halfway house because halfway houses are  
18 so difficult to find, not only in Indian  
19 Country but in certain parts of the country.  
20 So I think that that may be an option. I  
21 don't know if you have more business than  
22 you need at your facility but we certainly  
23 would -- could advocate and assist in  
24 getting Bureau of Prisoners down to look at  
25 that. They do take good money for their

1 prisoners and release them through the  
2 halfway houses. So that's something, I  
3 would love to get out and see your facility.  
4 So those are kind of the capsulating  
5 versions of what's going on in detention in  
6 TLOA. So I'm sure there will be more. But  
7 if you have any questions don't hesitate to  
8 contact me, you know, I have my cards up  
9 here or ask me questions now. The floor is  
10 yours. I have two things I want to give you  
11 here real quick. As I said earlier, what  
12 we're going to do when we get back to  
13 Washington, D.C. in the next couple of  
14 weeks, we're going to compile everything  
15 that we've been getting from these  
16 consultations into draft documents. And  
17 what we'll do is we'll put this on the  
18 Bureau of Indian Affairs Office of Justice  
19 Service's website, those draft documents.  
20 And then what we would like you to do is to  
21 go on that website, look at those documents  
22 and make comments. I'm going to give you  
23 two e-mail addresses that I would like you  
24 to use to make those comments. It's very  
25 helpful to us. This is our opportunity to

1           have a collaboration working together. So  
2           the first one that we use for just your --  
3           if you have issues regarding corrections.  
4           And the e-mail address is  
5           OJS.divisionofcorrections, one word,  
6           @BIA.gov. So it's OJS, which is Office of  
7           Justice Services.  
8           divisionofcorrections@BIA.gov. The second  
9           one is a very similar e-mail address and  
10          that will be used for all of the other  
11          topics that we've have, SLECs or any other  
12          comments that you have on the act, it's  
13          OJS.TLOA2010.comments@BIA.gov,  
14          OJS.TLOA2010.comments@BIA.gov . If there's  
15          no questions on -- yes, sir.

16                 MR. KAMEN: Unrelated question, general  
17                 question.

18                 MR. CRUZEN: Please, sure.

19                 MR. KAMEN: On the requirement for  
20                 judges in the act bureau says there is a  
21                 requirement that the judge be licensed to  
22                 practice law by any jurisdiction in the  
23                 United States. And I want to confirm or  
24                 clarify that meant state jurisdiction?

25                 MR. CRUZEN: Sir, and I will be honest



1 with you, I had intended on having my  
2 associate Director of Correction for Courts  
3 here. He got weathered in Chicago or  
4 Minneapolis, one of those two. But if I can  
5 get your card and what we'll do is we'll  
6 meet afterwards. I'll get that question and  
7 we'll get that answer for you. I just don't  
8 want to give you misinformation. All right,  
9 if there are no other questions, Susan or  
10 Doctor, I'm sorry, I know that you have a  
11 flight that leaves out soon or something  
12 like today so we are very, very proud to  
13 have our Indian Health Service partners here  
14 with us. And so without anything further, I  
15 will just turn it over to you.

16 MS. KAROL: Sure. And Chairman asked  
17 me to say a couple of words about the SAMHSA  
18 efforts. I'll start with that. Dr. Dennis  
19 Romero is our lead person from SAMHSA who  
20 has put together a very robust and  
21 aggressive timeline and activity schedule  
22 for SAMHSA to help with the Tribal Law and  
23 Order Acts behavioral health issues.  
24 Doctor -- I think he's a doctor. Dr.  
25 Romero, actually -- no, he's not a doctor.

1 Mr. Romero is working in SAMHSA right now,  
2 in the office of finance and has taken on  
3 this charge to really bolster what we're  
4 doing here. Unfortunately, he wasn't able  
5 to come here today, but has been part of our  
6 road trip, if you will, across the country.  
7 So SAMHSA has robust programs to help from  
8 the treatment standpoint which is so  
9 critical in correctional facilities and for  
10 the individuals who we're talking about  
11 today. And not only treatment, but  
12 hopefully prevention -- prevention programs  
13 so that hopefully as individuals are  
14 identified they don't end up with law  
15 enforcement issues. So he will be  
16 available, I'm sure at further discussions,  
17 and his e-mail is [Dennis.romero@samhsa.gov](mailto:Dennis.romero@samhsa.gov) ,  
18 so he can be easily accessed if you need  
19 him.

20 From Indian Health Services where you  
21 have three of the provisions of our directly  
22 attributable to help us help. We are  
23 looking at providing and making sure that  
24 testimony from our Federal officials in  
25 sexual assault, domestic violence cases are

1 tended to and allowed to be present for  
2 testimony. We have not really seen that to  
3 be an issue in the past but we heard that to  
4 be a concern, so we are making double sure  
5 that individuals are available. We are, as  
6 I said earlier, developing our domestic  
7 violence policy, our domestic violence  
8 prevention initiative which includes  
9 updating our sexual assault procedures and  
10 policies which we will also be working with.  
11 I believe it's provision 260- I want to say  
12 three or five, with the Department of  
13 Justice that is actively going on as we  
14 speak. My division of -- I believe, a  
15 director, Dr. Rosiyaki (phonetic) is working  
16 on that this week. And so we will be fine  
17 tuning that collaboration in getting that  
18 policy out. We will be also working on this  
19 one more provision, working with the Tribal  
20 -- Tribal -- action plans. So the IHS is  
21 and has been working on the consultation all  
22 along and will be happy to assist in  
23 formation of these plannings. Any questions  
24 from that prospective for the IHS?

25 MR. CARROLL: Relating to the sexual

1 assault, domestic violence incident, I know  
2 the incident or questionnaire or feedback is  
3 going around right now to the report that  
4 you took back to house and social community  
5 of Indian Affairs. The question that  
6 they're posing is a question about the  
7 capabilities of the IHS to capture that  
8 information for the remote and world areas.  
9 The comment you just made before are you  
10 saying that this is not an issue of that  
11 information be captured right now?

12 MS. KAROL: There is an issue with the  
13 -- the first obtain the information needed  
14 to prosecute. We have staff at our clinics  
15 and hospitals, those that are open 24-7  
16 nature, we're trying to make that across the  
17 board whereby there are individuals that  
18 know exactly how to obtain the evidence and  
19 then how to keep the evidence. And that's  
20 another issue that the actual refrigerators  
21 and photography and where the data goes and  
22 is kept securely are issues. And, of  
23 course, funding is needed to secure  
24 appropriate separate refrigerator elements  
25 and data -- secure data areas so that as

1           these cases go to trial the individuals who  
2           are part of the work up and the victim and  
3           the evidence are all gathered securely and  
4           efficiently together so that the case can  
5           then move forward.

6           MR. CARROLL: Just so I'm clear so I  
7           can give proper feedback to some of our  
8           member tribes, the way the question is being  
9           framed is as a world community issue or a  
10          remote lasting village issue, there is also  
11          a potential initiative issue with  
12          non-lawyers as well?

13          MS. KAROL: Yes, correct. Very much  
14          so.

15          MR. CARROLL: Okay. So they should be  
16          providing feedback on that?

17          MS. KAROL: Yes, we appreciate Alaska  
18          is very rural. But we also have been  
19          extreme rural areas in the lower 48 too and  
20          our urban center's aren't always  
21          appropriately equipped. However, many times  
22          our urban areas aren't 24-7 facilities, so  
23          we are, at this time, trying to get 24-7  
24          facilities to be up to speed with our sexual  
25          assault policies.

1           MR. CRUZEN: Just for clarification,  
2           I'm not a doctor either, but I did stay in  
3           the Miccosukee Resort last night. I don't  
4           know if that makes a difference. It's a  
5           Holiday Inn joke. Most of my jokes don't go  
6           very good. That was Andy's joke actually.  
7           All right. With that being said why don't  
8           we go ahead and take a ten-minute. And  
9           we'll come back in here and talk about SLECs  
10          and our background procedures. And then  
11          again, if there's any other questions we are  
12          happy to address those and take those back  
13          to the appropriate people. Thanks.

14         (Thereupon, a break was taken and the proceedings  
15                 continued as follows:)

16          MR. CRUZEN: Okay. Here we go. What I  
17          want to do is I just want to give you a  
18          60,000 foot view of the background  
19          investigations (unintelligible) of  
20          pre-employment. One of the things that  
21          we've heard is well, we don't -- we want to  
22          make sure that these aren't anymore  
23          stringent than what you guys are going  
24          through, that's not going to be the case.  
25          One of the problems that I'm having, though,

1 is that when we get a request to do a  
2 background investigation on a Tribal  
3 employee, a pre-employment or employment  
4 background investigation, we've got 60 days  
5 from the time we've received the request to  
6 get that done. Which what we're doing right  
7 now, we're using our 1811, our criminal  
8 investigators to do those and to me that's a  
9 -- that's problematic in fact that we are  
10 asking our investigators to come off the  
11 street and not do criminal investigations  
12 but rather do these preliminary background  
13 investigations. So what I've done is I've  
14 asked my associate director for  
15 administration to develop a statement of  
16 work where we can go out and contract this  
17 to be done. The Office of Personal  
18 Management, OPM, who does background  
19 investigations for Federal employees, if you  
20 actually talk to an OPM investigator you'll  
21 find that probably the majority of them, I'd  
22 say 80 percent or more, aren't even  
23 employees of the government, they're  
24 contracted to do these background  
25 investigations. And they're all over the

1 country, everywhere you can imagine. And so  
2 my thought is if we can do a cradle to grave  
3 program where -- in other words, if I made  
4 -- I'm the tribal chief of police and Carla  
5 is an employee, pre-employee, and I need a  
6 background investigation on her, rather than  
7 send it to the BIA and ask them to start  
8 this process that we, we being the BIA,  
9 enter into a contract with the company, who  
10 I can send Carla's, all of her information  
11 to them and they can properly start running  
12 then. And we, as the BIA, aren't really  
13 involved in it unless we want to know, okay,  
14 are we on track, are we on schedule, are  
15 there any problems. So in this company,  
16 this contract would get the information, in  
17 other words do the preliminary background  
18 investigation, ability standards to make  
19 sure that all of those things are in place  
20 in order for Carla to be a police officer.  
21 And then they send it back to me the, Tribal  
22 Chief of Police, and to the BIA agency  
23 certified, that's done and it's just as  
24 simple as that. So basically what we're  
25 looking at is contracting that particular



1 service absolute; we are not having to again  
2 pull our resources off from the street, our  
3 criminal investigators to do these  
4 background investigations. We're really  
5 interested to hear if you have any thoughts,  
6 if you think yep, it's a good idea or no,  
7 that's a bad idea. That's 60,000 foot level  
8 of what we are looking at. But again, as I  
9 said earlier this afternoon nothing that  
10 we're doing right now is in stone until  
11 after this consultation. And then we'll  
12 take it back, put up a draft recommendation  
13 on e-mail. And then you can make comments.  
14 Does anybody have any thoughts on that that;  
15 see it as a good or negative or just  
16 completely indifferent?

17 MR. COLLINS: Does that take away the  
18 ability for us to do our own background  
19 check?

20 MR. CRUZEN: No, no. And thank you,  
21 that's a really good question. The question  
22 was, would that take the tribe's ability to  
23 do their own background investigations and  
24 no, it won't have any bearing on that. It's  
25 basically incumbent upon us to mandate it

1           for us if a tribe asks for a background  
2           investigation to be done, then we have --  
3           then we do it. And it's just not a good --  
4           it's not being a good steward of the  
5           government's money if I pull a investigator  
6           off. It's not a smart thing to do. So  
7           contracting seems to make the most sense.

8           AUDIENCE MEMBER: What was the comment?  
9           I'm sorry.

10          MR. CRUZEN: He asked if that by us  
11          contracting that would eliminate the tribes  
12          from doing their own background  
13          investigations. And the answer is no, it  
14          would have no bearing on the tribe doing  
15          their own background investigations. This  
16          is really a way forward for when the tribe  
17          asks the BIA to conduct the background  
18          investigations. And there's a lot of tribes  
19          that don't have their own backgrounds  
20          investigations, like investigators in  
21          Oklahoma are a hit and miss on what they do.  
22          There are some other ones that we're  
23          responsible to do that. We have to do it in  
24          60 days. That's not an unreasonable amount  
25          of time, but I just don't like pulling

1           somebody out off the street.

2           AUDIENCE MEMBER: Is it cheaper for you  
3           to hire it out?

4           MR. CRUZEN: Say it again?

5           AUDIENCE MEMBER: Is it cheaper for you  
6           to contract it out?

7           MR. CRUZEN: Well, this is what we're  
8           looking at. I don't know. But just not  
9           being a good steward of your resources, I  
10          don't think, to pull an investigator off a  
11          criminal investigation to do a background  
12          investigation. I'm trying to look at costs  
13          and prioritizing and using my resources, you  
14          know, where they're intended to do. So  
15          we're looking at that. Sir?

16          MR. STINSON: Do you just run the  
17          background do you also have a suitability to  
18          find along with that background?

19          MR. CRUZEN: Yeah, we're no longer --  
20          we're not checking the suitability. We're  
21          not doing those. That's something that --  
22          you know, you have to be a trained  
23          adjudicator to do those kinds of things. So  
24          we've got a contract right now with the  
25          company that does the adjudication for us on

1 the investigations that we do. So we do --  
2 we -- it's very much like a criminal  
3 investigation. We gather the facts and then  
4 present those to somebody else who is a  
5 trained adjudicator to make a determination,  
6 yes, this person is suitable or not. And  
7 they are looking at, as you all know,  
8 they're looking at criminal histories,  
9 they're looking at previous employers,  
10 they're looking at, you know, drug use,  
11 those kind of things to make those  
12 suitability determinations which were not --  
13 we're not doing ourselves. That's a  
14 contract that --

15 MR. STINSON: Have you had any issues  
16 with (unintelligible) are you familiar with  
17 that?

18 MR. CRUZEN: I'm not going to lie to  
19 you, I'm not familiar with that.

20 In my short tenor as a director I  
21 haven't had any issues, but I'm certainly  
22 willing to take that question back to  
23 somebody that might be (unintelligible)  
24 familiar with that. Thank you.

25 MR. STINSON: It goes to two or more

1           misdemeanors, a felony, a background and  
2           that person not being suitable to be around  
3           children or having contact with children and  
4           police have had that issue arise on numerous  
5           occasions. And we've had people that have  
6           had pardons from the board of pardons and  
7           paroles. And we've had to look at all kinds  
8           of issues with backgrounds. And I was just  
9           wondering if, you know, if y'all were going  
10          to do that you all were going to make that  
11          call or if you were going to allow the  
12          tribes to continue to try to make that call  
13          on their own or if you had some trained  
14          individuals that can assist with those?

15                 MR. CRUZEN: Well, that's interesting.  
16                 I mean, that question came up the day before  
17                 yesterday and in Oklahoma. And it was --  
18                 the question was around the same vein there.  
19                 It was on expungements and what does that  
20                 mean, exactly.

21                 MR. STINSON: Nowadays, there are so  
22                 many alternate adjudications, there's not  
23                 guilty, not guilty in null process, you  
24                 know, and you've got adjudication, expunge  
25                 director, firm prosecution, pre-trial

1 diversion, pardon, case dismissed, you know,  
2 you've got all of these alternate  
3 adjudications that I don't think anybody is  
4 really taking into consideration. And it's  
5 also different state by state.

6 MR. CRUZEN: Sir, you're right at.  
7 That's one of the things we get and we would  
8 do a Quasi-Questionnaire, Pre-employment  
9 Questionnaire, and we would send that to any  
10 potential applicants. I mean, we have --  
11 you can't even imagine the number. So we  
12 would send those out and then we -- I have a  
13 team of folks that just look at those real  
14 quickly, a cursory, look at it. And we  
15 weren't even wasting any time with issues  
16 that were questionable, you know, I mean,  
17 anymore. It used to be that any drug use at  
18 all was an automatic disqualifier. And now  
19 everywhere, and I'm talking about Department  
20 of Defense, CIA, NSA, all of these agencies  
21 have taken a different look at and are  
22 mitigating drug use now. You know, solely  
23 marijuana use. You know, now it's have you  
24 used it within the last "x" amount of years,  
25 hallucinogens, you know, cocaine and those

1 kind of things are automatically  
2 disqualifiers. But I got to tell you, this  
3 to me feels like consultation right here,  
4 this back and forth. This is why I like  
5 this kind of working through the issue, but  
6 I got to tell you where I come in on that is  
7 we give our officers a great deal of  
8 authority. They can take somebody's freedom  
9 away. They can take their lives in certain  
10 instances. And so to me -- and that's why  
11 we try to get ahead in that those issues  
12 pre-background investigations because we  
13 really didn't want anybody -- I'm talking  
14 about the Department of Defense now, we  
15 didn't want anybody telling us, well, okay  
16 that's unavailable. We wanted that ability,  
17 that pre-employment questionnaire come in to  
18 say, well, there are better qualified  
19 applicants. We call them BQA, so you know.  
20 Although this is probably or could be a  
21 mitigatable offense there we have another  
22 applicant right here who didn't have that  
23 issue so there's a Federal qualified  
24 applicant. And we put them through. So  
25 what I don't want to do, I don't want to --

1 I don't loop holes or back -- back channels  
2 for folks that, you know, hey, you were  
3 charged with this and you probably did it,  
4 in fact you probably signed a -- you may  
5 have even signed a confession that you did  
6 it, but for whatever reason it got by the  
7 court system and it was dismissed, so it's  
8 not there. We don't want that kind loophole  
9 to keep us from keeping those type of people  
10 who the applying for these jobs. We don't  
11 want them in here so, you know, it's a -- I  
12 think we have to move smartly as we go  
13 through this.

14 So as the conversation kind of went on  
15 like this yesterday on expungement it got me  
16 thinking, okay, well, maybe we need to have  
17 some verbiage in that draft policy to make  
18 sure that, you know, it's have you -- the  
19 question is not have you been convicted, but  
20 maybe -- the attorneys will probably be more  
21 than happy to weigh in on this one, have you  
22 been charged, maybe a question, and if yes,  
23 then explain. I don't know. But I  
24 certainly see where you're coming from. I'm  
25 like you, I don't want to let anybody in



1           that got in on a technicality or a loophole.  
2           Any other comments or thoughts on  
3           background? Okay. What we'll do is we'll  
4           move to the Special Law Enforcement of  
5           Commissions portion of it. And just to give  
6           you a quick overview of the things that I've  
7           been hearing as I've traveled around, the  
8           three primary concerns of Tribal partners  
9           have -- hey, there you go, Mr. Weekes how  
10          are you sir? Safe Travels, I guess, back  
11          from the IACD.

12                 MR. WEEKES: Yes, I drove right in from  
13          there.

14                 MR. CRUZEN: Well, great. I don't mean  
15          to put you on the spot but do you have any  
16          thoughts or comments that you want to weigh  
17          in on or do you want to wait just a few  
18          minutes and get your feet --

19                 MR. WEEKES: I'll wait.

20                 MR. CRUZEN: Okay. The three issues  
21          that I'm hearing; number one, on the Special  
22          Law Enforcement of Commissions are the  
23          number of criminal justice in Indian Country  
24          classes that are being taught. The tribes  
25          are saying, hey, look there's not enough of

1           those and we need more of those. The other  
2           thing that I hear is when you do have those  
3           they're in locations that are a great  
4           distance for us to travel. So it causes us  
5           some problems with that, you know, paying  
6           for the officers and, you know, it's  
7           difficult for us if we got seven or eight or  
8           ten officers in total working and we need  
9           this class and it's -- I think it's -- I  
10          don't know how many hours it is. If it's 24  
11          in a three-day class or whatever we can't  
12          send all of our officers to go do that  
13          because then we're shorthanded back here.  
14          And then the third issue, and this is the  
15          one that really, quite frankly, put me on a  
16          tilt when I heard and it's one that I had  
17          the most trouble over was, I had several  
18          tribes tell me, you know, not only are those  
19          two issues a problem but when we you do  
20          attend a class it often takes us -- and I'll  
21          just be honest with you, I had one Tribal  
22          Chief say, we took the class three years ago  
23          and we're still waiting on those Special Law  
24          Enforcement Commissions. And so, of course,  
25          my blood pressure shot up. And I thought

1           that was unacceptable. So I passed it on to  
2           somebody else. And I shot out a pretty  
3           nasty e-mail to some of our folks saying,  
4           what's going on here? Why is this an issue  
5           and quickly got schooled on it. And so it  
6           made a little bit more sense after I heard,  
7           but it's almost like the Office of Justice  
8           Services in some instances have put the car  
9           before the horse on some things. One of the  
10          things that we have to have in place prior  
11          to giving SLECs, as you all know, is a  
12          memorandum of agreement between the tribe  
13          and the BIA. So we want to make sure that  
14          that's in place. And what I was told is  
15          that specifically to the tribe we raised  
16          that concern was that the memorandum of  
17          agreement is not in place. We were sent  
18          there but it's in that process of being  
19          proved, but what we had done is we had  
20          offered the class so officers from that  
21          department had attended. And then there was  
22          an expectation well, I attended this class  
23          and now expect my SLEC card. When really  
24          they shouldn't have attended the class yet.  
25          So what we're looking at doing, again this

1 is part of our consultation, and interested  
2 in hearing what you think, but I'm a real  
3 process guy, I like to see processes laid  
4 out. So we're going to change that. We're  
5 not going to -- we -- it's not fair to have  
6 officers come to the training and then not  
7 receive their card. So what we're going to  
8 do now is we're going make sure that when  
9 they -- what we would like to make sure, I  
10 really want to be clear on that, no decision  
11 has been made, I really want to be clear,  
12 but we're not, I mean what I think makes the  
13 most sense is that prior to allowing  
14 officers to attend that class we need to  
15 make sure the MOA is in place and that the  
16 application is done and the background  
17 investigation for that officer is complete  
18 and then have the class. And I'm not so  
19 convinced that it needs to be a 24-hour or  
20 three-day class. I think probably most of  
21 that can be covered in eight hours. Now,  
22 that's Darren talking, but I think most of  
23 that can be covered in about eight hours.  
24 And then a test is given and when the  
25 officer finishes that day from training they

1 do their swearing in and they're given their  
2 card right then; so we don't have this --  
3 there's no downtime, if you will, between  
4 when they take the class and getting the  
5 card. What I think we need to make sure is  
6 the memorandum agreement in place. That's  
7 what makes a lot of sense. And that the  
8 officer who is attending has a background  
9 done and everything is ready to go so when  
10 they pass they get the card.

11 The first two issues, the number of  
12 classes that are criminal justice in Indian  
13 Country classes that are given and the  
14 locations that they're given are addressed  
15 right now through the department of justice,  
16 Leslie Hagan, who is just a top-notch young  
17 lady, she is very, very impressive and has  
18 been recently put into -- I don't know what  
19 they call that, but it's an Indian Country  
20 training position, training coordinator for  
21 the Indian country at the Department of  
22 Justice level. And so one of the things  
23 they are moving quickly on is starting in  
24 November she's going to pull Assistant U.S.  
25 Attorney's from all over the country, and

1           they're going to get the refresh course on  
2           that criminal justice in Indian Country  
3           class. Knowing that one size doesn't fit  
4           all, you know, even when you get over to the  
5           east coast, the problems that they're having  
6           in the northern with the tribes up north and  
7           the tribes down south are different. So  
8           once side says -- however the fundamentals  
9           and the foundations are the same. What  
10          we're looking at doing is as opposed to  
11          contracting this training out where we have,  
12          you know, a company that goes out and does  
13          it, I think there's a lot of merit in having  
14          the -- and so do they, DOJ does as well,  
15          having the assistant U.S. Attorney who is  
16          going to be responsible for prosecuting  
17          those cases in that particular region where  
18          that tribe is providing training.

19                 And I think that's smart for two  
20          reasons. Number one, they can do more  
21          trainings locally on an as needed basis.  
22          And then the other thing is if I'm a Tribal  
23          police officer and/or the assistant U.S.  
24          Attorney that is going to be presenting that  
25          case, I think there's a lot of value in

1           having that relationship and report already.  
2           And then that also allows the assistant U.S.  
3           Attorney to put whatever kind of spin,  
4           politically or locally that, you know, that  
5           local court has or -- you know, any of the  
6           specific things that are relevant locally.  
7           I think there's a lot of merit in doing  
8           that. So to address the issue, we're  
9           looking at process, the order in which we do  
10          things to make sure the memorandums are in  
11          place, the application is done, and the  
12          training. And then we're also looking at  
13          having our DOJ partners at the assistant  
14          U.S. Attorney level conduct the training.  
15          So that's a little bit on the SLECs. Now  
16          I'm going to look over here to Jimmy and ask  
17          him if he maybe put a little local skin on  
18          what's going on in the SLECs in this region.

19                 MR. LATCHFORD: Darren, before we get  
20                 started, can I just add to what you said.  
21                 Is there -- will it be possible to -- I'm  
22                 fortunate enough to have my own training  
23                 unit. I have a staff that just focuses on  
24                 training and if qualifications are there  
25                 would there to be an issue or I would like

1 to recommend that, you know, when they do  
2 that training to allow me, I mean, again,  
3 I'm fortunate in my organization where I can  
4 have somebody internally like train a  
5 trainer and then be certified to teach them  
6 that class. Because, you know, when you  
7 look at the big picture for our  
8 organizations, I'm separating throughout the  
9 State and, you know, and I agree with  
10 everything you said as far as other chiefs  
11 that mentioned those issues they're dead on.  
12 But if there can be some consideration to  
13 allow the organizations to have some of the  
14 insight to conduct a class and maybe proffer  
15 the test, you know, that will definitely  
16 will go assist a long way.

17 MR. CRUZEN: That makes a lot of sense.  
18 I guess that would be a question to ask the  
19 assistant U.S. Attorney's offices that have  
20 been on as well. I will definitely take  
21 that back with me as a recommendation; but  
22 it makes a lot of sense to me, you know,  
23 that's --

24 MR. LATCHFORD: Yeah, but the time  
25 frame that the classes go, you know, about



1 the time in this case, you know, were we  
2 fall under the same realm -- I know it's not  
3 Jimmy's fault or a district six issues, but  
4 the reality is if you -- by the time you get  
5 your certificate or your card, you're having  
6 to go through another class again. And, you  
7 know, if the standard has to be that way I'd  
8 rather have somebody internally every year  
9 that mandates that they have to go through  
10 circuit training for the State or for the  
11 police certification and just add that in  
12 there will definitely streamline the  
13 process.

14 MR. CRUZEN: Right. And we jogged my  
15 memory also, a couple of other things that  
16 we're looking at here, two more things, is  
17 right now I think there is a  
18 recertification, I think it's what they call  
19 it, every three years. We are looking at  
20 upping it to every five years. And then  
21 we're also looking at a couple of options  
22 for -- I think right now what we're doing is  
23 we're having the officers come back for  
24 another whatever, however long the training  
25 is. I know it's 2010 and I think we really

1           need to embrace technology. We're not  
2           really waited off into that very well yet.  
3           We're looking at possibly an on-line kind of  
4           recertification deal or maybe even a simple  
5           as a -- obviously with this new Tribal Law  
6           and Order Act there are new issues that go  
7           along with this Special Law Enforcement  
8           Commission. But I think it's been a while  
9           since there's been any significant changes.  
10          So another thing we could look at doing is  
11          coming from the SAC's office possibly  
12          looking at a letter to each department  
13          saying, you know, here are the updates as of  
14          this time, you know, one, two, three or  
15          whatever they are. Sign that and send it  
16          back to us saying that you've read this and  
17          that you understand it, each officer. It  
18          could be maybe send it with that. We're  
19          really looking at extreme lines and making  
20          it, you know, more just easier to do and  
21          still get all of the things that have to be  
22          done, done. Just why not make it easier if  
23          we can.

24                   MS. FLANAGAN: Chief, can we get your  
25          name for the court reporter?

1           MR. LATCHFORD: Ye, I'm sorrty: I saw  
2           you looking at me. I apologize. Will  
3           Latchford, Seminole Tribe of Florida.

4           MS. FLANAGAN: Thanks. We want to make  
5           sure when Darren forgets your question we  
6           could go back and find it. Thanks.

7           MR. CRUZEN: I won't forget your  
8           question. Okay. Jimmy Gibson.

9           MR. GIBSON: The SLEC Program it allows  
10          tribes to have the authority to conduct  
11          Federal investigations in the authority that  
12          the BIA has, which is titled 25 USC Sec.  
13          203. In addition, it provides them with  
14          limited liability other than conducting  
15          investigations. Some of the things that are  
16          allowed for this program are the issues of  
17          an BIA Special Law Enforcement Commissions  
18          to State and local law enforcement, but that  
19          has to have the approval of the tribe. And  
20          the reason for that division is because  
21          crimes and laws district (unintelligible)  
22          Between the reservation and the  
23          non-reservation and a lot of times we work  
24          conjointly with outside agencies on  
25          investigations. So if -- and also for

1 mutual aide also. Currently in this  
2 district we have 11 tribes that are -- that  
3 have the SLECs, five law enforcement  
4 programs have not come entered into  
5 agreement or made a request to any  
6 agreement. One of the big things that I see  
7 that or that we have discussed at meetings  
8 like USEF is the application process. And  
9 also some of the issues here that have  
10 already been discussed.

11 The application process is important  
12 that we get -- and sometimes that delays the  
13 issuing of the SLEC Commission because we  
14 have to have all of that information on file  
15 in order to issue commission when -- because  
16 of liability issues and things like that  
17 when the U.S. Attorney's Office has the  
18 defending officer, they want all of that  
19 background information in place already.  
20 And so we have to make sure that we have  
21 that in our office on file. We are required  
22 to do that. So that's one of the -- I  
23 guess, one of the things that delay us. If  
24 we don't have a complete application we wind  
25 up contacting the agencies, sending and

1           doing correspondence and things trying to  
2           get that information and that delays the  
3           process.  Currently here in this district we  
4           have two assistant U.S. Attorneys that teach  
5           the criminal jurisdiction in the course  
6           that's (unintelligible) that's up in  
7           Nashville, North Carolina.  And then Mr.  
8           Elkins who's the U.S.A. Southern District  
9           of Alabama.  We would like to see a lot more  
10          and the U.S.A.  A lot -- and a lot of them  
11          are willing to -- I think it's something  
12          that they -- we'll revisit with some of the  
13          tribes and they concur that's something that  
14          they can try to establish.  Does anybody  
15          have any questions regarding the SLEC  
16          Programs or the -- I guess, the way of the  
17          application process or how we're conducting  
18          this program in District 6?  Yes, sir.

19                 MR. STINSON:  Is the Tribal information  
20                 going to be electronically or still be you  
21                 have to buy the book material?

22                 MR. GIBSON:  You're referring to the  
23                 U.S.A. is -- currently being a policemen of  
24                 -- the U.S. Attorney's office is teaching  
25                 the course, being in the police academy is

1 not providing the training materials. I've  
2 done that within my office when I've had the  
3 budget. If I've got extra funding that I  
4 have allocated for something I purchase the  
5 books myself. And so far I have been able  
6 to do that. If there comes a time when I  
7 might not be able to do that that will  
8 happened to fall upon the U.S. Attorney's  
9 Office or possibly the U.S. Attorney's  
10 Office will have to pay for that.

11 MR. STINSON: The month that is -- the  
12 U.S. Attorney's Office should; they pay for  
13 that?

14 MR. GIBSON: They don't really have  
15 resources. I mean, under the -- some of the  
16 other legislations that have gone passed  
17 they have received money through the office  
18 specifically for Indian Country, and that  
19 includes training and that is something that  
20 probably each individual office would have  
21 to look at.

22 MR. CRUZEN: And another thing, I think  
23 we're all anxiously awaiting Leslie to get  
24 her feet underneath her to see how that  
25 works out. This is all actually through the

1 new office the DOJ, so that's a good  
2 question. And, you know, I'll get back and  
3 ask if they have a budget associated with  
4 that. If so, you know, we'll those type of  
5 things be done. Also, and again I go back  
6 to this technology, if there's things that  
7 we can do on-line and, you know, to help out  
8 with those type of things I think that's  
9 important to do. So I don't know the answer  
10 to that for sure whether the funding will  
11 come from that. We're not talking about a  
12 great deal of money, for books, right? Are  
13 you talking the books for AICP funding?  
14 What is that exactly? What is -- what are  
15 they? Are they books like this or they just  
16 --

17 MR. GIBSON: It's a binder with like  
18 300 something pages, generally is what we  
19 provide. And I think for us the cost when I  
20 buy them in boxes of like 30 books it varies  
21 from \$300 to \$400 depending on what the  
22 office selects.

23 Anybody else have any questions or  
24 comments regarding the SLEC?

25 MR. CRUZEN: Well, that kind of

1 concludes our formal protocol, kind of what  
2 we wanted talk about the main three issues.  
3 And I would just like to open it up, Mr.  
4 Weekes, if you have anything at this point  
5 that you want to --

6 MR. WEEKES: Not really, no. Tuesday  
7 afternoon UIACP our new director for CJIS,  
8 he wanted to have a session with the Tribal  
9 police executives that were present. And I  
10 think that Chief Delgado and Director  
11 Rainier were the only two present other than  
12 myself from -- you know you met him in  
13 Orlando. Our new director, there's some  
14 type of formal agent tribal and like I was  
15 mentioning to him in my community down here  
16 in South Florida we already are very  
17 liberally dealing with the -- and the sister  
18 agency CPE(sic) not so much nice. So we are  
19 still with our investigative rights. I know  
20 there's some positive here. But  
21 southwestern boarders and there are some  
22 issues there. And the northeastern boarders  
23 some areas up to the New York State through  
24 USEF or I think they are going to be  
25 contacting USEF or -- to set up some sort of



1 conference or meeting with them. That was a  
2 thought.

3 And other than that most of our other  
4 sister Federal agencies were in attendance  
5 and DEA and IRS; they were there too, the  
6 three of us in the Tribal. But that was it.

7 MR. CRUZEN: I thought it was, too. I  
8 had an opportunity, I guess, the Indian  
9 section from the Internet ICP had a meeting  
10 on, I guess, it was Sunday and then Sunday  
11 evening they had an awards dinner for their  
12 officers in the area which was a female  
13 officer from the Pine Ridge Indian  
14 Reservation who had gotten into a jam up  
15 there arresting a guy and ended up getting  
16 into a shooting situation and, you know,  
17 just performed very, very admirably. She  
18 went on to say a little bit about how  
19 important training is necessary. And I come  
20 from a training background too. Being in  
21 the police academy I spent a lot of time up  
22 there. She got a little choked up about the  
23 whole thing. Just how her mind went racing  
24 back to all the training that she had  
25 learned at the academy. She voiced her

1 sincere desire to police officers don't just  
2 end their training at the basic police  
3 academy because it's a lifelong process that  
4 you have to do to prepare yourself, your  
5 body, your mind and your reactions to those  
6 kind of things.

7 106 But she was driving down the road  
8 and she saw a couple walking. A man and a  
9 woman. The woman had a beer in her hand.  
10 She said, I just thought I was going to go  
11 pull over, have an eight hour involuntary  
12 hold there in the jail and she'd be gone.  
13 She said within two minutes of seeing that,  
14 what I thought was routine, I ended up in a  
15 life and death struggle where I had to shoot  
16 somebody. And I thought that was -- she was  
17 pretty young -- she was a pretty young  
18 officer. I bet she was 26 or 27 old.

19 MR. WEEKES: I want to say around the  
20 mid 20s. I didn't ask her but it sounded  
21 like from the standard of community over  
22 there that she actually relocated. She's up  
23 in Alaska. She lived from the Atlantic her  
24 family or family members were deceased.

25 MR. CRUZEN: Yeah, she had to be -- it

1 was good just to hear her thought process on  
2 something like that happens and to be young  
3 and a fairly new officer but to have the  
4 understanding of how important training  
5 really is we kind of take it for granted,  
6 oh, boy we all know in here things happen  
7 that quick. So anyway I don't know where  
8 that came from but it was nice.

9 MR. WEEKES: She's five months  
10 pregnant.

11 MR. CRUZEN: Oh, she is or was.

12 MR. WEEKES: Is.

13 MR. CRUZEN: Oh, she is. So she's  
14 going to have a child. Her husband is in --  
15 she was interestingly enough she's now  
16 working in the nursing industry. That's  
17 where her background was. She's a nurse and  
18 had commitment there with IHS to work. She  
19 wants to come back into law enforcement.  
20 But she said she needed a minute to get her  
21 thoughts back which is completely  
22 understandable. All right. What do we  
23 have? Anything that we need or want to talk  
24 about? Thoughts? Comments? You know, as  
25 the new director -- you know, I'm reading

1           this book actually I'm done reading the book  
2           now. But it's about the -- it was about the  
3           Toyota and the CEO of Toyota. And I wish I  
4           could think -- I remember the word, it's a  
5           Japanese word that translates into "go see".  
6           It's a Japanese word and what he does is he  
7           makes a very senior, very, very senior  
8           executives every year for two or three days  
9           they'll come to work and all they have is a  
10          hardhat and a clip board. And they go down  
11          into the assembly line and it can be where  
12          they pour, you know, where the metal comes  
13          in to make the form of the vehicle or it  
14          could be where they put the engine in or it  
15          could be where they put the steering wheel  
16          in or the windows, wheels or breaks, you  
17          know, all the way down on that assembly line  
18          is the very last person who puts the screw  
19          in the door before it rolls out. And he  
20          talks about -- he makes him go down there  
21          with that clip board and all they do all day  
22          long they will go down to that one section,  
23          whatever it is, and they just watch the  
24          process all day long. And I get it because  
25          like I said I'm a very process oriented

1 person. So they're looking okay we got a,  
2 b, c, d and e that has do be done. Well, we  
3 don't need c and d, we just need a, b and e,  
4 really we can do this better. So you know  
5 the philosophy "go and see" is something  
6 that, you know, I really believe in that.  
7 And it's really easy for me as a Director of  
8 Law Enforcement for BIA to sit in  
9 Washington, D.C. Even though I have worked  
10 in every position in the BIA coming up at  
11 some point throughout my career, so I know  
12 it's easy for me to say, well, I know what's  
13 going on out there but things change. And  
14 it's real easy for me to sit in Washington,  
15 D.C. and think that I have all of the  
16 answers but it's another thing for me to go  
17 and see for myself. And so that's one of  
18 the philosophy's that I've got as the new  
19 OJS director. And I'm also finding that --  
20 and it talks about this in the books, so  
21 it's not my idea. But I'm also finding he  
22 talks about the very last person on that  
23 assembly line or the person very -- the most  
24 close to the problem, whatever that problem  
25 is, usually has the answer if the leader is

1 smart enough to go down and ask that person  
2 how can we make this better? You know, it  
3 goes back to the philosophy if I'm setting  
4 or he's setting up his officer or his  
5 executive or setting up there. It's one  
6 thing to think we know what the answer is.  
7 It's another thing to go down there and talk  
8 to the person closest to the problem and get  
9 their prospective on what it is. And I'm  
10 also seeing that most of these issues that  
11 happen across the Indian Country, and  
12 although I've said that there's that one  
13 size fit all in the very unique problems I'm  
14 seeing that most of the problems that we  
15 have are not overly difficult problems to  
16 fix. There's just a lot. Somebody asked me  
17 the other day, it's got to be like drinking  
18 from the fire hydrant being in that  
19 position. I said, no, not at all. It's  
20 like standing under the water tower with all  
21 of the water pouring down on you at one  
22 time. So there's lot of problems that we  
23 have. A lot of issues we actually have to  
24 address. But if you really break those down  
25 one at a time. It really is not much that

1 we can't fix together. And it's working  
2 collaboratively and cooperatively. And I  
3 believe that there aren't hardly any  
4 problems that if we sit down over a cup of  
5 coffee, roll up our sleeves and go, look, I  
6 don't necessarily agree with your opinion.  
7 However, I see your side of that story. Let  
8 me tell you mine. Let's talk this through.  
9 I just -- you're not going to be able to  
10 convince me, that most of our problems  
11 aren't going to be solvable. And the other  
12 things about the problems that we share is  
13 at the end of the day we want our community  
14 safe, we want our officers safe and so our  
15 goals are the same.

16 111 We just have different ways of  
17 getting there. So to me it's all about  
18 communicating and working together. And I  
19 know that what I'm saying right now is very  
20 much what the director should be saying, but  
21 I want you to know that I don't believe that  
22 you should trust me just because I'm sitting  
23 in that chair. I think trust is not a given  
24 thing and I don't think it should be. I  
25 think it should be an earned thing. And so

1 I -- and this is an Indian Country so I know  
2 there won't be a problem of this. But it's  
3 incumbent upon you to tell me if you see  
4 something as we go -- and I'm not just  
5 talking about the Tribal Law and Order Act,  
6 I'm talking about as we make our way through  
7 working together on these Indian Country Law  
8 Enforcement issues as we move out for the  
9 next several years. If you see me acting a  
10 way that is contrary to what I'm telling  
11 you, you need to let me know. You need to  
12 hold me accountable. I want to be held  
13 accountable. And I want to be told, hey,  
14 look Darren, you're -- you said that you  
15 were going to consult with this, you said  
16 you were going to talk with us. You said  
17 that you were going to let us voice our  
18 concerns and have our opinions considered.  
19 And you're not doing that. And I can tell  
20 you that what I'm saying is really who I am,  
21 that really is who I am. I have being  
22 calling that plate for a lot of years, I'm  
23 having a lot of success in building teams  
24 whether it be, you know, at a Tribal level  
25 when I was Tribal police officer or as I



1 started working through my way through the  
2 BIA whether it be the academy or, you know,  
3 the Crow Indian Reservation or at the  
4 Pentagon. I've been really fortunate and I  
5 don't want to sound egotistical, please  
6 don't take it that way, but I've had a great  
7 deal of successes in building teams and  
8 working collaboratively. So it's not lip  
9 service. However, I don't expect you to  
10 trust me. I expect you to give me an  
11 opportunity to prove myself. And then hold  
12 me accountable if you see me act another  
13 way. But I'm here to tell you that you  
14 won't. It comes from a sincere place of who  
15 I am. I've got a real sense of urgency to  
16 move out on the issues that I have to face  
17 as the director and, you know, nothing would  
18 make me happier than to be able to lock arms  
19 with Indian countries from all over the  
20 United States. And do this in a real team  
21 effort. I'm real optimistic about it. I  
22 haven't had anybody tell me, we're not going  
23 to do that, but I've had a lot of people say  
24 we've heard that before. So I'm not naive  
25 about that. I understand that. But I would

1 really like if it is a benefit of the doubt  
2 I would really like the benefit of the doubt  
3 and for you to, you know, to cut -- to stand  
4 with me, you know, side by side and work on  
5 these very important issues that we have.

6 Again, that is my little soap box. I  
7 don't mean to sound that way. Again, that's  
8 how I feel. That's where I'm coming from.  
9 Very interested to open the floor at this  
10 point if there are any other issues, Tribal  
11 Law and Order or otherwise, maybe you feel  
12 like you need to address or you got to hear  
13 it, and you want me to hear it from you, I'm  
14 more than happy to take it back with me and  
15 work on it.

16 MR. CARROLL: I guess just a comment  
17 for the BIA structure overall of which this  
18 is a point of, one of the things that we're  
19 constantly up against is this constant  
20 assault on the BIA budget and the various  
21 guidelines within that. We are just had a  
22 tea bag meeting here dealing with the -- no  
23 additional 2 percent of the 5 percent for  
24 budget reductions. So somewhere along the  
25 line there has to be recognition that even

1           though maybe the structures are in place or  
2           the policies and procedures and/or the  
3           vision of the plans and those are all great  
4           things but we all know that if there aren't  
5           resources in dollars, while those things are  
6           not going to be implemented and fulfilled  
7           and it seems like the BIA budget is  
8           constantly under attack to be able to do  
9           what it needs to be doing. You know, to  
10          express the voice of many of the tribes part  
11          of the USEF organization, they're not  
12          getting the basic level of fundings to carry  
13          out some of these services that we're  
14          talking about right now. So it's very hard  
15          to have a discussion about all of these  
16          potential things down the road in the  
17          communities as they exist right now. So  
18          somehow the BIA needs within those budgets  
19          have to be maintained and increased in the  
20          same manner that we see in other areas  
21          because they're not. It's constantly being  
22          assaulted on. So we are supporting the  
23          Tribal Law and Order Act. We know that it  
24          holds great potential for the need of our  
25          country but it's also when you're talking

1           about these various levels of reality of the  
2           situation many of our communities law  
3           enforcement, divisions, court systems and  
4           all of these other things that are not where  
5           we want them to be. It's because there's  
6           not adequate funding to make that happen.  
7           With a lot of the tribes that you hear out  
8           here you have more sophisticated law  
9           enforcement departments and more cops in the  
10          ground, they are using their own Tribal  
11          discretionary monies to make that happen.  
12          It's not coming through other sources. So  
13          that just needs to be in consideration as we  
14          start talking and implementing all of these  
15          wonderful things, you need some basic level  
16          of resource to be able to do some of these  
17          things. And then on top of that to  
18          recognize, which I know that you do, but the  
19          real struggle that we deal with is the  
20          Tribal State relationships. And those vary  
21          across the board. Some instances those are  
22          strong relationships and other they are  
23          horrible. So in implementing some of these  
24          things there has to be a consideration which  
25          I know you've already stated that having to

1 cookie cut a template model is not going to  
2 fit, leaving Massachusetts out because it's  
3 not being done here in Florida or now as it  
4 does somewhere else, you know, Maine. So  
5 there has to be constant consideration as  
6 this is going to be moved forward, you  
7 appointed earlier, not just Tribal Law and  
8 Order, justice services in general.

9 MR. CRUZEN: That's a good point and  
10 that's -- I appreciate what you said as  
11 sounding that alarm continually to my boxes,  
12 you know, I mean that's something, you know,  
13 we're facing that same thing. And our  
14 agency that, you know, there are limited  
15 resource, limited dollars, things like that.  
16 And you know just -- so I appreciate you,  
17 I'm sure you continue to voice those  
18 concerns. And, you know, as every other  
19 leader of any police organization in here,  
20 you know, I'm firmly committed to, you know,  
21 certainly would like to have more dollars  
22 but that's not going to be the thing that  
23 keeps us from moving out. It is a resource  
24 kind of driven, you know, a lot of issues  
25 are resource driven and dollars driven.

1           117 And you know there's -- it's pretty  
2           amazing if you look at what Indian Country  
3           Law Enforcement does with the resources that  
4           we have, it's pretty amazing. We tend to be  
5           on the receiving end a lot of times, on how  
6           come you are not doing things but it's  
7           really -- it's pretty amazing what our men  
8           and women are doing out there in the Indian  
9           Country. And I agree with you to continue  
10          to support that. And not only with going  
11          and seeing but, you know, continually  
12          fighting for those needed additional  
13          resources. So I appreciate that. I  
14          appreciate what you said.

15                 MR. CARROLL: Just one last comment.  
16          This comment is not to dispute what you just  
17          said, because I don't dispute that comment  
18          as far as what any country is doing with its  
19          resources. I think what we're asking for is  
20          a more proactive up front investment. I  
21          mean it's very easy to capture this as a  
22          lack of resources type of an issue but  
23          Indian Country BIA is different than the  
24          other agencies under the interior  
25          department. And if it continues to be

1           addressed in a budgetary way saying that --  
2           the way they address other agencies or  
3           bureaus within DOI, we're going to  
4           constantly have this problem. You know to  
5           the point of Tribal Law and Order we stand  
6           next to everybody else in celebration as to  
7           a wonderful thing that happened, but  
8           everybody has to pause for a moment when  
9           you're talking about what every country does  
10          with its resources. It should have never  
11          gotten to that point. The atrocities that  
12          they talk about in celebration in the  
13          passage of that should have never gotten to  
14          that point but they've allowed it to get to  
15          that point. And that happened because it  
16          was never a strong investment of resources  
17          to make sure that there were officers on the  
18          ground, to make sure that there was  
19          structure in place, to defend the very  
20          things that they're trying to celebrate now  
21          that the act has passed. So again I'm not  
22          sitting here disputing the -- what you've  
23          done of the act but at some point everybody  
24          needs to recognize that that shouldn't have  
25          never been allowed to happen in the first

1 place had the Federal government been doing  
2 what it was supposed to do to make sure our  
3 communities are safe communities. And  
4 that's what we're dealing with right now.

5 MS. KAROL: Without sounding too much  
6 like a bureaucrat I was at the Tribal Act  
7 presentation and I believe that that's one  
8 of the reasons that the unmet needs  
9 requirement is in the first part of TLOA and  
10 that it exists that we capture the unmet  
11 needs from the Tribal communities. And I  
12 think that's important. I don't know James  
13 McGay is the correctional district  
14 supervisor is Jimmy's counter-part and James  
15 is in Albuquerque and it covers this area.  
16 And I don't know because I haven't dealt in  
17 -- I haven't heard of an issue in this  
18 district or in this part of the country with  
19 getting the information but it would be --  
20 it is important to know and I can tell you  
21 that I think that this administration has  
22 seemingly done a better job of -- we're  
23 requesting more. I can't go into too much  
24 of the budget but, you know, we requested --  
25 we requested funds where we didn't kind of



1 look at those types of funds before, DOJ  
2 grant and stuff like that. So I think  
3 people are hearing it now as a matter of  
4 what they do with that information. So if I  
5 could just stress from the prospective of if  
6 you have unmet needs let me know about them  
7 because we have this annual requirement to  
8 Congress, we're going to have to lay those  
9 out. But if we don't have the information  
10 then it'll just be a void. So that don't  
11 solve what your issue is. In recognizing  
12 that what you said is true and important, I  
13 just want to say that because we have to  
14 annually submit this to Congress which we  
15 hadn't really before we got to cover the  
16 unmet needs.

17 MR. CRUZEN: Gaye, do you have anything  
18 to say or add?

19 MS. TENOSO: It's been helpful. I'm  
20 pleased to see the engagement. We're always  
21 open to getting feedback to this meeting and  
22 if you think of something that you want to  
23 relate my phone number is on the -- our  
24 office phone number is on the front end of  
25 my handout. And we are happy to have any

1 ideas you may have. Even if they come  
2 later.

3 MR. CRUZEN: Does anyone need me to  
4 re-read these e-mail addresses? And, sir, I  
5 will get that I'm going to shoot that Joe  
6 Little an e-mail as soon as we are done, as  
7 soon as I get back up to the room and I'll  
8 courtesy copy you on there and you guys can  
9 go off and then talk attorney talk because  
10 you will quickly go over the top of my head.  
11 Speaking of that, three and a half weeks ago  
12 I had a full head of hair.

13 MR. CARROLL: I just want to make one  
14 last comment. I apologize, I didn't want to  
15 be in a soap box either but just in the way  
16 that we frame things, however all of you  
17 sitting up there at this table right now is  
18 that you are our champions within the  
19 system. And I understand that in order to  
20 do your job you have to work within the  
21 system as it exists today, not what we're  
22 hoping it to be or what it's going to be but  
23 as it is today. I think one of the  
24 challenges that we are constantly up against  
25 with the Indian Country is this notation of

1 needs versus obligations. You know it's  
2 very easy for somebody to take a judgmental  
3 advice about the tribe in what is needed or  
4 what isn't needed. We're not talking about  
5 the needs of the community, I get that, I  
6 totally understand that, what I'm looking --  
7 what we're looking for from out internal  
8 champions within the system is that there's  
9 an obligation there to insure the safety and  
10 welfare of our communities. So to frame it  
11 as there is an obligation here to fund this,  
12 not only a needs issue but there's an  
13 obligation issue to make sure that there is  
14 adequate appropriate dollars for these  
15 programs to ensure the safety of our Tribal  
16 communities. When it gets framed otherwise  
17 it's very easy to knock it off the list. So  
18 just we implore to you that as our general  
19 champions and advocates to push that message  
20 as aggressively as you can.

21 MR. WEEKES: Yes, I want to add a  
22 positive note. I'd like to congratulate and  
23 applaud Will for recently graduating in the  
24 FBI's National Academy not too long ago. He  
25 represent us well in Tribal Nations Public

1 Safety Services. A couple -- a few years  
2 ago he graduated from the FBI's Commanders  
3 courses. Something like this we need in  
4 this country Tribal Nations. And this is a  
5 very positive note. Will has represented us  
6 very well I believe. In speaking of the  
7 Seminole PD I always like to tell a story.  
8 I'm going to take the lead director.

9 Back in the 1980-81 this concerns the  
10 IACP. The President of the IACP in 1982 was  
11 Leo Callahan, he was the Chief of Police of  
12 Ft. Lauderdale, Florida and one of his  
13 majors was just retiring, Colovski  
14 (phonetic). Mr. Colovski continued the  
15 first police chief for then just new  
16 organized symbol of the police department.  
17 There were a lot of cahooten going on there  
18 between the President and the new chief.  
19 Now chief Callahan went up to the Board of  
20 Directors in the event the community of  
21 IACP. And he mentioned that there's  
22 practically every other ethnic or  
23 nationality represented in the IACP  
24 organizations and committees. One we start  
25 with the TSR, Tribal Services Relations,

1           that's what it was called back then. So  
2           they formed a (unintelligible) committee.  
3           And then over the years it become a full  
4           grown section of the IACP. We had a voice  
5           in the IACP and a lot of representation from  
6           across the country as needed. Most of us  
7           here are IACP members but we were all  
8           working with police departments, police  
9           administrators, a lot of these associations  
10          and organizations they compete for  
11          attendance, I believe, or it appears to be  
12          that way at times. A lot of our tribes  
13          travel across the country, I'm very  
14          fortunate my chairman has allowed me to  
15          travel to Vegas annually for the IACP's  
16          Indian Country sections police executives  
17          every year they meet at the reservation.  
18          But a lot of tribes cannot afford to travel  
19          across county, understood. So what I've  
20          been trying to do is -- Dennis and I had  
21          talked about this, that the leadership is  
22          line up the Indian Country sections  
23          internally which have like a east coast,  
24          west coast conference of local tribes, local  
25          agencies can attend maybe if it's in driving

1 distance or maybe in of a Seminole country  
2 like Oklahoma or something, what they call  
3 Indian Country. But that's just an internal  
4 thing within the section itself, but that's  
5 what I just wanted to mention. Also the  
6 other organization which are Seminole  
7 Miccosukee PD, were approached back in the  
8 late 80s by national sheriff's association.  
9 They have Indian Affairs Committee and out  
10 was attending the IACP, NSC for the past 12  
11 years and sometimes maybe every other year  
12 or once a blue moon they have their Tribal  
13 police executives or Tribal police  
14 administrations there. But most of the time  
15 I'll be sold of that. In June the CSO, the  
16 County Sheriff's Office or the sheriff  
17 themselves or her, it's a different world  
18 and they will put you in your place if you  
19 don't stand on your ethics. Sheriffs for  
20 some reason, I'm sure everybody has local  
21 county sheriffs before in their home states  
22 where ever they're from, they believe that  
23 it is their county and they have the total  
24 preponderance throughout in his or her  
25 county and that's not necessarily so. A

1 county sherrif -- a county is an honor of  
2 the state and if that tribe does not have  
3 any dial communications with the State  
4 government, who is the sheriff? Basically  
5 he does not have an preponderance of  
6 authority in his or her county. So that's  
7 what we've found communication by --  
8 whatever the verbiage of the word is. And  
9 that's what we got to do. But I just wanted  
10 to put that out. And again thanks for  
11 representing us Indian Country. Thank you.

12 MR. CRUZEN: Thank you, Mr. Weekes.  
13 You represented the tribe well up there at  
14 IACP, made me feel welcomed too, so I  
15 appreciate that. Anybody have anything else  
16 Jimmy?

17 MR. GIBSON: No, not really no comment.  
18 Just general, thank you for your time. I  
19 know a lot of you guys took time out of your  
20 busy schedules to be here. These issues are  
21 important in the way we operate. And I  
22 would like to encourage you to continue this  
23 dialogue. Most of you have my number and  
24 know how to get a hold of me. If anybody  
25 wants a business card or anything I'll be

1 hanging around here after the meeting. But  
2 again thank you for your time.

3 MR. CRUZEN: Anything? Here is what I  
4 do. Every morning I get up, and this is no  
5 joke, I get up I ask for wisdom every  
6 morning. And at night I go to bed every  
7 night and I ask for forgiveness. And  
8 everything in between those two I do my  
9 absolute best and work my absolute hardest  
10 and Officer Nicole opened us up just the way  
11 we always should with a prayer. And I just  
12 want to ask if there's anybody that would be  
13 willing to close us that way? If not, I'm  
14 going to look right at Officer Nicole.

15 Would you mind?

16 (Thereupon, a Prayer was said and the proceedings  
17 were concluded)

18

19

20

21

22

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

STATE OF FLORIDA )  
  ) SS:  
COUNTY OF MIAMI-DADE )

I, Sussy Luna, Shorthand Reporter, certify  
that I stenographically reported the foregoing  
proceedings and that this transcript is a true record  
of the proceedings.

I further certify that I am not a relative,  
employee, attorney or counsel for any of the parties  
in this cause nor related to nor employed by any  
attorney or counsel herein nor financially interested  
in the outcome of this action.

Dated this 8th day of November, 2010.

\_\_\_\_\_

Sussy Luna

