

STATEMENT
OF
DAVID W. ANDERSON
ASSISTANT SECRETARY – INDIAN AFFAIRS
U.S. DEPARTMENT OF THE INTERIOR
AT THE HEARING
Before the
COMMITTEE ON INDIAN AFFAIRS
UNITES STATES SENATE
ON THE
INDIAN TRIBAL DETENTION FACILITIES
June 23, 2004

Good morning, Mr. Chairman and Members of the Committee. I am David Anderson, Assistant Secretary – Indian Affairs. Thank you for inviting me to speak with you today about the Administration’s vision to improve the Bureau of Indian Affairs’ (BIA) detention center program. Recent events have highlighted the need to continue to implement improvement, in addition to those changes already under way. The ultimate goal is to improve the delivery of services to tribes and individuals who are serviced by BIA owned and funded detention facilities.

Until the 1960’s, jail construction on Indian lands was very limited. Department of Justice Law Enforcement Administration Assistance grants were provided for construction of jails in Indian country. Many of these facilities, now forty years old, are still in operation today. Older detention centers present many challenges, such as ongoing maintenance and needed improvements to these aging, high-use facilities.

There are seventy-four confinement facilities, detention centers, jails, and other facilities – to be referred to in this testimony as “detention centers” – operated by tribal authorities or the Bureau of Indian Affairs in Indian Country. Thirty-nine facilities are BIA owned. Nineteen facilities are BIA operated. Three of these detention centers do not house inmates and are used for Law Enforcement offices. The remaining thirty-five detention centers are owned and operated by tribes, either independently or through P.L. 93-638 contracts or self-governance compacts. All of the Indian detention facilities are designed for short-term detention and have difficulties accommodating long-term sentences.

In February 2004, when I became Assistant Secretary – Indian Affairs, I was briefed on Indian country detention programs and the ongoing challenges related to the physical conditions and management structure. At this briefing I immediately determined that critical improvements were needed, in addition to those that were already underway.

Since February, the BIA has taken immediate and proactive steps to identify the deficiencies at the detention centers and to take appropriate action.

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

The thirty-nine BIA owned detention centers were inspected to determine necessary repairs, whether minor or major. All needed repairs are entered into the BIA's Facility Management Information System for tracking of project completion and full financial accountability. Facilities staff members were instructed to immediately make low cost repairs.

This year, 2004, we have dedicated a total of about \$6.4 million to address the normal annual facilities operations as well as facilities, safety and environmental deficiencies concerns. Approximately \$4 million of this amount will be used for repair of the deficiency items and the balance will be used for operational costs such as utilities and staffing. About 84% of this funding has already been distributed to the detention centers for completion of the identified repairs and normal annual operating expenses. In addition, about 40% of the immediate repairs have been completed.

The Office of Facilities Management and Construction and the Office of Law Enforcement Services have already begun corrective actions to reduce threats of harm to life and property. These actions include: (1) closing unsafe facilities; (2) revising the procedures for reporting and reviewing serious incidents; (3) inspecting Indian Country detention centers for compliance with national law enforcement, facility, safety and environmental standards; (4) initiating capital improvements to correct imminently hazardous or mission critical deficiencies; (5) identifying funds to address immediate shortfalls in law enforcement staffing and operations for BIA-funded facilities; and (6) standardizing detention facility inspections.

In 2003, the BIA developed and implemented a strategy for improving the corrections program. As part of this strategy, a Detention Specialist Position was created at the law enforcement central office to provide assistance to staff for its implementation. I have made this issue a priority. Within the past four months, I have taken critical steps to continue to improve the detention program management system. I have further assigned a person within the Office of Facilities Management and Construction to work only on oversight of detention center projects. I have directed the hiring of District Detention

Specialists for the purpose of providing improved on-site assistance for Indian communities.

I have also directed the BIA to enter into partnerships with outside entities in order to improve the overall management of the Indian Country detention and corrections program. One such partnership is with the Bureau of Prisons. The Bureau of Prisons will evaluate the Indian Country detention and corrections program. This summer, within a four to five week period, representatives from the Bureau of Prisons will visit both BIA and tribal detention centers.

In the near future, a multi-disciplinary Federal-Tribal workgroup, which will include representatives from the Bureau of Prisons, will develop a performance-based management model to respond to the needs of Indian country. This model will also incorporate measurable outcome-based performance goals that will improve the management of misdemeanor populations in Indian country detention centers. Additionally, we envision the model will put into practice nationally-recognized standards and institutionalized systems of control to ensure compliance with program standards and promote best practices.

We are also working closely with the Department of Justice to implement vital Indian Country law enforcement best practices. For example, twenty new detention centers, funded by Department of Justice grants, have been constructed in Indian country and we have developed plans to adequately staff, operate and maintain these new facilities.

The BIA plans to work with tribes to find solutions to the long-term challenges of providing safe conditions at Indian country detention centers. The Office of Law Enforcement Services is working cooperatively with tribes and tribal law enforcement to: reduce overcrowding, place juveniles in appropriate facilities, develop uniform management standards, and gather detention statistics. These efforts are already underway. Based on our success thus far, I am optimistic about our ongoing and future improvements in Indian Country detention centers.

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