

TESTIMONY OF
THE HONORABLE VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
THE TOHONO O'ODHAM NATION (AZ)
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS
HEARING ON INDIAN DETENTION FACILITIES

June 23, 2004

Mr. Chairman, and Members of the Committee, I am Vivian Juan-Saunders, Chairwoman of the Tohono O'odham Nation in Arizona. Thank you for the opportunity to present testimony on the detention facility and related needs on the Tohono O'odham Nation.

In 1961, the Bureau of Indian Affairs built the Tohono O'odham Nation Adult Detention facility, in Sells, Arizona, to hold a capacity of 34 inmates. The BIA owns the facility, and through P.L. 93-638 contracting, the Nation operates the facility.

For many years, the detention facility on the Nation has had the unfortunate distinction of being one of the most overcrowded jails in Indian country. According to the 2001 and 2002 reports issued by the Bureau of Justice Statistics in the U.S. Department of Justice, our average daily inmate population ranges from 110 to 115 resulting in a 300 to 350% over-capacity rate. Last year, we had an average daily inmate population of 93-95 males and 16-19 females. In response to the growing female inmate population, we moved the female inmates into a male housing unit, which, resulted in additional crowding in the male housing unit. Recently, we have experienced

an additional increase in the female average daily population of 22-25 and had to dedicate another male housing unit for the female inmates.

In 1987, the BIA renovated the facility by reorganizing the interior spacing. The renovation did not increase the inmate capacity. The BIA has not performed any improvements since then.

It costs approximately \$3.44 million to operate the adult detention facility on an annual basis. The BIA provides about one-third of the funding or approximately \$1.14 million. The Nation uses tribal funds to pay for two-thirds of the operations, or approximately \$2.3 million. Our juvenile corrections program is separate from the Adult facility and is operated through our Tribal Courts. The Nation expends tribal funds to support the juvenile corrections programs with little to no support from the BIA.

Our Adult Detention Facility has a staff of 40 people and is headed by a professional Corrections Administrator, who served 25 years in a similar capacity for neighboring Pima County Sheriff's Department. The rest of the staff consists of:

- 27 Correctional Officers
- 5 Sergeants
- 2 Corrections Specialists
- 4 Cooks
- 1 Lieutenant

Five of these positions – 3 correctional officers, one sergeant, and one Lieutenant - are currently frozen due to funding limitations.

Our facility adheres to established policies and procedures in accordance with standard corrections facility operations. We have ongoing staff development and training practices. We implemented a classification system that includes assessing an inmate's psychological background, reviewing past offenses and determining incidence of mental illness and other relevant factors to establish the appropriate placement and treatment of the inmate. The Corrections Staff attends the Indian Police Academy for basic Corrections training and participates in a structured in-service Field Training Officer (FTO) program. From our experience, we know that proper and ongoing training is a key factor in effective jail management. We continue to support on-going, in-service training of 28-40 hours a year for the staff.

The facility is operated under a philosophy of treating inmates with respect and dignity. Consistent with the goals of public safety and public service, we emphasize providing humane incarceration that includes providing services to help change behavioral patterns. We want these individuals to become law-abiding citizens upon being released. Relying strictly on tribal funds, our Tribal Social Services professionals and community volunteers provide an array of services at the facility, such as:

- HIV Education

Testimony of the Tohono O'odham Nation
Senate Committee on Indian Affairs
June 23, 2004

- Alcoholics Anonymous
- One-on-One counseling w/psychiatric services
- Women's Group
- Bible Study
- Parenting Classes
- Sweat Lodge Ceremonies
- Physical Fitness – TOPS Program (Take Off Pounds Sensibly)
- Various Church programs and services
- Contact Visitation
- Arts and Crafts
- Community Services
- Smudging
- Traditional Medicine

All of our programs are conducted and available for both male and female inmates. One sergeant is specifically assigned to oversee these programs. In total, approximately 1200 hours a year, or 100 hours a month are dedicated to inmate programs, again with no federal funding support. We have had no major injuries or deaths reported during the five and a half-year tenure of the current Corrections Administrator. An occasional finger jam from playing basketball or a twisted ankle are common types of injuries that occur. There have also been a few minor injuries over the years due to an inmate fights, but again, not on a regular basis.

A recent report issued by the Inspector General in the Department of the Interior gave our Adult Detention facility a “fair” rating, on a scale of excellent to good, to fair, to poor. While we are stretching our resources as far as possible, the facility continues to suffer from extreme over-capacity and lack of capital improvements such as:

Testimony of the Tohono O'odham Nation
Senate Committee on Indian Affairs
June 23, 2004

- Upgrading the ventilation system
- Replacing the showers
- Replacing the old generator
- Improving the lighting system
- Upgrading the life safety and fire system
- Eliminating mold

In addition, we need additional medical and psychiatric support services. We are experiencing a high incidence of inmates with mental and emotional illnesses who require specialized medical treatment. Generally speaking, the facility cannot handle these needs, and of course, finding adequate space is a daily challenge. In the wake of the *USA Today* articles on the condition of jails in Indian Country, we were told by local BIA officials, that additional resources have been identified to address deficient jail conditions. However, we have not been provided any further specifics regarding what types of resources or how much additional funding will be available for our facility.

I am happy to report that we are in the design development stage for a new Minimum Security facility that will be constructed with funding from the Department of Justice. This new facility will be designed for 52 beds for both adults and juveniles. The facility is intended to house sentenced offenders under a direct supervision approach, which is an inmate management style to manage and supervise minimum-security inmates.

Testimony of the Tohono O'odham Nation
Senate Committee on Indian Affairs
June 23, 2004

We believe this new facility will provide part of the solution to address our needs. We also need a maximum-security facility to address the more serious violent crimes, sexual offenses, and the high incidence of gang activities that is occurring on our Reservation.

Another related problem that must be addressed is lack of prosecution by the United States Attorney's Office for the District of Arizona, for serious felony level offenses. For example, we have had people in custody for murder that served less than two years in our jail and walk free with no federal prosecution. We believe that additional federal resources must be provided to address this serious problem. In Arizona, a specialized Indian Country Crime unit should be created in the Arizona District U.S. Attorney's office with federal prosecutors assigned to work exclusively with the tribal police and prosecutors. Without appropriately prosecuting violent crimes in Indian Country, the elevated crime rates will continue to rise and repeat offenders will continue to go unpunished.

Also within the Department of Justice, sufficient funding for tribal detention facilities must be included in its annual budget process. Within the BIA, sufficient funds must be budgeted for operations of these facilities.

Both of the federal agencies must consult with affected Tribal Governments and undertake a strategic and comprehensive planning effort to implement reform of the Tribal Corrections

Testimony of the Tohono O'odham Nation
Senate Committee on Indian Affairs
June 23, 2004

program. The BIA should budget for a separate line item for corrections programs, including staffing, equipment, operation and maintenance of the facilities. Along those lines, proper respect and recognition must be afforded to the corrections programs as a profession that requires sufficient staff with the appropriate wages, professional development and training incentives to attract and retain these professionals.

The dire conditions of jails in Indian Country have been ignored for too long. Unfortunately, it sometimes takes a tragedy to bring attention to these needs. Fortunately, we have not reached that level on the Tohono O'odham Nation. Based on our experiences, Corrections in Indian country needs immediate attention.

In closing, I want to thank the Chairman and the Committee for holding this important hearing and listening to our experiences and recommendations. I would be happy to answer any questions.