

RESOLUTION OF THE
INTERGOVERNMENTAL RELATIONS COMMITTEE
OF THE NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - Second Year, 2008

AN ACTION

RELATING TO JUDICIARY, PUBLIC SAFETY AND INTERGOVERNMENTAL
RELATIONS; APPROVING THE INTER-TRIBAL WORKGROUP MEMORANDUM
TO THE SENATE COMMITTEE ON INDIAN AFFAIRS ON THE DRAFT
INDIAN LAW AND ORDER BILL

BE IT ENACTED:

1. The Navajo Nation hereby approves the Inter-Tribal Workgroup Memorandum to the Senate Committee on Indian Affairs on the Draft Indian Law and Order Bill, attached hereto as Exhibit A.
2. The Navajo Nation authorizes the Navajo Nation President, the Speaker of the Navajo Nation Council, the Judiciary Committee, the Public Safety and their designees to advocate for the positions in Inter-Tribal Workgroup Memorandum to the Senate Committee on Indian Affairs on the Draft Indian Law and Order Bill, as amended, until such time as the Inter-Tribal Workgroup Memorandum may be further amended by resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 8 in favor and 0 opposed, this 14th day of July, 2008.


Lawrence T. Morgan, Chairperson
Intergovernmental Relations Committee

Motion: Ervin M. Keeswood, Sr.

Second: Larry Noble



Inter-Tribal Workgroup Participants:

The Navajo Nation
The Hopi Tribe
Salt River Pima-Maricopa Indian Community
& The Bureau of Indian Affairs, Office of Justice Services

July 10, 2008

**Workgroup Memorandum on the June 12 Discussion Draft of
Indian Law and Order Bill, with Special Focus on the Indian
Alcohol and Substance Abuse Prevention and Treatment Act
(IASAPTA), Interagency Coordination Provisions**

Submitted to the Senate Committee on Indian Affairs:

The Honorable Byron Dorgan, Chairman
The Honorable Lisa Murkowski, Vice-Chairman
The Honorable Daniel Inouye
The Honorable John McCain
The Honorable Kent Conrad
The Honorable Tom Coburn
The Honorable Daniel Akaka
The Honorable John Barrasso

The Honorable Tim Johnson
The Honorable Pete Domenici
The Honorable Maria Cantwell
The Honorable Gordon Smith
The Honorable Claire McCaskill
The Honorable Richard Burr
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Dear Senator Dorgan and Members of the Committee:

This intertribal workgroup was formed following a listening session on the proposed Indian Country Crime Bill held by the Senate Committee on Indian Affairs on January 14, 2008 in Phoenix, Arizona. The task was to develop recommendations on sentencing tools needed by tribal courts to be included in the proposed Indian Country Crime Bill. On April 21, 2008, the workgroup submitted to the Senate Committee a memorandum entitled *Accountability and Returning the Offender to the Community: Core Responsibilities of Indian Justice* which detailed the sentencing tools needed, in addition to law enforcement and detention resources, to fully address Indian Country crime.

At the request of Committee staff, the workgroup worked next on interagency coordination provisions in the Indian Alcohol and Substance Abuse Prevention and Treatment Act (IASAPTA), reauthorized in the June 12, 2008 Crime Bill Discussion Draft. IASAPTA's interagency coordination provisions involving justice and health departments of the federal government are contained in 25 U.S.C. §§ 2411 – 2416.

This memorandum contains the workgroup's findings and recommendations on IASAPTA's interagency provisions. Also included is the workgroup's consensus position on the Discussion Draft.

The workgroup is uniquely positioned to address the interagency provisions from the perspective of both rural and metropolitan southwest tribes. The workgroup includes governmental, judicial, justice and health leaders of participant tribes who are committed to maximizing alcohol and substance abuse prevention and treatment through justice and public health interagency coordination. Participants are the Navajo Nation, the Hopi Tribe, Salt River Pima Maricopa County Indian Community and the BIA Office of Justice Services. It is important to note that the participant tribes are PL93-638 contract or self-governance tribes that have empowered our tribal governments to better serve our tribal and community members.¹

¹ The workgroup participant tribes reserve the right to file additional comments to the proposed bill to provide a more detailed analysis of issues that may be specific to self-governance tribes or to the tribes themselves.

Workgroup Sessions Summary

On April 22, 2008 the BIA and Navajo Nation Behavioral Health provided a history of Southwest region attempts at implementing the interagency coordination provisions. On April 29, the workgroup convened and visited the Salt River Pima Maricopa Indian Community program-driven detention facility. Finally, on May 16 and July 3 and via electronic communication, the workgroup discussed extensively the interagency provisions and wording of the memorandum and reached a consensus position on the June 12 Discussion Draft of the Indian Law and Order Bill.

Consensus on the Discussion Draft

The workgroup supports the general thrust of the Discussion Draft which strives to address pressing law enforcement and detention concerns in Indian Country while fully comprehending that these must be complemented by rehabilitative sentencing tools that preserve our tribal communities.

Given the inescapable link between crime and drug/alcohol addiction in Indian Country, rehabilitative and alternative punishment sentencing tools are important and urgently needed.

We strongly support enhancement of tribal court sentencing authority from 1 year to 3 years, and the increase in fines up to \$15,000. Furthermore, while we recognize that tribal courts possess the inherent authority to impose alternative and rehabilitative sentencing, we nevertheless support, as part of the expanded time and fines scheme, the inclusion of language in Section 304 that specifically authorizes tribal courts to sentence certain offenders to a rehabilitation center or other alternative forms of punishment. The inclusion of such alternative sentencing language in the Discussion Draft would expand the flexibility of tribal justice sentencing to meet the unique problems of different tribal nations. We believe under the current sentencing scheme, there is insufficient time to achieve meaningful offender rehabilitation, particularly when offenders have complex, underlying issues. Previously, alternative sentencing has been addressed as supplemental to core tribal court functions. Section 304 and related provisions in the bill reorient the emphasis and will lead to greater integration and development of critical and innovative sentencing tools.

We recommend also that certain provisions be revised to better support coordinated efforts to fight Indian Country crime and drug/alcohol addiction. These recommendations will be discussed later in this Memorandum.

Interagency Coordination Provisions in the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (IASAPTA)

The interagency provisions of IASAPTA are at 25 U.S.C. §§ 2411-2416. (See summary at Attachment "A.") Section 2411 calls for the covered agencies, namely, the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) to develop and enter into a Memorandum of Agreement (MoA). The Secretary of Health and Human Services and Secretary of the Interior share

implementation responsibility. Section 2412 calls for a Tribal Action Plan (TAP) to be developed and established by tribes or, by default, coordination agreements entered into by the covered agencies on the tribe's behalf.

Under IASAPTA, the following are established or made available to support development and implementation of the MoA and TAP:

- information is provided to tribes and agencies on systems-wide resources and programs via a review report;
- a quarterly newsletter on exemplary programs is distributed by the Secretary of the Interior
- facilities for interagency program use may be leased or converted from existing buildings;
- an Office of Alcohol and Substance Abuse is established to coordinate and review BIA programs and serve as a tribal point of contact;
- technical support is provided for development of the Tribal Action Plan and for community and youth program development and implementation; and
- funding for technical assistance and development is provided.

Covered Agencies under IASAPTA in the Discussion Draft

The Discussion Draft expands the covered agencies to include the Bureau of Justice Assistance (BJA), and the Substance Abuse and Mental Health Administration (SAMHSA) and extends shared responsibility to the Attorney General. Otherwise, no substantive changes have been made to the interagency provisions.

Workgroup Findings

IASAPTA failed to institutionalize interagency coordination.

Early attempts at implementing an interagency MoA foundered. On March 26, 1987, an MoA was signed by DHHS and DOI. The MoA established that IHS and BIA "shall outline both long and short-term goals; ... shall coordinate existing programs; ... (and) shall bear equal responsibility for implementation of IASAPTA in cooperation with Indian tribes ... and the coordination of resources made available under the MoA through implementation of Tribal Action Plans." The MoA was reviewed in 1988. There were no further MoAs, and none of the MoA provisions were implemented.

In the Southwest region, Navajo Nation attempts at implementing a TAP also foundered. Early on, the Navajo Nation passed a resolution authorizing the development of a TAP. Development was attempted without information, support, review, or follow-up by the covered agencies. The attempted TAP development was unaided by important and necessary information that would have resulted from a systems-wide program and facilities review, had it been completed, and without support or covered agency follow-up. The newsletter concept likewise was not helpful due to lack of useful information, and technical assistance for TAP development remained an unfunded mandate. A Tribal Coordinating Committee comprised of tribal and agency

representatives never convened for reasons that cannot be fully identified. In 2004, the Office of Alcohol and Substance Abuse disappeared without explanation. The regional BIA office recently informed the workgroup that it has continued to draft interagency agreements without IHS participation. These drafts are stored in the BIA office.

We agree generally that Interagency coordination has great advantages. This is especially evident in ASA prevention and treatment where information and resource sharing is critical to effectively and efficiently address both public health and public safety needs in Indian Country. There is great need for a “big picture” strategic approach to issues that cannot be captured by stand-alone agency objectives—in sharing facilities, funding, personnel, and knowledge resources; in maximizing cost-effectiveness of service delivery; and in assisting prioritization and policy-making. However, before coordination can effectively happen, there must be a consistent framework.

The workgroup finds:

- (a) IASAPTA failed to provide a consistent framework for joint decision-making, shared responsibility, and assessments.
- (b) The strategic burden was placed at the local level, perhaps due to an assumption that this approach was necessary for tribal and local control,² while information development and sharing was centralized in individuals who lacked practical knowledge of what information was needed and how it would, or could, be used.
- (c) Prior to IASAPTA, ad hoc field coordination efforts between agencies and tribes were tied to grant funding cycles, and when the project cycle ended, established relationships typically also disintegrated. In requiring bi-annual Tribal Action Plans, IASAPTA failed to recognize the importance of grant cycles.
- (d) While the alcohol and substance abuse (ASA) problem was clearly identified, no interagency mission and goals were articulated.
- (e) Other than stating the ASA problem, IASAPTA did not identify outcomes clearly aligned with the purposes of the covered agencies or linked to the agencies’ management and services. Defining shared outcomes is a basic step in pursuing interdepartmental or interagency collaborations. Agencies need to be clear about the outcome—what they are trying to maximize—before deciding what they will do, through interagency arrangements, to achieve the desired outcome. Instead, IASAPTA placed an unreasonable burden on service-unit and area offices to come up with ad hoc outcomes.
- (f) Funding was insufficient, and limited funding that was available was grossly mismanaged by the agencies.³

² in accordance, respectively, with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) and Section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010).

³ BIA and IHS Inspector General Reports on Indian Alcohol and Drug Abuse Programs Hearing Before the Senate Select Committee on Indian Affairs, 102d Cong., 2d Sess. 73 at 13 (July 30, 1992)(statement of

- (g) IASAPTA failed to adequately define the collaborative playing field. It failed to provide guidelines for the sharing of justice and health information, which is a threshold requirement for the development of programs and program review, for developing policies and strategies, and for service design, delivery, evaluation and adjustment. Information sharing invariably requires a deep financial investment as well as the sharing of expertise and information. Legislative provisions necessary for effective interagency collaboration were not established for mutual sharing of information between health and justice departments and tribes.
- (h) IASAPTA failed to provide for joint resources or funding for collaborative personnel, work and facilities. Aside from simply stating that departmental heads would share responsibility for developing and implementing the MoA, there was no provision for shared or joint responsibilities for policy development, strategic planning and program/service design, delivery, evaluation and adjustment. We believe that sharing responsibility involves much more than simply sharing work or outcomes. It also includes the combined sharing of mandated authority, accountability and management.
- (i) The covered agencies were at different readiness levels and neither had the requisite capability to take the lead. Although, ideally the proposed Office of Alcohol and Substance Abuse would ensure that internal BIA programs are coordinated, this first step has not yet been established to support coordination between external programs. Meanwhile, IHS lacks the mission or funding to extend its Resource and Patient Management System (RPMS) information sharing capability to PL93-638 contract tribes that manage their own facilities. Ironically, IHS, readily accessible to tribes, has no incentive to perform or manage beyond current operation levels in its 50 facilities. RPMS is vital in coordinating treatment services, particularly with the promise of telemedicine, and it has been described as indispensable to tribal involvement in ASA management.⁴

Recommendations

1. Develop a consistent framework for IASAPTA interagency coordination.

A framework should:

- describe clearly the outcomes desired under IASAPTA;
- prioritize strategic outcome(s) that are well aligned with the purposes of the covered agencies;

George Grob, Assistant Inspector General for Analysis and Inspections, Department of Health and Human Services) at 12 (Sen. Daschle said that "In this day and age, how any agency can lose \$70 million-plus is beyond me ... to have that money go unaccounted for is just a phenomenal indictment about the way we run the system).

⁴ The primary clinical component of RPMS, Patient Care Component (PCC), was launched in 1984. In the mid-1990s the Mental Health/Social Services (MH/SS) software application was developed. Behavioral Health System (BHS) was released in 2003 and an enhanced graphical user interface version, BH GUI in Patient Chart, was deployed in 2004.

- provide guidelines for resource and information sharing;
- provide technical assistance to the covered agencies to establish effective and permanent interagency coordination;
- identify players who can make critical contributions to the outcome;
- assess what outcomes are best pursued by interagency collaboration;
- determine whether collaboration is feasible, cost-effective, and within agency capability.

Such a framework could be developed by a consultant or by a permanent planning and assessment body. Shared outcomes, information, resources, work, responsibilities should be fully addressed.

2. Establish a planning and assessment body for interagency coordination.

A planning and assessments body is necessary to perform regular and ongoing systemic assessments across multi-levels of departments and programs. The object is to maximize effective collaborations between agencies toward clearly defined shared outcomes.

We recommend that this body be independent of existing departments. In the alternative, limit its function to planning and assessment of interagency coordination of Indian Country justice and addiction programs and locate it within the Indian Health Service, which has addiction treatment knowledge, established management infrastructure, and physical presence in Indian communities.

The body should be mandated to solicit information, comment, input and participation from tribes.

3. Authorize and fund interim local, tribal and service-unit level collaborative efforts.

As a framework is being developed, ad hoc tribal and service-unit level collaborations should be encouraged and funded. Tribal and interagency agreements that may be developed and entered into at the service-unit level should be authorized and supported. Funding to implement programs pursuant to such agreements should be simplified—direct funding or simplified grant processes. Independent funding through the agencies would remove the grant cycle burden from such field collaborations.

The tribal and interagency agreements should be permitted to include community health resources (CHR), alternative juvenile detention initiatives, design of local community college training programs for traditional healing alternatives or alternative certifications; social services; schools; local, tribal and state collaborative partnerships; consolidation of tribal problem solving courts; and, required resources for alternative and rehabilitative sentencing; etc.

4. Simplify and consolidate program grants; authorize post-grant interagency sustainability funding.

The grant application processes are presently highly compartmentalized in terms of available program funding and reporting requirements. Tribal and interagency

collaborations are invariably dependent on grant processes. As presently structured, funding ends with the grant period. Tribes are expected to self-sustain, and agencies lack authorization to make post-grant contributions.

Compartmentalized grants place a great burden on justice and addiction programs. It maintains separation of programs and limits program life. Therefore, program effectiveness is limited while costs and management complexity are high. For example, the Hopi Healing-to-Wellness courts are reaching the end of a grant period and funds are lacking to sustain coordination and counseling personnel. At the same time, the Wellness courts are separate from the mainstream court and also separate from other problem-solving court programs that receive separate, finite grants.

Consolidation of grants should be permitted, the application and reporting processes simplified, grant terms lengthened, and funding for post-grant sustainability provided to sustain the interagency relationship.

5. Fund tribal RPMS information sharing and access.

There is an urgent need for tribes to access the IHS RPMS electronic information system for purposes of telemedicine, behavioral health management, and interagency program planning. Extension of RPMS access to tribes has been stymied due to lack of funding and lack of electronic infrastructure in some tribes. Information sharing is a threshold requirement for coordinated services. Funding should be allocated for this purpose.

6. Allocate at least \$150 million for tribal justice systems and tribal jails facilities.

Discussion Draft Sections 402 and 404 authorize funding at \$50 million and \$35 million respectively for construction and renovation of tribal justice systems facilities and tribal jails. The allocations for tribal court facilities and jails are insufficient as provided for under Sections 402 and 404. There is ample evidence in the Congressional record of the need being multiple times these amounts.

It is a given that the physical infrastructure of courts, detention, and rehabilitation facilities combined must be adequate to support collaborative tribal and agency planning. Tribes such as the Navajo Nation have asked experts to assist in developing Master Plans to address their facilities need by devising cost-saving and efficient multi-purpose justice complexes. Multi-use complexes are established priorities for the Navajo Nation. The consultant's projected cost for a regional 388-bed corrections-rehabilitation center is \$41,544,210. The total Master Plan facilities need of the Navajo Nation alone totals \$372 million.

We strongly recommend that the allocation for tribal justice systems and jail facilities throughout Indian Country be raised to at least \$150 million combined pending publication and Congressional review of the BIA jails report, recently received by the Senate Committee on June 19.

7. Expand definition of "Tribal Justice Official" in the Indian Law Enforcement Reform Act.

In the Discussion Draft amendments to the Indian Law Enforcement Reform Act at Section 3, the Bureau of Indian Affairs Division of Law Enforcement would have additional responsibilities that include the development of methods and expertise to resolve conflicts and solve crimes, reduction of recidivism rates and adverse social effects, development of preventive programs and regulatory policies and other actions that affect public safety and justice in Indian Country. The Division must consult with "tribal justice officials" in performing the above additional functions, and declination reports are also to be submitted to "tribal justice officials."

The Discussion Draft proposes that "Tribal Justice Official" be narrowly defined as tribal law enforcement, investigative, and prosecutorial personnel. This definition excludes judges, probation/parole officers, and corrections officers who oversee the rehabilitative portion of tribal justice from being consulted in policy-making decisions regarding the very programs they oversee.

We strongly recommend that the definition of "tribal justice official" be corrected to include judges, corrections and probation officers. However, it should be clarified that the tribal officials who would receive declination reports are limited to prosecutorial and investigative personnel.

8. Require that federal employees respond to tribal subpoenas.

It is imperative that this legislation include a provision mandating that BIA, IHS, and other federal agency employees timely respond to tribal subpoenas to testify in tribal court. At present, agencies may ignore such subpoenas, citing lack of tribal jurisdiction over federal officials. Otherwise, they may take extensive time in reviewing the subpoena to determine whether or not to permit a federal employee to testify in tribal court. Tribal court judges who attempt to deal with non-appearing federal employees have been threatened by federal field solicitors with arrest by U.S. Marshalls and prosecution by the U.S. Attorney.

This lack of cooperation by federal employees in cases before tribal courts is a great hindrance to successful prosecution. When evidence gathered in an Indian country crime is deemed insufficient for federal felony prosecution or the case is otherwise declined, the case file is rarely made available to the tribal prosecutor within tribal statutes of limitations. Without the testimony or evidence collected by federal agencies, tribal prosecution is hindered. Language is needed that would require federal agents who are indispensable witnesses to appear in tribal court when served a tribal subpoena. Victims and tribal communities have a right to tribal justice, regardless of the fact that the investigation was conducted by federal investigators.

9. Add interagency coordination duties to the Office of Tribal Justice.

The Discussion Draft Section 106(c) places additional duties on the Office of Tribal Justice (DOJ) for inter-program coordination only within BIA to ensure meaningful consultation with tribal leaders. This, again, ignores interagency coordination support needs across all covered agencies under IASAPTA.

It should be a priority to ensure that actual assistance, capacity building and funding are delivered to Indian tribes and communities on combined public safety and addiction issues in an integrated fashion. We further recommend that this Office, serve as an inter-departmental program coordinator on justice and addiction services as contemplated under IASAPTA. It would be a shame of the expansion of the Office of Tribal Justice meant only the expansion of federal bureaucracy.

10. Fund IASAPTA programs.

An obvious reason for IASAPTA's failure was the lack of adequate funding. Congress did not appropriate the full \$130 million that had been authorized to carry out the policy, while \$70 million designated for IASAPTA programs could not be adequately accounted for.⁵ Upon reauthorization, IASAPTA programs, as well as TAP and MoA development, must be fully funded with strict accounting required.

11. Strengthen tribal input and participation.

Tribal input and participation under IASAPTA's interagency provisions should be strengthened. In particular, PL93-638 contract or self-governance tribes who have empowered their tribal governments to better serve tribal and community members would have tremendous input on how interagency coordination would best benefit Indian communities.

Under Discussion Draft Section 305(g)(3), the new Indian Law and Order Commission may solicit information from tribal and state agencies in order to conduct a comprehensive study of the Criminal Justice System Relating to Indian Country.

We recommend that the Commission's solicitation of information from tribal agencies should be clarified to include tribal governments, and that the solicitation be made mandatory when the Commission examines crime, jail systems, reducing crime, and rehabilitation of offenders.

12. Authorize federal parole officers to be physically situated in and share information and services with tribal probation and parole service offices.

Discussion Draft Section 203 requires the appointment of residents of Indian Country as Assistant Parole and Probation Officers.

We recommend that the physical field office of these Officers be permitted to be located in offices of local tribal probation services so that federal parolees, and tribal parolees and

⁵ BIA and IHS Inspector General Reports on Indian Alcohol and Drug Abuse Programs Hearing Before the Senate Select Committee on Indian Affairs, 102d Cong., 2d Sess. 73 at 13 (July 30, 1992)(statement of George Grob, Assistant Inspector General for Analysis and Inspections, Department of Health and Human Services) at 12 (Sen. Daschle said that "In this day and age, how any agency can lose \$70 million-plus is beyond me ... to have that money go unaccounted for is just a phenomenal indictment about the way we run the system).

probationers, are given similar reentry and restoration opportunities. The sharing of information should be mandated. The sharing of services should be permitted.

13. Permit tribes to set local program evaluation standards.

In keeping with the established policy supporting tribal and local control, tribes should be permitted to establish local program evaluation standards to measure program effectiveness and tribal and agency coordination efforts.

14. Expand crime data collection to include health-related statistics.

Discussion Draft Sections 501 and 502 pertaining to tracking crime data and funding crime data collection should be expanded to also require information sharing between health and justice agencies, as alcohol and substance abuse issues generally are the primary focus of rehabilitative sentencing.

15. Term "Tribal Citizen" should not be used.

Use of the term "Tribal Citizen" in the Discussion Draft should be dropped in favor of more traditional terms. Federal statutes and case law use the terms "Indians," "Non-Indians," "nonmembers" and "members" to describe persons who may or may not be subject to tribal jurisdiction. Use of the term "tribal citizen" in a piece of legislation may create unnecessary confusion. One possible interpretation of such language may be that Congress intended to limit jurisdiction to the "citizens" of a particular tribe, and therefore jurisdiction over non-member Indians would again be the subject of debate.

16. "Statutes of limitations" should be clarified as "tribal statutes of limitations."

When the term "statute of limitation" is used throughout the Discussion Draft, e.g. at Section 102(a)(2)(A), it appears that tribal statutes of limitation are intended. The meaning of the term should be made clear. The bill rightly creates a duty on Federal officials to be aware of tribal statutes of limitations. Currently, declinations are often received beyond the tribal statute of limitations, while many tribes have only a one (1) or two (2) year statute of limitations.

17. Establish violations of tribal protection orders involving violence as a federal felony.

Discussion Draft Section 601 states that a provision is under consideration to establish a Federal felony for violation of tribal protection orders.

We strongly support inclusion of such a provision. Chronic domestic violence offenses wreak havoc on the quality of life for families and communities. Obtaining felony convictions for violations of tribal protection orders that involve violence would be recommended.

IASAPTA is an important legislation that recognizes the great need for programs and services in Indian Country. However, it lacks sufficient foundational processes for successful interagency collaboration on a systemic scale.

We hope the recommendations in this memorandum will assist the Senate Committee on Indian Affairs to address and correct IASAPTA's flaws and make interagency coordination with tribes effective and workable.

Thank you for the opportunity to submit this memorandum on IASAPTA's interagency coordination provisions and other provisions in the draft bill related to public safety and public health.

Workgroup Participants

Navajo Nation

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Ben Shelley, Vice President

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Dorma Sahneyah, Chief Prosecutor

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Anita Didrickson, Clinical Psychologist, Hopi Behavioral Health Services

Delfred Leslie, Acting Chief Judge

Emma L. Anderson, Hopi Tribal Council Rep. and Member, Law Enforcement Team

Wilbur Maho, Hopi Judicial Administrator

Bureau of Indian Affairs

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Salt River Pima Maricopa County Indian Community

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Detailed Summary of Interagency Coordination Provisions in IASAPTA
(25 U.S.C. && 2411-2416)

Sec. 2411 Memorandum of Agreement. In IASAPTA, the named agencies are directed to develop and enter into a Memorandum of Agreement:

- (a) within 120 days of enactment; and which shall:
- (b) define and determine the scope of alcohol and substance abuse (ASA) in Indian tribes;
- (c) identify program and other federal, state and local resources and programs;
- (d) develop and establish minimum standards for program responsibilities;
- (e) coordinate ASA programs;
- (f) delineate central, area, agency, and service unit level responsibilities;
- (g) direct full BIA and IHS cooperation with tribal requests in Tribal Action Plans;
- (h) annually review the Memorandum of Agreement;
- (i) require consultation with interested Indian tribes, individuals, organizations, and ASA treatment professionals;
- (j) requires publication of the MoA.

Sec. 2414(a) Review of Programs. In development of the MoA, the following shall be reviewed and considered by (the named departmental heads):

- (a) programs established under federal law providing health services to Indian tribes, including those relating to MH and ASA prevention and treatment;
- (b) tribal, state, local and private health resources and programs;
- (c) where treatment facilities are or should be located;
- (d) effectiveness of such programs in operation on Oct 27, 1986; and
- (e) provide results of the review to Indian tribes as soon as possible for their consideration and use in developing and modifying a Tribal Action Plan.

Sec. 2413(a) Responsibility for Implementation is equally shared between (the named departmental heads).

Sec. 2413(b) Responsibility for Coordination of BIA programs is in the "Office of Alcohol and Substance Abuse" established in the Office of the Assistant Secretary of the Interior for Indian Affairs. The Office also reviews performance and serves as a tribal point of contact. At minimum, staff includes a director and an Indian Youth Programs Officer.

Sec. 2416 Newsletter. The Secretary of Interior shall publish an ASA newsletter to report on Indian ASA projects and programs, as follows:

- (a) published each quarter;
- (b) include reviews of and information on exemplary programs by the Secretary of the Interior;
- (c) be circulated free of charge to schools, tribal offices, BIA offices, IHS offices and programs, and other entities providing ASA services and resources to Indian people;
- (d) \$500,000 is authorized to carry out this section.

Sec. 2415 Provision of facilities. (The named departmental heads) shall make available for community use as permitted by law and as provided in a Tribal Action Plan, local

federal facilities, property and equipment. Costs for use may be borne by (the named departmental heads), tribal, state, local or private funds. (The named departmental heads) are not required to expend additional funds to meet these costs. (The named departmental heads) are authorized to enter into long-term leases if no federal facility is available and cost of construction is in excess of lease.

Sec. 2412 Tribal Action Plan. In IASAPTA Section 2412, Tribal Action Plans ("Plan"):

- (a) are authorized at tribes' discretion by resolution to coordinate available resources and programs, which shall serve as the basis of implementation of IASAPTA and the Memorandum of Agreement in Sec. 2411. if no resolution is adopted within 90 days after publication of the MoA, the named agencies shall enter into an agreement to identify and coordinate the available programs and resources for that tribe, after which the tribe may adopt a resolution;
- (b) are established at the option of tribes to coordinate available resources and programs to combat ASA;
- (c) developed with the assistance of BIA, IHS, BJA and SAMHSA;
- (d) springboard an implementation agreement of the Plan between BIA, IHS, BJA and SAMHSA with the tribe;
- (e) shall provide for a Tribal Coordinating Committee comprising representatives of the tribe, BIA, IHS, BJA and SAMHSA which is responsible for implementation and on-going review of the Plan, for scheduling training in ASA prevention, and incorporating minimum standards for programs and services; and
- (f) may provide for assessment of the scope of the ASA problem; identification and coordination of resources and programs; establishment and prioritization of goals and efforts needed to meet the goals; identification of community and family roles in efforts under the Plan; establishment of procedures to revise and amend the Plan; and evaluation of the Plan; and
- (g) updated every 2 years; and
- (h) Grants are provided as follows:
 - i. \$2,000,000 per year administered by the Secretary of the Interior for technical assistance;
 - ii. \$500,000 per year to develop and implement tribal programs for youth employment, recreation and cultural activities; and community awareness, training and education programs.

JUDICIARY COMMITTEE REPORT

OF THE 21st NAVAJO NATION COUNCIL - Second Year 2008
INTRODUCED BY

Hon. Kee Allen Begay Jr.

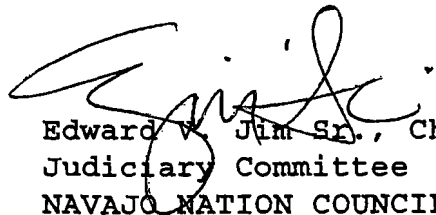
LEGISLATION NO: 0384-08

An Action
Relating to Judiciary, Public Safety and Intergovernmental
Relations; Approving the Inter-Tribal Workgroup Memorandum to
the Senate Committee on Indian Affairs on the Draft Indian Law
and Order Bill

Mr. Speaker;

The Judiciary Committee to whom it has been assigned has had it under consideration and reports the same with the recommendation that it DO PASS, with no amendments.

The LEGISLATION NO. 0384-08 was duly considered by the Judiciary Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 03rd day of July, 2008.



Edward V. Jim Sr., Chairperson
Judiciary Committee
NAVAJO NATION COUNCIL

MOTION: Lena Manheimer
SECOND: Harold Wauneka

PUBLIC SAFETY COMMITTEE REPORT

21ST NAVAJO NATION COUNCIL – Second Year, 2008

Mr. Speaker:

The Public Safety Committee, to whom has been assigned,

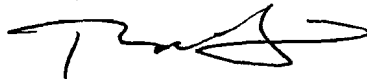
Navajo Legislation No. 0384-08

**RELATING TO JUDIARY, PUBLIC SAFETY AND INTERGOVERNMENTAL
RELATIONS; APPROVING THE INTER-TRIBAL WORKGROUP
MEMORANDUM TO THE SENATE COMMITTEE ON INDIAN AFFAIRS ON
THE DRAFT INDIAN LAW AND ORDER BILL**

Has had it under consideration and reports the same with the recommendation that it **DO
PASS.**

And thence referred to the **INTERGOVERNMENTAL RELATIONS COMMITTEE.**

Respectfully Submitted,



Rex Lee Jim, Chairperson
PUBLIC SAFETY COMMITTEE

PSC SUMMARY:

Date: July 14, 2008

Adopted:



Advisor

Main Motion: Mr. Kee Yazzie Mann Second: Mr. Benjamin Curley Vote: 3-0