



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS FUNDED AND/OR OPERATED DETENTION PROGRAMS




**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

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Memorandum

To: Lawrence Roberts
Acting Assistant Secretary, Indian Affairs

Michael Black
Director, Bureau of Indian Affairs

From: Mary L. Kendall 
Deputy Inspector General

Subject: Final Evaluation Report – Bureau of Indian Affairs Funded and/or Operated
Detention Programs
Report No. 2015-WR-012

This memorandum transmits the results of our evaluation of the current condition of detention programs funded and/or operated by the Bureau of Indian Affairs. Our evaluation was prompted by a request from the House Committee on Appropriations to update our 2004 evaluation “Neither Safe Nor Secure: An Assessment of Indian Detention Facilities.”

Indian Affairs concurred with all nine recommendations and provided technical comments that we have included in the final report where we deemed appropriate. Based on the information Indian Affairs provided, we consider two of the recommendations resolved and implemented and the other seven resolved and unimplemented. We are referring the recommendations to the Assistant Secretary for Policy, Management and Budget to track implementation.

The legislation creating the Office of Inspector General requires that we report to Congress semiannually on all audit, inspection, and evaluation reports issued; actions taken to implement our recommendations; and recommendations that have not been implemented.

If you have any questions regarding this report, please contact me at 202-208-5745.

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Results in Brief

For many years, detention facilities in Indian Country have been drastically understaffed, underfunded, and poorly managed. In 2004, the U.S. Department of the Interior's (DOI) Office of Inspector General (OIG) evaluated Indian detention facilities and found that the Bureau of Indian Affairs (BIA) was not providing safe and secure facilities throughout Indian Country. OIG published these findings in its report titled "Neither Safe Nor Secure: An Assessment of Indian Detention Facilities." In 2015, the House Committee on Appropriations requested that OIG update its 2004 report.

In the 11 years that have passed since the issuance of that report, the operation and condition of detention facilities in Indian Country have improved. BIA has improved its management of Indian detention programs since 2004 with implementation of a corrections handbook and a detention program inspection process. In addition, the overall condition of detention facilities has improved through replacing 24 facilities with newly constructed facilities, closing 6 older facilities, and adding 16 new juvenile detention facilities. Finally, staffing levels have grown since 2004, and the percentage of certified correctional officers has increased.

Even with the improvements made thus far, opportunities exist to further improve detention programs and facilities in Indian Country. For example, serious incidents at the detention facilities—which include attempted suicide, escapes, and in-custody deaths—are not always reported in DOI's centralized system, and the incident data that do exist are unreliable. In addition, BIA has not completed required annual health and safety inspections in the past 3 years at 17 of the 26 facilities we visited. Further, facility maintenance needs are at risk of going unaddressed because maintenance work orders are not consistently recorded in an electronic system. Lastly, we noted that while overcrowding issues have improved in general, overcrowding and staffing continue to be problems at some facilities. These issues continue to have a negative impact on the condition of detention facilities and the health and safety of inmates and correctional staff. We offer nine recommendations in this report intended to help BIA further improve detention programs in Indian Country.

Introduction

Objective

Our objective was to evaluate the current conditions of detention programs funded and/or operated by the Bureau of Indian Affairs (BIA). See Appendix 1 for the scope and methodology of this report.

Background

In 2004, the U.S. Department of the Interior's (DOI) Office of Inspector General (OIG) assessed Indian detention facilities and found that BIA failed to provide safe and secure detention facilities throughout Indian Country.¹ In addition, the 2004 assessment revealed a long history of neglect and apathy on the part of BIA officials, which resulted in serious safety, security, and maintenance deficiencies at the majority of facilities visited. Since 2004, OIG issued three additional reports on Indian detention facilities (see Appendix 2 for more information on the reports and Appendix 3 for the status of the 2004 recommendations as reported to us by DOI and BIA). In the fiscal year 2015 appropriation for OIG, the House Committee on Appropriations requested that OIG update its 2004 report.²

DOI's Indian Affairs provides services directly and through contracts, grants, or compacts to the 1.9 million American Indians and Alaska Natives who are members of 566 federally recognized Indian tribes.³ BIA, which falls under Indian Affairs, focuses on fulfilling trust responsibilities and promote self-determination on behalf of tribal governments, American Indians, and Alaska Natives. BIA-funded programs cover the full range of services typically provided by Federal, State, and local government, including law enforcement and detention services.

Within Indian Affairs, responsibilities for detention programs and facilities are shared among several offices that operate independent of each other (see Figure 1). BIA's Office of Justice Services (OJS), under the Deputy Bureau Director – Justice Services, is responsible for the overall management of BIA's law enforcement program. The Division of Facilities Management and Construction (DFMC) is responsible for developing and implementing procedures, processes, and systems to execute and monitor the facilities program. Facilities personnel in BIA's regional and agency offices implement the facilities program at the field level.

¹ "Neither Safe Nor Secure: An Assessment of Indian Detention Facilities, Report No. 2004-I-0056."

² House Report 113-551, Committee on Appropriations report to accompany H.R. 5171.

³ The 1975 Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638, gave Indian tribes the authority to contract with the Federal Government to operate programs serving their tribal members and other eligible persons.

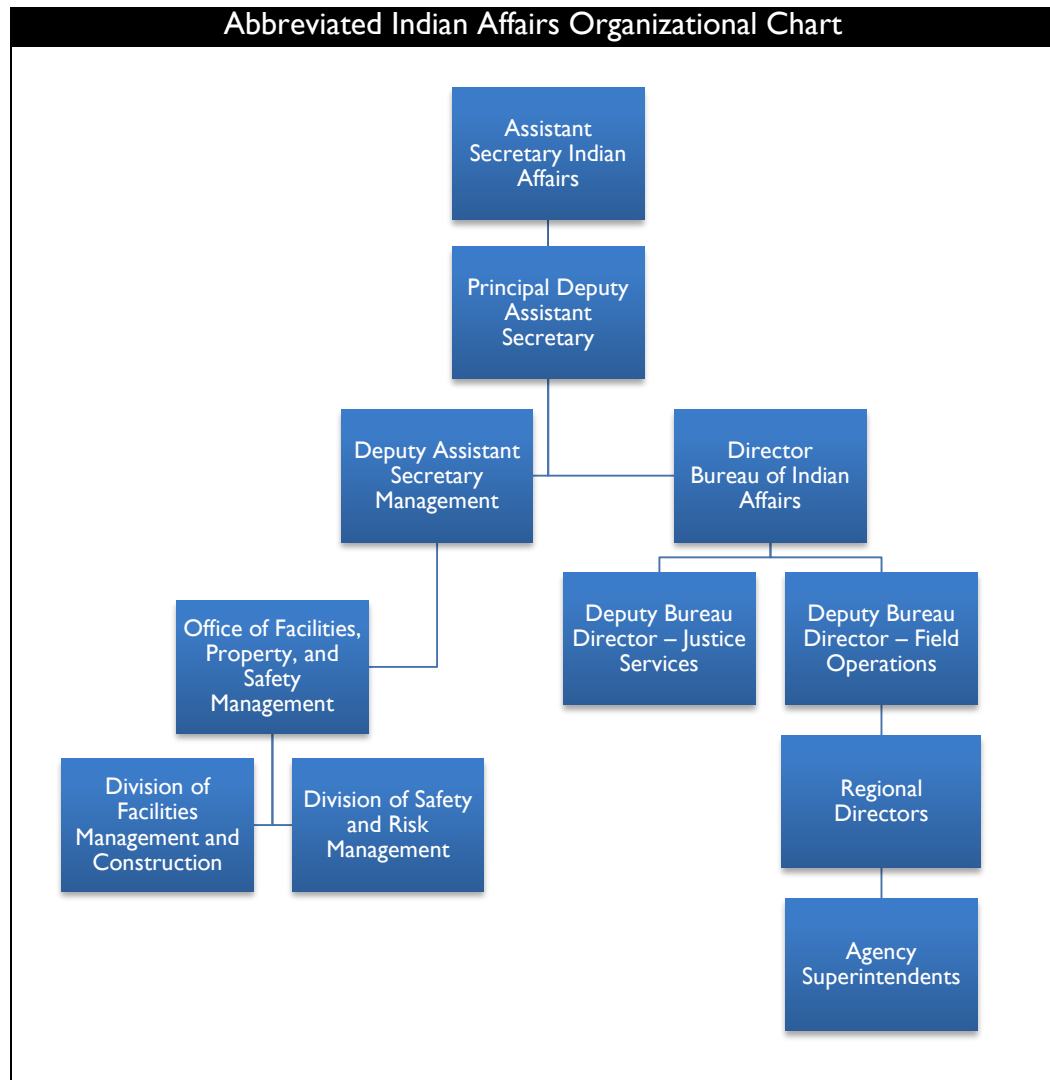


Figure 1. Indian Affairs. This organizational chart shows only the offices relevant to this report. DFMC and BIA's OJS both fall under Indian Affairs, but operate independently and report to different authorities, who ultimately report to the Principal Deputy Assistant Secretary.

Detention facilities in Indian Country fall into three categories: those fully funded and operated by BIA, those operated by tribal governments with BIA funding provided under Pub. L. No. 93–638 contracts or self-governance compacts, and those that are fully funded and operated by tribal governments. Our evaluation did not include a review of the seven tribally operated facilities that do not receive Federal funds. As of April 2015, the detention program consisted of 88 detention facilities in Indian Country that BIA funded or operated. BIA operates 24 of these facilities, tribes operate 48 facilities under Pub. L. No. 93–638 contracts, and 16 facilities operate under self-governance compact agreements. Six of the BIA-operated facilities are transport operations and do not house inmates.

Since the issuance of our 2004 report, 16 new juvenile detention facilities have been added and 24 older facilities were replaced with new construction. The new facilities were typically funded by the U.S. Department of Justice's (DOJ) Bureau of Justice Assistance grant program, for which \$225 million was designated in the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5). Other facility construction was funded by BIA, tribes, and the U.S. Department of Housing and Urban Development.

Findings

We found that the overall management of detention programs and condition of detention facilities have improved since 2004 through enhanced oversight, new construction, and staff training. While we identified substantive improvements, we also found areas in need of continued attention and further improvement. For example, we found deficiencies in OJS' tracking of serious incident reports. We also found that BIA did not conduct health and safety inspections at many of the detention facilities we visited and that facility maintenance work orders were not consistently recorded in an electronic system. Further, overcrowding and staffing issues persist at some facilities.

Oversight

In 1996, BIA published a detention facility handbook based on American Correctional Association (ACA) standards. In 2004, we reported that detention facilities were not complying with the handbook and that BIA officials made little effort to ensure detention programs worked toward compliance.

In 2012, OJS implemented a new BIA corrections handbook that it developed using ACA standards and input from tribal detention personnel. The handbook includes 43 mandatory and 93 nonmandatory BIA detention standards that are based on the ACA core jail standards and modified to reflect characteristics of Indian Country detention.

Further, in 2014, OJS began conducting peer review inspections of detention programs called Corrective Action Support Team (CAST) reviews. CAST members identify areas of strengths and weaknesses in BIA corrections programs and provide support through a corrective action process. The teams are made up of corrections personnel from across BIA, and their goal is to teach, model, and empower BIA corrections programs with the tools to develop or enhance professionalism at their facilities.

A CAST will review a program's compliance with the 43 mandatory and 93 nonmandatory standards included in BIA's corrections handbook and report what they found. CAST members can then return to their respective facilities and begin making changes based on what they learned from reviewing another program before their own program is up for review.

OJS has so far conducted CAST reviews for 10 of the 24 BIA-operated detention facilities. Once all of the BIA-operated programs have been reviewed, OJS plans to start conducting follow-up inspections 200 days after each CAST review; OJS expects to start this process in 2016. Although OJS has discussed expanding the CAST review process to tribally operated corrections programs, CAST reviews

are currently only being conducted for BIA-operated detention facilities.⁴ We believe OJS' CAST reviews offer substantial benefits for ensuring that facilities are operating in compliance with BIA standards and for empowering CAST members to make proactive changes at their own facilities.

Recommendation

We recommend that the Bureau of Indian Affairs:

- I. Expand the CAST review process to the tribally operated programs that are subject to BIA oversight.

Serious Incidents

Serious incidents, such as attempted suicides, escapes, and in-custody deaths, are documented in serious incident reports (SIRs) but not recorded in DOI's Incident Management, Analysis, and Reporting System (IMARS). In addition, the existing serious incidents data are unreliable; the inconsistencies we observed between the numbers and types of serious incidents contained in the detention facilities' records and OJS' records suggest that OJS management is not fully aware of all serious incidents occurring in these detention facilities.

DOI's policy is to record serious incidents in IMARS, which is DOI's system of record for collecting law enforcement incident information and source for reporting that information.⁵ In addition to DOI's policy, BIA's corrections handbook requires SIRs for all serious incidents that occur within detention facilities funded and/or operated by BIA.⁶

When serious incidents occur, detention officials generate SIRs and forward them to the OJS office, typically via email. Once OJS personnel receive the SIRs, they record them in a log and forward them to the appropriate OJS officials. OJS personnel maintain the log at the district office rather than entering the incidents in IMARS. We compared the 2012–2014 SIR logs OJS provided and the SIR logs each detention facility provided, focusing on SIRs related to deaths, attempted suicides, and escapes. We found that the OJS district logs did not capture 64 percent of the serious incidents listed on the facility SIR logs (see Figure 2).⁷

⁴ OJS officials stated that they would need to consult with tribes and include CAST review requirements in Pub. L. No. 93–638 contracts to conduct CAST reviews of tribally operated detention programs.

⁵ Departmental Manual, § 446, Chapter 13.

⁶ OJS Corrections Handbook, C1-55, "Incident and Serious Incident Reporting."

⁷ We did not determine if the SIRs missing from OJS district logs had been reported by the facilities, as doing so would have required an extensive review of OJS emails.

Serious Incident Reports for 2012–2014: Death, Attempted Suicide, and Escape Reports

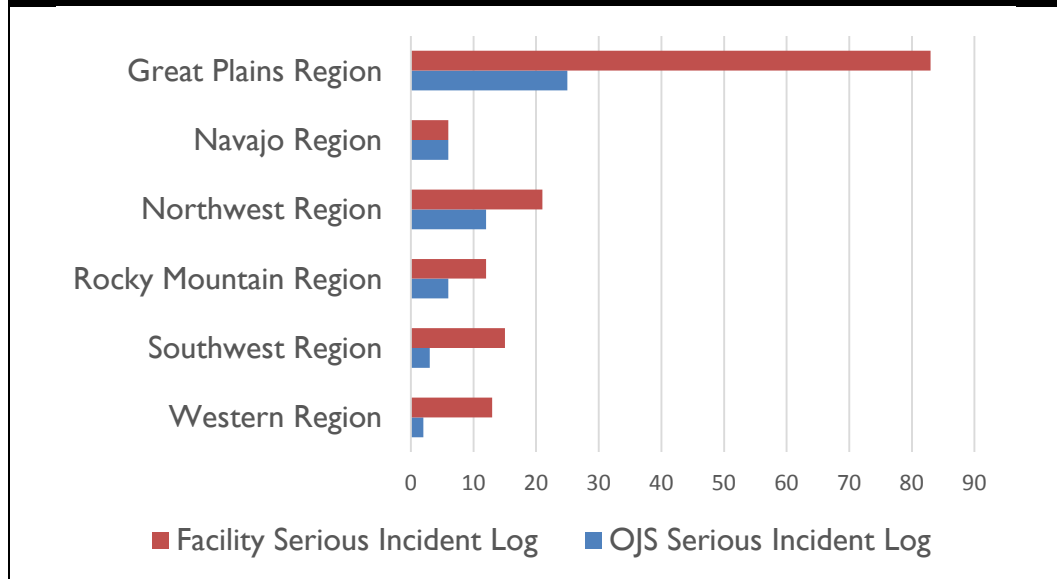


Figure 2. Comparison of detention facility SIR logs to OJS SIR logs showing the discrepancies between the two.

The following are examples of the discrepancies we found:

- The KiYuksa O'Tipi juvenile detention facility in South Dakota recorded a total of 23 serious incidents in its 2014 log, while the OJS district log for the same period contained only 7 of these serious incidents plus 2 additional serious incidents not listed in the facility log. The 16 SIRs that were not identified in the OJS district log included 8 suicide attempts, 5 use of force incidents, 2 medical emergencies, and 1 inmate on staff assault.
- The Medicine Root adult detention facility in South Dakota recorded a total of four serious incidents in its 2013 log, consisting of two suicide attempts and two use of force incidents. The OJS district log contained zero serious incidents for the same period.
- The Warm Springs adult detention facility in Oregon recorded a total of 19 serious incidents in its 2014 log. The OJS district log contained only 10 serious incidents. The nine SIRs that were not identified in the OJS district log included five medical emergencies, one use of force incident, and one attempted suicide.

We recognize that serious incident reporting has improved since the issuance of our 2004 report, which states that BIA was unaware of 98 percent of incidents that were reported to OIG. In addition, OJS recently issued informal guidance that

SIRs be recorded in IMARS. For the collected data to be useful, however, OJS must ensure the information is complete and accurate.

Recommendations

We recommend that the Bureau of Indian Affairs:

2. Establish and implement a formal written policy that requires SIRs be recorded in IMARS; and
3. Develop a quality assurance process to reconcile IMARS serious incident information to the facility SIR logs, on a periodic basis, to ensure that the information in IMARS is accurate and complete and that OJS management is fully aware of all serious incidents.

Facility Safety and Maintenance

Proper maintenance of detention facilities is critical to ensure the safety and well-being of inmates, correctional staff, and visitors. We found that BIA does not have complete and accurate information regarding the condition of detention facilities. This is due in part to its failure to conduct required safety inspections and report facility maintenance needs in an electronic system. Inaccurate and incomplete data hinder DFMC's ability to effectively manage facility maintenance and ensure safe conditions. Without complete data, DFMC also cannot accurately calculate the facilities condition index (FCI), which is used to assess the overall condition of its facilities.

Facility maintenance and safety issues at detention facilities are identified in a number of ways, including via the annual health and safety inspections that BIA is required to perform and maintenance work orders that correctional or facility maintenance staff submit. When a maintenance issue is identified, it should be entered in an electronic maintenance system to request resources for repair. BIA uses two electronic systems to track detention facility maintenance needs. If the cost of the repair is under \$2,500, a work order should be recorded in the Indian Affairs Facilities Management System (IA-FMS), which includes the Maximo asset management software. If the cost of repair is over \$2,500, the cost is high enough that it cannot be funded immediately, and it should be recorded in the maintenance backlog in the Facility Management Information System (FMIS).

DFMC assigns every detention facility a numerical and categorical (good, fair, or poor) ranking to provide a snapshot of a facility's physical condition, which is called the FCI. The FCI is used to provide a quick determination of the detention facility's repair needs in relation to the total replacement cost of the buildings. The FCI scoring is based on the detention facility maintenance backlog.

Health and Safety Inspections

BIA did not conduct 73 percent of the required annual health and safety inspections at the facilities we visited (see Figure 3). BIA's Safety and Health Handbook states that "the Division of Safety and Risk Management (DSRM) or its authorized representative will inspect all Bureau and contracted installations upon completion of new work or at least annually." Of the 26 adult and juvenile detention facilities we visited, only 6 received annual health and safety inspections in each of the last 3 years. Three were inspected once during the 3-year period, and the remaining 17 facilities (65 percent) were not inspected at all in the past 3 years.

Completed Safety Inspections				
Facility	Region	2012	2013	2014
KiYuksa O'Tipi Juvenile	Great Plains	X	X	X
Medicine Root Adult	Great Plains	X	X	X
Oglala Sioux Adult	Great Plains	X	X	X
Rosebud Adult	Great Plains	X	X	X
Rosebud Juvenile	Great Plains	X	X	X
Crownpoint Adult	Navajo			X
Crownpoint Juvenile	Navajo			X
Shiprock Adult	Navajo			
Tuba City Adult	Navajo			
Tuba City Juvenile	Navajo	X	X	X
Colville Adult	Northwest			
Warm Springs Adult	Northwest			
Yakama Adult	Northwest			
Crow Adult	Rocky Mountain			
Northern Cheyenne Adult	Rocky Mountain			
Northern Cheyenne Juvenile	Rocky Mountain			
Ute Mountain Ute Adult and Juvenile	Southwest			
Zuni Adult and Juvenile	Southwest			
Gila River Adult	Western			
Gila River Juvenile	Western			
Hualapai Adult	Western			
Hualapai Juvenile	Western			
Salt River Pima-Maricopa Adult and Juvenile	Western			
San Carlos Apache Adult and Juvenile	Western			X
Tohono O'odham Adult	Western			
White Mountain Apache Adult	Western			

Figure 3. Of the 26 facilities we visited, only 6 had been inspected each year for the last 3 years.

In addition, BIA regional safety manager positions are not fully staffed. BIA safety managers are the officials qualified to perform health and safety inspections. At the time of our evaluation, the Southwest, Midwest, and Rocky Mountain regions had vacant safety manager positions. In addition, the Northwest and Western regions had only recently hired safety managers to fill positions that had been vacant for 3 and 8 years, respectively.

The absence of a safety manager creates a challenge to ensuring that facilities receive regular inspections. If a region does not have a qualified safety manager, it does not have a designated individual to perform the required annual health and safety inspections. These regions often go without inspections while the position is vacant, although in some cases, safety inspections are contracted to an outside organization.

While safety manager positions are critical for ensuring inspections occur, we found that a filled position does not always guarantee regular inspections. In the Navajo Region, for example, three of the five safety officer positions are filled but only one of the five Navajo detention facilities we visited was inspected in each of the past 3 years.⁸ Of the six BIA regions we visited, the Great Plains region is the only region that met the requirement for annual health and safety inspections of its detention facilities for the past 3 years.

With 65 percent of the detention facilities we visited not receiving annual health and safety inspections, it is doubtful that all significant safety deficiencies have been identified. It also makes it unlikely that the maintenance backlog accurately reflects facility maintenance needs and the reported FCI accurately reflects facility conditions.

Facility Maintenance

We found that BIA does not have complete and accurate information regarding the condition of detention facilities due to its inconsistent use of the IA-FMS maintenance system and ineffective communication and coordination.

Indian Affairs Facilities Management System Use

In 2011, DOI mandated that bureaus transition from individual facilities management systems to its standard platform, Maximo. DFMC officials told us that they have implemented Maximo via IA-FMS for maintenance work orders, but BIA facility personnel will continue to input other functions such as the maintenance backlog into FMIS until the system is decommissioned. This occurred in July 2015 at which time all users were required to enter maintenance backlogs and work orders into IA-FMS.

While IA-FMS has been implemented for maintenance work orders, we found that BIA facility maintenance personnel at several regional and agency offices

⁸ BIA regions typically have one safety manager. Navajo Region has five safety positions and refers to them as “safety officers.”

were not recording work orders in IA-FMS. According to IA-FMS user data, only about 30 individuals accessed the system between August 2014 and March 2015.⁹ These users included National Park Service contractors helping DFMC implement IA-FMS and other individuals who are not responsible for entering work orders.

IA-FMS is not being used for a variety of reasons. The following examples are just a few of the reasons we found on our site visits:

- One regional facility manager told us that IA-FMS was “dead” and that it was not used within the region.
- An agency facility manager told us that they received IA-FMS training and a user account a couple of years ago, but have not been using the system and forgot the training.
- Another agency facility manager acknowledged that personnel should use IA-FMS but do not have time to use it.

Facility Management Communication and Coordination

BIA agency and regional facility managers, and DFMC all play key roles in tracking and communicating facility maintenance needs, and it is necessary that they work as a team to successfully address them. We found, however, that this was not always the case and noted a lack of communication and coordination among facility management personnel at the various organizational levels within BIA and Indian Affairs.

Agency facility managers are responsible for the day-to-day maintenance of the detention facilities for which BIA provides facility maintenance. They are supposed to send funding requests to the regional facility managers when they do not have sufficient funds for emergency repairs. The regional facility managers coordinate with DFMC to prioritize funding requests and identify available funding. We were told, however, that agency facility managers do not effectively communicate with regional facility managers and instead send requests directly to DFMC. DFMC officials told us that there is still confusion in the regions regarding roles and responsibilities of facilities personnel and that more discussions are needed to get on the same page. An agency facility manager told us that they do not get updates on funding requests sent to the regional facility manager, and there is a lack of communication between all levels of facility management.

We found a maintenance issue during our visit to the Northern Cheyenne adult detention facility that illustrates the importance of effective communication of maintenance needs. In April 2014, a CAST review found that the facility’s emergency backup generator, which is required by the BIA Detention Facilities Design Handbook, was not operational. This issue had not been identified by a health and safety inspection, as the facility had not had one in recent years. The CAST reported the issue to facility maintenance personnel at the BIA agency.

⁹ This includes users from BIA and OJS. We excluded users from the Bureau of Indian Education.

During our site visit in November, however, we found that the generator had still not been repaired. Agency facility personnel were aware of the issue with the backup generator but did not initially document it in FMIS or IA-FMS, leaving the regional facility manager unaware of the issue.

A temporary replacement was rented in March 2015 and used for nearly 2 months. The existing backup generator was repaired in April 2015. For about a year, however, the facility was without a working emergency backup generator. Without a backup generator, a power outage or other emergency could put inmates and staff at risk. In other cases, it has been reported that power outages led to fighting, riots, property damage, and assaults on detention officers.

Recommendations

We recommend that the Bureau of Indian Affairs:

4. Develop an action plan and a timeframe for implementing the plan to ensure that health and safety inspections are completed annually as required by BIA policy; and
5. Exercise greater management control to ensure that applicable staff record work orders in IA-FMS and DFMC has the information needed to effectively manage the facility operation and maintenance program.

We recommend that Indian Affairs:

6. Develop a communication plan for IA-FMS implementation that includes roles and responsibilities to ensure that applicable staff are aware of management's expectations; and
7. Provide IA-FMS training to DFMC, BIA, and tribal maintenance personnel as needed to ensure successful implementation of IA-FMS.

Overcrowding

Overall, we found that overcrowding has improved at BIA-operated and some tribally operated detention facilities visited. Other tribal detention programs, however, continue to struggle with severe overcrowding. Overcrowding, especially when coupled with low staffing levels, can result in less supervision, restrictions on inmate privileges such as time outside, and less access to rehabilitation services. In addition, the reduced personal space increases tension among inmates and can lead to aggression and violence.

We found that OJS has addressed overcrowding for BIA-operated facilities through the use of 58 agreements with local counties, tribes, and private organizations for contracted bed space. This includes contracts with private

regional facilities in Hardin, MT, and San Luis, AZ. OJS used these two facilities for inmates serving longer sentences who can take advantage of treatment programs offered at both of these locations. In addition, some tribes have agreements with local counties or other tribes to house inmates in cases of overcrowding.

DOJ's Bureau of Justice Statistics conducts an annual survey of Indian Country detention centers. Its 2014 report includes a list of detention programs that were operating above 150 percent of their capacity on their peak day in June 2013. Six of the 26 detention centers we visited (Crow, Tohono O'odham, White Mountain Apache, Zuni, Medicine Root, and Northern Cheyenne) appear on DOJ's list.

We found that some of the facilities we visited continue to struggle with overcrowding. Tohono O'odham, for example, has a 107-bed facility but housed 145 inmates on the day of our visit. In April 2014, 17 inmates rioted, damaging lights, toilets, the telephone, and the shower in a 22-bed pod. A negotiator was brought in to defuse the situation, followed by a riot control team that was needed to suppress the rioting inmates. The pod where the riot occurred was still closed for repairs during our visit in January 2015, further contributing to overcrowding at Tohono O'odham. Overcrowding at this location is not a new problem. DOJ's Bureau of Justice Statistics reported: "Tohono O'odham operated at 213 percent or 121 inmates over capacity on its peak day in June 2013, which is similar to 2012." The overcrowded conditions are complicated by the length of inmate sentences. While on average sentences range from a few months to a year, we learned that one inmate served a sentence totaling 9 years.

White Mountain Apache, another example of facility overcrowding, has a 75-bed facility, but corrections staff told us that they regularly house 100 inmates, and the population sometimes reaches 140. To address overcrowding, the tribe hired a contractor to install 20 additional beds with a 2009 DOJ American Recovery and Reinvestment Act grant totaling \$947,000. The additional bed space is unfinished, however, and corrections staff told us that they were unsure when the project would be completed.

Zuni Pueblo has successfully addressed overcrowding through coordination with law enforcement and tribal courts. Their detention facility, which is designed to house 28 adult and 12 juvenile inmates, held about 80 adult inmates in January 2015. Due to the extreme overcrowding, the juvenile wing was used for female adult inmates. Many of the inmates were repeat public intoxication offenders serving 90- or 180-day sentences. The detention program worked with law enforcement and the court to implement a protective custody order whereby public intoxication offenders are held until sober and released, rather than given lengthy sentences.

Recommendation

We recommend that the Bureau of Indian Affairs:

8. Continue to explore methods to reduce overcrowding at these facilities.

Staffing and Training

While staffing levels have improved since 2004, it is difficult to determine the impact of the staffing increase because the number of detention facilities has also increased since 2004 (see Figure 4).¹⁰ Many of the facilities we visited reported that they are understaffed, with some explaining that their vacancies are difficult to fill. A number of factors result in understaffing, including lack of available housing, low pay, lack of qualified candidates, and insufficient funding.

OJS officials reported that they recently started direct hire recruitment for correctional officers, focusing on individuals currently living on the reservations rather than hiring individuals from off the reservation. Although this helps streamline the process and alleviate the housing issue, candidates still need to meet the qualifications and pass a background check.

Correctional officer salaries have been raised in an effort to recruit candidates. In 2010, OJS increased all correctional officer positions from GS-3, 4, or 5 (\$22,000 – \$27,000) to GS-5, 6, or 7 (\$27,000 – \$34,000). A tribal corrections administrator told us that the wage paid to certified correctional officers when he took over the program in 2006 was \$7.90 per hour, and some of the correctional officers were applying for food stamps. BIA advocated for funding and salary increases, however, and the detention program's budget has doubled since 2006. Another corrections administrator told us that correctional officers made \$9,600 per year as recently as 2009 and now make nearly \$30,000 per year.

¹⁰ Subsequent to our 2004 assessment report, the Bureau of Prisons reviewed Indian Country detention programs and determined that there were a total of 768 full-time equivalent (FTE) positions, with an unmet need of 336 FTEs. As of fiscal year 2014, there were a total of 1,237 FTEs.

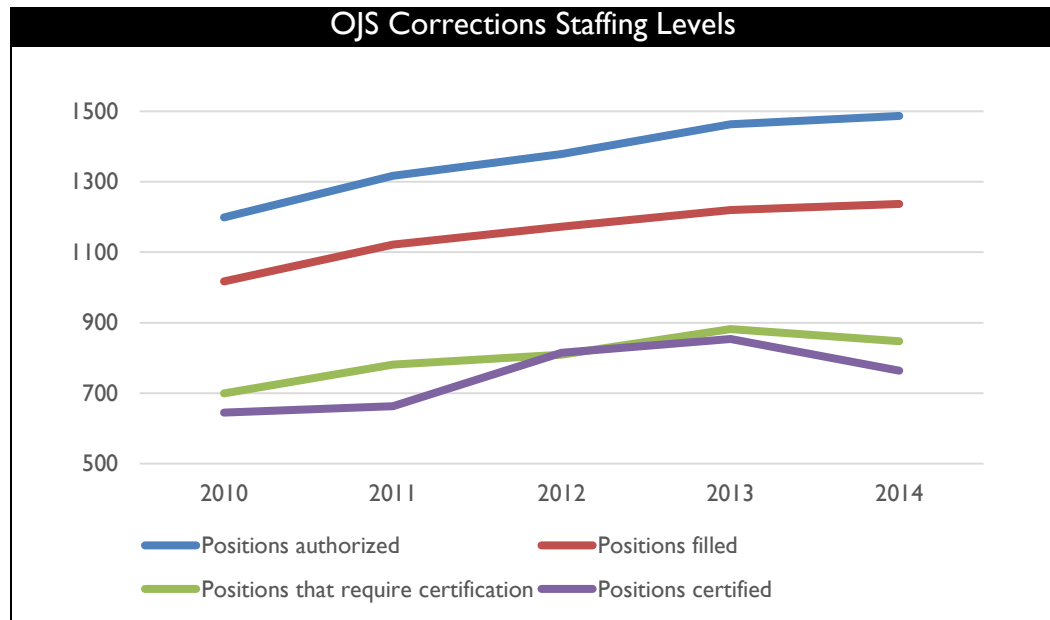


Figure 4. Corrections staffing levels from 2010 to 2014. While the level of staffing has increased, so has the number of authorized positions due to the increased number of detention facilities.

The Zuni Pueblo’s corrections program alleviated its staffing challenges through a partnership with a tribal career development center to hire support staff and control room operators. The career development center hired the employees and paid their salaries for the first 6 months. One of the control room operators accepted a full-time control room operator position after finishing a college degree. Others have been hired as correctional officers.

Despite the efforts made to address understaffing, some programs do not have sufficient staff to operate at full capacity. Some of the newer detention facilities are larger than the facilities they replaced, and OJS is not always able to provide enough funding to fully staff the new facilities. As a result, some of these programs operate only a portion of their facilities. For example, the Navajo Nation’s Tuba City adult detention facility, which opened in 2013, has 132 beds but only uses the booking area and a single pod that can house 12 inmates because it does not have the staff to manage the entire facility.

The Navajo Nation’s detention program is under a consent decree that requires it to request annual funding for at least three on-duty correctional officers for each shift at its detention facilities. We found, however, that Navajo Nation’s Shiprock facility sometimes has only one or two officers on duty for graveyard or weekend shifts.

We found that correctional officer training has substantially improved. The 2004 OIG report stated that 48 percent of correctional officers at the visited sites had completed certified correctional officer training. Whereas in 2014 and 2015, we found that about 70 percent of the correctional officers at the sites we visited were

certified. Correctional officials told us that many of the uncertified correctional officers have applied to attend the Indian Police Academy, which provides the basic correctional officer training course.

Recommendation

We recommend that the Bureau of Indian Affairs:

9. Continue to explore alternate methods for recruitment and retention of qualified correctional officers.

Conclusion and Recommendations

Conclusion

In the 11 years since the issuance of “Neither Safe Nor Secure: An Assessment of Indian Detention Facilities,” many substantive improvements have taken place within Indian detention programs and facilities, including improved oversight and facilities conditions. While it is encouraging to see these improvements, we noted that significant challenges still exist. These challenges include improving serious incident reporting, performing required health and safety inspections, ensuring accurate and complete facility maintenance data, improving communication, reducing overcrowding, and recruiting qualified corrections staff.

In April 2015, we issued three Notices of Potential Findings and Recommendations to BIA, detailing our concerns. We received a response to only one of the three notices, stating that BIA concurred with our potential recommendations.

These problems are decades old and may take considerable time, effort, and funding to resolve. The unique, high-risk, and heavy-use environment of Indian detention facilities makes facility management an issue critical to address for the safety of the inmates, staff, and visitors. It is imperative that Indian Affairs and tribes continue to strengthen communication and work together with a common goal to provide safe and secure detention programs and facilities.

Recommendations and Summary of Indian Affairs’ Response to Our Draft Report

We recommend that:

1. BIA expand the CAST review process to the tribally operated programs that are subject to BIA oversight;
2. BIA establish and implement a formal written policy that requires SIRs be recorded in IMARS;
3. BIA develop a quality assurance process to reconcile IMARS serious incident information to the facility SIR logs, on a periodic basis, to ensure that the information in IMARS is accurate and complete and that OJS management is fully aware of all serious incidents;
4. BIA develop an action plan and a timeframe for implementing the plan to ensure that health and safety inspections are completed annually as required by BIA policy;

5. BIA exercise greater management control to ensure that applicable staff record work orders in IA-FMS and DFMC has the information needed to effectively manage the facility operation and maintenance program;
6. Indian Affairs develop a communication plan for IA-FMS implementation that includes roles and responsibilities to ensure that applicable staff are aware of management's expectations;
7. Indian Affairs provide IA-FMS training to DFMC, BIA and tribal maintenance personnel as needed to ensure successful implementation of IA-FMS;
8. BIA continue to explore methods to reduce overcrowding at these facilities; and
9. BIA continue to explore alternate methods for recruitment and retention of qualified correctional officers.

Indian Affairs responded to our draft report on January 8, 2016, concurring with all nine recommendations and providing the actions it plans to take (or has taken) to resolve them, as well as the target dates and officials responsible for implementation (see Appendix 4). We consider Recommendations 2 and 3 to be resolved and implemented, and Recommendations 1 and 4 – 9 to be resolved and unimplemented. We will refer the recommendations to the Assistant Secretary for Policy, Management and Budget for implementation tracking. See Appendix 5 for the current status of each recommendation.

Appendix I: Scope and Methodology

Scope

Our scope covered fiscal year 2004 through the present and included facilities funded and operated by the U.S. Department of the Interior's (DOI) Bureau of Indian Affairs (BIA) as well as tribally operated facilities that are funded by BIA through Pub. L. No. 93–638 contracts and self-governance compacts.

We conducted our evaluation in accordance with the Quality Standards for Inspection and Evaluation as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusion and recommendations.

Methodology

To accomplish our objective, we—

- reviewed prior evaluations of detention programs in Indian Country, including DOI Office of Inspector General's 2004 report "Neither Safe Nor Secure: An Assessment of Indian Detention Facilities";
- reviewed applicable laws, regulations, and bureau policies and procedures related to detention;
- reviewed nationally recognized jail standards issued by the American Correctional Association;
- interviewed officials at DOI's Office of Law Enforcement and Security;
- interviewed officials at Indian Affairs' Division of Facilities Management and Construction, and Division of Safety and Risk Management;
- interviewed officials at BIA's Office of Justice Services;
- interviewed tribal officials;
- visited 26 detention facilities based on the following criteria:
 - were visited for the 2004 report;
 - have at least 25 beds; and
 - are located near other facilities;
- reviewed and analyzed serious incident logs for detention facilities visited, with the exception of Salt River Pima-Maricopa and White Mountain Apache which did not provide serious incident logs;
- reviewed and analyzed Office of Justice Services serious incident logs for 3 calendar years;
- reviewed and analyzed staffing and training data for detention facilities visited; and
- reviewed and analyzed health and safety inspection data for detention facilities visited.

Detention Facilities Visited

Great Plains Region
KiYuksa O'Tipi Juvenile Detention, Kyle, SD
Medicine Root Adult Detention, Kyle, SD
Oglala Sioux Adult Detention, Pine Ridge, SD
Rosebud Adult Detention, Rosebud, SD
Rosebud Juvenile Detention, Rosebud, SD
Navajo Region
Crownpoint Adult Detention, Crownpoint, NM
Crownpoint Juvenile Detention, Crownpoint, NM
Shiprock Adult Detention, Shiprock, NM
Tuba City Adult Detention, Tuba City, NM
Tuba City Juvenile Detention, Tuba City, NM
Northwest Region
Colville Adult Detention, Nespelem, WA
Warm Springs Adult Detention, Warm Springs, OR
Yakama Adult Detention, Toppenish, WA
Rocky Mountain Region
Crow Adult Detention, Crow Agency, MT
Northern Cheyenne Adult Detention, Lame Deer, MT
Northern Cheyenne Juvenile Detention, Busby, MT
Southwest Region
Ute Mountain Ute Adult and Juvenile Detention, Towaoc, CO
Zuni Department of Corrections – Adult and Juvenile, Zuni, NM
Western Region
Gila River Adult Detention, Sacaton, AZ
Gila River Juvenile Detention, Sacaton, AZ
Hualapai Adult Detention, Peach Springs, AZ
Hualapai Juvenile Detention, Peach Springs, AZ
Salt River Pima-Maricopa Adult and Juvenile Detention, Scottsdale, AZ
San Carlos Apache Adult and Juvenile Detention, San Carlos, AZ
Tohono O'odham Adult Detention, Sells, AZ
White Mountain Apache Adult Detention, Whiteriver, AZ

Other Offices Visited

BIA Office of Justice Services
Headquarters, Washington, DC
District I, Billings, MT
District III, Phoenix, AZ
Indian Affairs
Office of Facilities, Environmental and Cultural Resources, Reston, VA
Division of Safety and Risk Management, Albuquerque, NM
Division of Facilities Management and Construction, Albuquerque, NM
BIA Regional Offices
Rocky Mountain Region, Billings, MT
Navajo Region, Gallup, NM*
Western Region, Phoenix, AZ
Northwest Region, Portland, OR
BIA Agency Offices
Fort Apache Agency, Whiteriver, AZ
Northern Cheyenne Agency, Lame Deer, MT*
Truxton Canon Agency, Valentine, AZ*
Other
DOI Office of Law Enforcement and Security, Washington, DC
Two Rivers Detention Facility, Hardin, MT
Zuni Pueblo Tribal Council, Zuni, NM

* Contacted only

Appendix 2: Prior Reports

Evaluation of Bureau of Indian Affairs' Detention Facilities Report No. WR-EV-BIA-0005-2010

In 2011, the Office of the Inspector General (OIG) reported that the Bureau of Indian Affairs (BIA) did not have a budget allocation for staffing detention facilities or a financial management system to identify, accumulate, and report on how funds are spent agencywide. Further, BIA failed to address staffing shortages reported in the 2004 OIG report, and detention facilities continued to be understaffed. In addition, the evaluators found the detention facilities to be in poor condition. OIG provided three recommendations to the Assistant Secretary of Indian Affairs intended to improve financial management, alleviate staffing shortages, and improve the physical condition of detention facilities.

Bureau of Indian Affairs' Contract with the National Native American Law Enforcement Association Contract No. CBK00090002 Report No. WR-EV-BIA-0015-2009

In 2010, the OIG issued a management advisory to notify the Assistant Secretary of Indian Affairs of contract deficiencies in a 1-year, \$1 million contract with the National Native American Law Enforcement Association (NNALEA), a nonprofit organization, for recruitment services. Under the contract, NNALEA was to deliver a database of 500 applications for one of three understaffed positions in Indian Country: police officer, correctional officer, or criminal investigator. OIG found three significant deficiencies with the contract. First, the contract was knowingly awarded to an organization whose board was primarily comprised of current Government employees. Second, the statement of work was loosely constructed and lacked descriptors necessary to determine the extent of contract deliverables. Third, the price reasonableness of the contract was not adequately documented. OIG recommended that the Assistant Secretary of Indian Affairs direct BIA to immediately terminate its contract with NNALEA.

Evaluation of the Use of Performance Information in the Bureau of Indian Affairs Office of Justice Services Report No. ER-RR-BIA-0003-2008

In 2009, OIG reported that BIA detention facilities, collectively, required 521 staff members but were only authorized 350. BIA's Office of Justice Services budgeted \$5 million for contracted bed space to allay some of the detention demand, but overall, it seemed that BIA was struggling to provide the bare minimum in detention services—food and shelter. BIA fell far short of providing rehabilitation services, such as counseling and education, which are hallmarks of an effective corrections program. Pressing needs went unmet and real progress toward correcting the types of deficiencies highlighted in "Neither Safe Nor Secure" had stalled. OIG provided six suggestions to BIA intended to improve budget development, performance data, evaluation and oversight mechanisms, and interagency coordination.

Neither Safe Nor Secure: An Assessment of Indian Detention Facilities

Report No. 2004-I-0056

In 2004, OIG reported that BIA failed to provide safe and secure detention facilities throughout Indian Country. This assessment revealed a long history of neglect and apathy on the part of BIA officials, which resulted in serious safety, security, and maintenance deficiencies at the majority of facilities visited. The following lists just a few of OIG's findings:

- BIA was unaware of 98 percent of the serious incidents, including deaths and suicides, that occurred at the visited facilities.
- With few exceptions, the visited detention facilities were operating at below minimum staffing levels.
- The maintenance backlog was significant and review of the BIA Division of Facilities Management and Construction maintenance logs revealed numerous inaccurate, improper, and erroneous entries.
- BIA haphazardly managed detention program funding.
- Training for detention personnel was inconsistent and unpredictable.
- Basic jail administration procedures and standards were neither followed nor met at most facilities.

In the report, OIG provided 25 recommendations to BIA and the U.S. Department of the Interior designed to improve the security, safety, and efficiency of detention facilities in Indian Country. To see the status of our recommendations please see Appendix 3.

Appendix 3: U.S. Department of the Interior and Bureau of Indian Affairs Reported Status of 2004 Recommendations

Office of Inspector General Recommendation		Status ¹¹
1	For the purpose of providing the prominence and advocacy vital to ensuring that the focus on improving Indian Country jails does not diminish, the Deputy Assistant Secretary of Law Enforcement should become actively engaged in coordinating the oversight and management of the Bureau of Indian Affairs (BIA) Law Enforcement Services (LES) Detention Program. [BIA's LES is now the Office of Justice Services (OJS).]	IMPLEMENTED Upon receiving the report in 2004, the U.S. Department of the Interior (DOI) Deputy Assistant Secretary (DAS) and Director of the Office of Law Enforcement and Security (DOI-OLES) conducted meetings regularly with the BIA Office of Justice Services (OJS). The meetings were designed to look, in detail, at detention facilities and actions needed to bring them into compliance, follow-up on the report recommendations, and track staffing and funding issues related to each facility. These engagements were held for many years and were scaled back in frequency as BIA instituted a more professional detention program overall to include leadership accountability, hiring actions, and a variety of other activities identified to improve the program. There continues to be ongoing coordination, as needed, between the DAS, Director, DOI-OLES, and OJS.
2	DOI should create a senior-level (GS 14-15) full-time equivalent (FTE) position for a detention professional in DOI-OLES to help provide increased coordination and advocacy for the Indian Country detention program.	MODIFIED Following discussions with the Secretary and Deputy Secretary, it was decided that the need to increase staffing levels within the BIA detention program itself was more critical than seeking a new position within DOI-OLES. The determination was made that DOI-OLES would fulfill its oversight function within current staffing levels, thus a GS-14 staff member was designated to act as a liaison to BIA in order to facilitate coordination and advocacy for Indian Country corrections program efforts. The liaison position still exists today.
3	DOI-OLES should conduct compliance inspections at BIA and 638-contract detention facilities on a scheduled and unscheduled basis. For the immediate future, it is recommended that DOI-OLES and not [OJS] be responsible for the compliance oversight of the detention program.	ONGOING Inspections were continually scheduled and conducted by OJS Professional Standards Division and eventually through the Corrective Action Support Team (CAST). OJS has upgraded the inspection process to include training staff to become both trainers and inspectors of detention program operations and bases the existing inspection tool on the revised standards currently under review. OJS, through a memorandum of agreement with the National Institute of Corrections, provided training on the new standards and guidelines in 2015 for 20 detention program managers and specialists. In 2012, the Division of Corrections implemented the BIA Detention Standards and Guidelines (OJS Detention Handbook), which has 43 mandatory and 93 nonmandatory standards, and it is now used in the CAST's approach in inspections and corrective action. CAST has been to six BIA detention locations to conduct an inspection and assist with corrective action. DOI-OLES has continued to monitor the assessment process and reporting mechanisms documenting the inspections. DOI-OLES has updated the Departmental Manual (DM) § 446 chapter 6 to include the current checklist for inspection standards derived from the American Correctional Association (ACA). DOI-OLES has participated in one CAST in Standing Rock, ND, and currently plans to assist with a CAST in Havasupai, AZ.
4	[OJS] should establish a senior level (GS-15) detention program director with proper detention management credentials to manage the BIA and 638-contract detention facilities. This position should report directly to the [OJS] Director, coordinate actions with DOI-OLES, and be the [OJS] liaison with BIA's Office of Facilities Management and Construction [now the Division of Facilities Management and Construction (DFMC)] for detention related repairs. BIA should provide the appointee with adequate new staff to fulfill these responsibilities. At a minimum, the Central Detention office should be staffed with a director, deputy director, secretary, and three management analysts. The six regions should be staffed with two detention specialists per region.	MODIFIED OJS initially implemented this recommendation by establishing a GS-15 corrections program director position. Over the next few years this implementation, which included regional managers and support staff, created silos and separation. OJS has since moved the corrections program back under operations and trained operations managers (Special Agents In Charge, Chiefs of Police, etc.) in detention program management. This change has reconnected the two programs into a team mentality, and the training has refocused OJS managers on the responsibilities of the program and successful operations. The GS-15 presently assigned to the Prison Rape Elimination Act initiative is no longer managing corrections.

¹¹ The status of recommendations was reported to us by DOI's Office of Law Enforcement and Security. We made no changes to the content, except where necessary to clarify a statement or abbreviation.

OIG Recommendation		Status
5	DOI–OLES should ensure that [OJS] establishes and implements clear reporting protocols for serious incidents occurring at all BIA and 638-contract facilities. At a minimum, all officer safety issues, inmate deaths, attempted suicides, assaults, and escapes should be reported promptly through an established chain of command ending with the Director of BIA with copies to the DOI–OLES.	IMPLEMENTED BIA issued the Serious Incident Report (SIR) National Policy Memorandum (NPM). NPM LE 4 established reporting policies and procedures as recommended by OIG. OJS is continually working with the districts to have agencies, including tribes, improve reporting with regards to training, format, timeliness, and follow-up to correct any issues. OJS began using an improved SIR format on April 16, 2009, as part of the continual improvements. OJS revised all its policies including SIR reporting. The new OJS Detention Handbook has been implemented, which includes an improved SIR reporting and tracking policy. DOI-OLES has established departmental policy (DM § 446 chapter 17, “Serious Incident Reporting”) that addresses mandatory notifications to the Department and sets forth the categories requiring notifications.
6	BIA and 638-contract detention administrators should ensure that any escape is immediately reported to surrounding local, tribal, and State law enforcement authorities.	IMPLEMENTED An NPM was completed in 2008 setting forth requirements for timely notification to appropriate law enforcement authorities. OJS has continually modified the form, improving it on multiple occasions since the report was issued. OJS also continually provides training to BIA and tribal detention administrators at the Supervisory Correctional Officers In-Service training and Senior Management Training. The new OJS Detention Handbook has been implemented and includes an improved SIR reporting and tracking policy, to include escapes.
7	[OJS] criminal investigators should immediately respond and conduct a preliminary inquiry to determine if a full investigation is warranted on any reported serious incident. Their findings, in every case, should then be reported to the Director of [OJS] with a copy to the DOI–OLES. All death cases at BIA or 638-contract detention facilities, not investigated by the FBI, should be investigated by an [OJS] criminal investigator.	IMPLEMENTED The SIR Reporting policy requires the Division of Corrections to report serious incidents that are criminal in nature and in-custody deaths; and ensure the appropriate investigative authority, that is FBI and/or OJS criminal investigations, is notified. The Division also continually provides training to BIA and tribal detention administrators at the Supervisory Correctional Officers In-Service training and Senior Management Training. Internal affairs conducts all in-custody death investigations.
8	BIA and tribes should explore alternatives to detention for intoxicated inmates. When it is necessary to incarcerate intoxicated inmates, additional detention officers should be on-duty to assist with additional monitoring required.	ONGOING Unfortunately, treatment or centers for detoxification are not always readily available. Nevertheless, OJS has a contract in Casper, WY, for a secure detention facility to house and treat substance abusers since fiscal year 2008. OJS not only seeks contracts with services, but it also continually encourages tribes to seek alternatives to detention at every opportunity. OJS funds are strict as well as limited in that it must concentrate on basic detention needs. OJS often refers tribes to appropriate governmental agencies that provide alternatives to incarceration. For example, the U.S. Department of Justice (DOJ) provide grants to tribes for intoxicated inmates such as drug courts; the U.S. Department of Transportation provides DUI/DWI grant programs; the Substance Abuse and Mental Health Services Administration (SAMHSA) provides substance abuse related grants; and the Office of Juvenile Justice and Delinquency Prevention provides grants similar to SAMHSA for juvenile programs. OJS has also begun recidivism reduction pilot programs on multiple Reservations that are designed specifically around alternatives to incarceration and treatment. These locations have developed individual plans and are working with OJS to implement.
9	DOI–OLES should work with the tribes and BIA to establish a memorandum of understanding (MOU) with Indian Health Services (IHS) to provide onsite medical assistance at all detention facilities with more than 20 inmates incarcerated. Detention centers should be adequately staffed and scheduled to accommodate for medical transport to hospitals when necessary.	ONGOING BIA met with IHS on several occasions beginning in 2005, following the development of an MOU. OJS has not been able to reach final agreement. The Division, however, continues to give this matter high priority attention to achieve an MOU. OJS has had meetings with IHS with regards to the agreement; IHS, however, remains of the position that each area officer develops its priorities. As such, inmate health care is not a priority with most IHS facilities throughout Indian Country although Districts and tribal detention programs have requested improved health care for inmates. This requires a higher level intervention as opposed to continually trying to encourage area IHS offices at the local and regional levels. This is a requirement in the new OJS Detention Handbook, thus memorandums of agreement specific to each location are being developed and several have been implemented. The direct service programs have MOUs established to provide medical assistance as needed.
10	Staffing shortages at BIA and 638-contract detention facilities that are related to officer safety should be identified by the [OJS] and corrected immediately. DOI–OLES should oversee this effort.	ONGOING Staffing continues to be a problem primarily due to funding resources, remote locations, and lack of housing for staff. OJS has always closely monitored staffing levels with BIA facilities, modifying the mission in locations, where staffing levels are extremely low, until such time staffing levels reach levels to ensure safer and more secure operation, to include making some facilities booking only. OJS identified all locations with staff shortages, addressed it through detail assignments from other BIA and or tribal programs that can afford to provide assistance. The Division also worked with Human Resources to advertise and hire through “USA Staffing,” prioritizing locations, and offering hiring incentives. In 2010, the national advertisement resulted in 68 selections, as well as implementing salary upgrades for correctional officers. OJS participated in a hiring event in Standing Rock that involved Human Resources and through this effort, all positions were selected. In addition, HR now has placed more focus on filling positions. They have assigned a specialist who focuses specifically on Corrections positions. The new OJS Detention Handbook has components that require proper staffing and coverage.

OIG Recommendation		Status
11	[OJS] in collaboration with 638-contract programs should develop staffing models and methodologies for BIA and 638-contract detention facilities. DOI–OLES should oversee this developmental effort.	IMPLEMENTED A hybrid staffing methodology using Bureau of Prisons and the National Institute of Corrections (NIC) methodologies was developed in 2005 and applied to Indian Country facilities. As staffing is based on the physical facility there is no “one size fits all” methodology and, unless there is mandated jail designs in Indian Country, the existing generalized approach will be used. The OJS intends to collaborate on development and implementation of an “Indian Country Detention Staffing Analysis” that takes into account the uniqueness of Indian Country jail operations. In fiscal years 2009 and 2010, OJS developed new organizational charts increasing staff levels for BIA direct service programs. BIA detention, through an MOA with NIC received training on conducting proper staffing analysis. Staffing analyses have been conducted at several locations and are ongoing. The new OJS Detention Handbook, which was updated in fiscal year 2012, also has staffing and coverage components that have to be met by the program to be compliant.
12	The DOI Law Enforcement and Security Board of Advisors should develop recruiting standards and guidelines for BIA detention officers. [OJS] should then assist tribal detention programs in developing standards and guidelines for tribal detention officers.	ONGOING OJS, with the assistance of Human Resources, converted to advertising and hiring through “USA Staffing.” OJS also continually works with tribes as needed in obtaining tribal resolutions to hire non-Indians through delegated examining units for locations where applicant pools have been exhausted. Further, OFMC conducted an employee housing needs assessment to include correctional officers (CO). Nine locations have been identified to receive funding for construction of housing for COs and police officers and another 16 additional residences in the future. Additionally, 68 selections were made, and all CO positions were upgraded from GS 3/4/5 to GS 5/6/7. OJS is using the “Direct Hire” approach to reduce the time it takes to hire. This allows OJS to tentatively offer jobs to qualified individuals who may be recruited locally.
13	BIA–[DFMC] and [OJS] should immediately establish an effective system for prioritizing repairs that have any impact on inmate or detention officer safety. They should also review Facility Management Information System to identify and remedy inaccurate and redundant entries and implement quality control measures to reduce the risk and occurrence of improper entries.	IMPLEMENTED A system of prioritizing repairs has been established and is jointly reviewed by DFMC and corrections staff. The review and prioritization remains with the regional DFMC and district corrections as well as with the local levels, i.e., agency facility management and superintendent’s offices. BIA detention and tribal detention managers are being trained to enter facility work orders and the tracking thereof.
14	BIA should establish and implement a single line item budget for all [OJS] detention facilities and expenses. [OJS] should require 638-contract detention facilities to implement similar cost tracking practices.	IMPLEMENTED BIA separated the budgets for Corrections and Law Enforcement Operations and a single line item for the Field Operations Directive of Corrections has been established in OJS. The Field Operations Directorate budget has a separate congressional appropriation line item allowing for better tracking of unmet needs, staffing levels, and budget shortfalls for Corrections. In addition, a memo to the contract awarding officials from the Director of BIA was issued requiring similar cost tracking capabilities to be negotiated into the Statement of Work for the Pub. L. No. 93–638 contract facilities. OJS requires BIA detention programs to update their Budget Execution Models on a monthly basis and encourages tribes to improve tracking of expenditures. OJS continually provides training on budget development and monitoring.
15	BIA should utilize accurate budget projections that incorporate future funding requirements when preparing funding requests rather than just using historical data. As part of future funding requirements, [OJS] senior officials and local detention administrators should identify any existing needs and/or deficiencies so that this issue can be properly addressed.	IMPLEMENTED and ONGOING Separate budget allocations for the Field Operations Directorate are now in place to assist in determining unmet needs, and budget development with appropriate and accurate data for the Field Operations Directorate continues to be a priority.
16	DOI–OLES should work with BIA, tribes, and DOJ to develop a strategic plan for jail replacement and renovation. DOI–OLES should assist [OJS] with developing a comprehensive needs assessment to ensure that jails are built and sized appropriately.	ONGOING OJS continues to work with DOJ in providing guidance to tribes receiving planning, renovation, and construction grants as needed and/or requested. BIA does not receive money to build jails and has limited ability to ensure that jails funded by DOJ are sized appropriately. DOJ has given OJS input into grant applications, which has proven valuable in determining need. OJS assisted DFMC with prioritizing replacement and new facilities. Further, OJS became a member of Planning Alternatives for Construction In Indian Country along with other Federal partners to provide guidance and resources to tribes. OJS worked with DFMC to update the priorities for construction of jails, although DFMC doesn’t anticipate any additional funds for construction. OJS continues to work with DOJ on ranking of tribes applying for new construction and renovation.

OIG Recommendation		Status
17	BIA should implement internal control procedures and proper management oversight to ensure that BIA funding and expenditures are accurately tracked and reported on a regular basis.	IMPLEMENTED District correction specialists monitor and track expenditures and budget balances at the district level. A budget analyst also oversees and monitors at the Washington, DC, level. All district supervisors and law enforcement assistants receive budget monitoring training annually. Unfortunately for the past 2 years, OJS received sizable fiscal increases at the end of each year, due to the timing and continuing resolutions, it was unable to spend funds, thereby giving the false sense of carryover.
18	A standard Law Enforcement and Detention Service clause should be developed and used in each and every Pub. L. No. 93–638 contract for BIA Law Enforcement and Detention Services. The clause should require at minimum that: (1) law enforcement and detention funding be accounted for and used for its intended purpose, and (2) serious incidents be promptly reported to [OJS] as a condition of the contract.	ONGOING Spending accountability clauses and SIR protocols are being included in the model statement of work for Pub. L. No. 93–638 contract facilities. A letter was issued to BIA awarding officials from the OJS Director instructing them to require the Field Operations Directorate staff to be present during negotiations of the Pub. L. No. 93–638 contracts. Because not all contracts have been renewed or renegotiated to date, these activities are ongoing. Gradually, more Pub. L. No. 93–638 programs are separating detention funds from law enforcement to ensure funding is accounted for and used for its intended purpose. OJS provides training on budgeting annually through the Detention Summit and the Indian Country Detention Administrators annual training.
19	[OJS] and the Indian Police Academy (IPA) should take immediate action to identify and train all current detention officers who have not received the basic [IPA] detention officer training.	ONGOING An assessment of all detention facilities in Indian Country was conducted to identify the number of personnel not certified by IPA. All COs (BIA and tribal) are being required to obtain certification from IPA or other sources. The Detention Operation Monthly Report database tracks the number of trained staff BIA and tribal detention facilities have. The Detention Operation Monthly Report is continually monitored to ensure tribes with uncertified officers are getting them trained.
20	Appropriate measures to track and ensure compliance/certification of training by detention officers should be developed by DOI–OLES, [OJS], and tribes.	IMPLEMENTED The Detention Officer Monthly Reporting database tracks training certification for detention officers and ensures compliance. IPA is working with the Field Operations Directorate to deliver required in-service training to the field and review State CO training academies pursuant to the Tribal Law and Order Act. In the third quarter of fiscal year 2011, the Division, Professional Standards, and IPA began delivering a revised and improved 40 hour in-service training for BIA and tribal detention programs throughout Indian Country. The Detention Operation Monthly Report and awarding official technical representative visits are used to continually monitor training of uncertified officers. Additionally, the new OJS Detention Handbook add another layer that requires a review of training of correctional officers. The DOI–OLES tracks compliance with assessments set forth in DM § 446 chapter 3 and DM § 446 chapter 6, “Operation of Detention Facilities.” The findings are documented in the program assessment report.
21	DOI–OLES should work with [OJS] and IPA to develop training standards and modules for BIA and tribal detention officers that would, at a minimum, eliminate the need for separate adult and juvenile detention courses.	IMPLEMENTED IPA conducted a review of existing training courses and standards. This review resulted in the combining of the adult and juvenile basic detention training programs. The Division of Corrections conducted another curriculum review on July 20–21, 2009, in Albuquerque, NM. A methodical delivery of curriculum and practical experiences was developed. Since that time, a major change has affected the delivery of Basic Correctional Officers Training; classes have been downsized from 48 students to 24 students, with the premise that more basic classes will be conducted to provide for continued certification. DOI–OLES has met regularly with senior leadership to discuss the training standards and modules for BIA and tribal officers. DOI–OLES and OJS are planning a curriculum review in fiscal year 2016 to analyze methodical delivery, course content, and training modules of IPA for BIA and tribal detention officers. <i>NOTE: Federal Law Enforcement Training Center requires a curriculum review every 3–5 years (depending on the program).</i>
22	DOI–OLES should conduct routine scheduled and unscheduled inspections to determine compliance with juvenile sight and sound restriction wherever adult and juvenile offenders are colocated.	IMPLEMENTED BIA district supervisors, in conjunction with the scheduled regular inspections, are checking to ensure that sight and sound separations are being met by BIA agencies and Pub. L. No. 93–638 contract and self-governance facilities. After the 2004 BIA directive regarding site and sound separation was issued, maintaining sight and sound separation between adult and juvenile populations became mandatory steps in the inspection standards. OJS established a tracking and monitoring process to ensure scheduled and unscheduled visits are noted. In fiscal year 2010, OJS continued site assessments for Pub. L. No. 93–638 contract and self-governance programs, in addition to scheduled inspections conducted by the BIA–OJS Division of Professional Standards. The new OJS Detention Handbook is being implemented throughout BIA detention facilities. The OJS CAST not only audits and inspects the facilities, but also ensures the programs are meeting the 43 mandatory and 93 nonmandatory standards, as well as requiring the districts to conduct follow-up and ongoing monitoring visits. DOI–OLES established a tracking and monitoring process for scheduled assessments, and is planning and budgeting for future inspections of BIA detention facilities to address compliance with sight and sound restriction concerning adult and juvenile inmates in accordance with DM § 446 chapter 3, “Policy Compliance,” and chapter 6, “Operation of Detention Facilities.” DOI–OLES has conducted inspections at the Chinle facility in August 2008 and Tohono O’odham facility in April 2008.

OIG Recommendation		Status
23	DOI–OLES should assist [OJS] with the development and implementation of appropriate standards for Indian Country detention facilities. Consideration for size, capacity, and type of facility should be taken into account. Standards should, at a minimum, identify core health and safety requirements that would be applicable to all jails regardless of size and capacity.	IMPLEMENTED OJS has developed a CAST, which conducts onsite facility and program inspections with corrections professionals. The inspection process was recently revised to eliminate standards addressed by DFMC that were duplicated in the OJS process. All BIA detention facilities implemented core Crisis Management Plans (CMPs) to ensure core health and safety requirements in the event of an emergency. In fiscal year 2010, in addition to the BIA facilities, 18 tribal detention programs had implemented 100 percent of the core CMPs. The goal for fiscal year 2011 was to reach out to the remaining tribal programs; this recommendation was fully implemented in fiscal year 2013. The new OJS Detention Handbook has been implemented, and its standards are being applied to all BIA detention facilities. The standards are also being introduced to the Pub. L. No. 93–638 contracts. The new standards have 43 mandatory and 93 nonmandatory and are based on the ACA core jail standards. DOI–OLES has issued an interim policy as of May 14, 2014. DM § 446 chapter 6, “Operation of Detention Facilities,” establishes departmental minimum guidelines and standards for operating a detention facility.
24	DOI–OLES and [OJS] should consult with the tribes and continue to explore using regional detention facilities to accommodate longer-term inmates to reduce overcrowding at smaller facilities.	IMPLEMENTED Tribes who attend BIA training and meetings with regards to constructing new detention facilities are encouraged to use regional facilities because they lead to improved Indian Country detention programs in that services can be consolidated, larger facilities can provide more programs which are critical for longer-term inmates, better services (medical, psychological, educational) can be provided and, if facilities are close to larger towns or cities, employment problems can be alleviated. Further, there are several variances on how the facilities can be used to include “over building” to rent beds to other jurisdictions (or tribes) and using privately owned and/or operated facilities. In fiscal year 2009 and fiscal year 2010, OJS continued to educate tribes, at the request of tribes. Within the DOJ grant solicitation, most tribes opted for single tribe use facilities rather than a regional facility indicating that tribes continue to build to serve their own community/tribe. One tribe that chose to construct a large facility did so on the “for profit” venture. In fiscal year 2011, OJS saw more interest in the “regional” facility concept. As of fiscal year 2015, DOJ awarded a Coordinated Tribal Assistance Solicitation grant for new construction to Fallon Shoshone Paiute Tribe. The tribe is pursuing a regional adult facility to serve Western Nevada Tribes. BIA–OJS will begin meeting with the tribe to review their plans and to hear about the tribe’s plans.
25	[OJS] should facilitate regular regional meetings for all BIA and tribal detention facilities administrators to encourage collaborative efforts and discussions on detention best practices.	ONGOING All four districts conduct annual detention meetings with tribes participating, as well as numerous BIA subject-matter experts. Topics addressed are pertinent to programmatic challenges (SIR, facility inspections, financial requirements, etc.). Initially, meetings were held by districts. Because cost became a factor, however, in fiscal year 2009 and fiscal year 2010, the OJS Division of Corrections, through a partnership with NIC and DOJ, conducted an inclusive Indian Country Detention Summit; participant response was extremely positive. In fiscal year 2010, the Division partnered with DOJ. The Field Operations Directorate has partnered with NIC, DOJ, and the American Jail Association to provide tribes and BIA detention many training opportunities, legal updates, and current and evolving practices and programs. This partnership resulted in adding an Indian Country Detention Administrators Meeting and other Indian Country related training, as well as updates.

Appendix 4: Bureau Response

The Bureau of Indian Affairs' response follows on page 30.



United States Department of the Interior

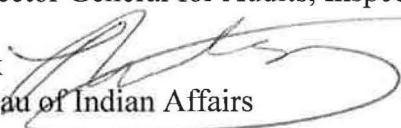
BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

JAN 08 2016

Memorandum

To: Kimberly Elmore
Assistant Inspector General for Audits, Inspections and Evaluations

From: Michael Black 
Director, Bureau of Indian Affairs

Subject: Draft Evaluation Report - Bureau of Indian Affairs Funded and/or Operated
Detention Programs Report No. 2015-WR-012

Indian Affairs appreciates the opportunity to comment on the Office of Inspector General (OIG) Draft Evaluation Report - Bureau of Indian Affairs (BIA) Funded and/or Operated Detention Programs. The OIG draft evaluation contains nine recommendations designed to improve detention centers' facilities and safety management. Indian Affairs concurs with all nine recommendations and provides the following response to the report's recommendations. Indian Affairs also provides technical comments to the OIG draft evaluation for consideration in the OIG final report in Appendix 1.

Recommendation 1: *BIA expand the CAST review process to the tribally operated programs that are subject to BIA Oversight.*

BIA/Office of Justice Services (OJS) Response:

Indian Affairs concurs with Recommendation 1.

The BIA has implemented the review process for tribally operated programs and has completed a successful CAST Review for the Hoopa Tribe 11/02/15 – 11/06/15. The Hoopa CAST Report is currently in draft and will be finalized by 01/31/16. The BIA will continue to offer technical assistance to Tribal Law Enforcement programs including conducting CAST reviews upon tribal request.

Responsible Official: Deputy Bureau Director, BIA, Office of Justice Services

Target Date: Action completed. (The CAST review is currently available to Tribes upon request).

Recommendation 2: *BIA establish and implement a formal written policy that requires SIRs be recorded in IMARS.*

BIA/ OJS Response:

Indian Affairs concurs with Recommendation 2.

The BIA developed and implemented a written policy/special order to formalize the requirement that all serious incidents are recorded in the IMARS system of record. This policy was effective immediately. (See Attachment A)

Responsible Official: Deputy Bureau Director, BIA, Office of Justice Services

Target Date: Action completed December 18, 2015.

Recommendation 3: *BIA develop a quality assurance process to reconcile IMARS serious incident information to the facility SIR Log, on a periodic basis, to ensure that the information in IMARS is accurate and complete and that OJS management is fully aware of all serious incidents.*

BIA/ OJS Response:

Indian Affairs concurs with Recommendation 3.

The BIA developed a policy memorandum that communicated to each BIA Law Enforcement program to implement the outlined quality assurance process where all SIRs are reconciled on a monthly basis to ensure that logs are accurate and that proper corrective action was taken. Each Correctional Program Specialist will certify for accuracy. Each Law Enforcement District shall work to reduce risk with all serious incident reports. All Law Enforcement Districts shall submit all quarterly certifications to the Associate Deputy Bureau Director of Field Operations. (See Attachment B)

Responsible Official: Deputy Bureau Director, BIA, Office of Justice Services

Target Date: Policy memorandum issued 12/18/15. The FY 2016 second quarter certification ending 03/31/16 will be due on 04/22/16.

Recommendation 4: *BIA to develop an action plan and a timeframe for implementing the plan to ensure that health and safety inspections are completed annually as required by BIA policy.*

BIA/ OJS Response:

Indian Affairs concurs with Recommendation 4.

The BIA will develop an action plan with their Regions to schedule required annual health and safety inspections to assure they are completed. The plan will identify all OJS Detention facilities within their Region and the quarter the inspection is scheduled. The Regional Safety Managers will enter inspection findings in the Safety and Condition Assessment Portal (S&CAP) in the Indian Affairs-Facilities Management System to document the inspection has been done.

Responsible Official: Director, BIA (or Deputy Bureau Director, Field Operations)

Target Date: To be determined by BIA

Recommendation 5: *BIA exercise greater management control to ensure that applicable staff record work orders in Maximo and DFMC has the information needed to effectively manage the facility operation and maintenance program.*

BIA/ OJS Response:

Indian Affairs concurs with Recommendation 5.

The BIA will provide direction to Agency Facility Managers to use the Indian Affairs – Facility Management System (IA-FMS) to enter work orders to track facility operations and maintenance needs and to request projects.

Responsible Official: Director, BIA (or Deputy Bureau Director, Field Operations)

Target Date: To be determined by BIA

Recommendation 6: *Indian Affairs develop a communication plan for Maximo implementation that includes roles and responsibilities to ensure that applicable staff are aware of management's expectations*

Deputy Assistant Secretary – Indian Affairs (Management) Office of Facilities Property and Safety Management (OFPSM) Response:

Indian Affairs concurs with Recommendation 6.

The Division of Facilities Management and Construction (DFMC) has been working from an internal communications plan developed at the beginning of the fiscal year for the

implementation of the Indian Affairs-Facility Management System (IA-FMS), a Maximo based facilities data system. DFMC will formalize the communications plan and communicate roles, responsibilities, and deadlines for the Maximo implementation to all users and management officials.

Responsible Official: Director, Office of Facilities, Property, and Safety Management

Target Date: April 29, 2016

Recommendation 7: *Indian Affairs provide Maximo training to DFMC, BIA and Tribal maintenance personnel as needed to ensure successful implementation of Maximo.*

Deputy Assistant Secretary – Indian Affairs (Management) Office of Facilities Property and Safety Management (OFPSM) Response:

Indian Affairs concurs with Recommendation 7.

DFMC developed and implemented training courses on the new IA-FMS, a Maximo based system, in February of 2015 and continues with ongoing courses. See attached schedule of training in FY 2015 (Attachment C) and the FY 2016 (Attachment D) training schedule.

Responsible Official: Director, Office of Facilities, Property, and Safety Management

Target Date: OFPSM considers this recommendation implemented.

Recommendation 8: *BIA continue to explore methods to reduce overcrowding at these facilities.*

BIA/ OJS Response:

Indian Affairs concurs with Recommendation 8.

The BIA continues to support and encourage Tribal and Federal partnerships in exploring and implementing strategies to reduce overcrowding through alternative sentencing, re-entry programs, contract inmate beds, training, treatment, and collaboration with the courts probation programs and community services options. These approaches assist in controlling the overcrowding of local facilities by classifying the low risk, non-violent alcohol and drug offenders within detention centers in Indian Country which will allow for alternative placement.

The BIA will continue to provide technical assistance to Tribes by supporting the strategies outlined in this response.

Responsible Official: Deputy Bureau Director, BIA, OJS

Target Date: December 31, 2017

Recommendation 9: *BIA continue to explore alternate methods for recruitment and retention of qualified Correctional Officers*

BIA/ OJS Response:

Indian Affairs concurs with Recommendation 9.

The BIA will develop and implement a recruitment and retention strategy. The BIA will approach this concept through an innovative process which addresses workforce development. The targeted areas will be the historically hard to fill duty stations. This requires collaboration with local and Tribal job training programs to aid in the recruitment process. The BIA will also address how long it takes to conduct a background investigation for correctional positions by reviewing the process for both Tribal and BIA employees. Finally, the BIA will consider other qualifications from applicants regarding basic corrections training by implementing a waiver process for qualifications from other Federal, State or Tribal Programs. The BIA will develop a bridge program to support this process.

Responsible Official: Deputy Bureau Director, BIA, OJS

Target Date: December 31, 2017.

Attachment A: IMARS Serious Incident Reporting and Reconciliation – Detention

Attachment B: (quarterly certifications?)

Attachment C: (schedule of 2015 training?)

Attachment D: (schedule of 2016 training?)

Memo



IN REPLY REFER TO


OJS Detention IMARS
Quality Assurance

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington D.C. 20240



DEC 18 2015

To: All Office of Justice Services Personnel
From:  Director, Office of Justice Services
Subject: IMARS Serious Incident Reporting and Reconciliation Detention

Effective immediately, all Serious Incident Reports from all Detention programs will be entered into IMARS program. This directive will apply to all BIA direct service programs, P.L. 93-638 Contracted programs, Self-Governance programs and Tribal detention programs. These Serious Incident Reports will be entered by each District and reconciled by the Correctional Program Specialist.

To ensure that all Serious Incident Reports are reconciled according to policy, the Office of Justice Services shall implement the following requirements for each Correctional Program Specialist in each District:

- All Serious Incident Reporting Logs will be collected on a monthly basis. SIR Logs can be gathered from site visits as well.
- All Serious Incident Reporting Logs will be reconciled in the IMARS program on a monthly basis.
- All Serious Incident Reports shall be certified on a quarterly basis by the Correctional Program Specialist in written form to the Special Agent in Charge.
- All quarterly certifications and the SIR Log for the respective district shall be submitted annually to the Associate Director of Field Operations.

Any questions, contact Mr. David Little, Associate Director for Field Operation.

U.S. Department of Interior
Bureau of Indian Affairs – Office of Justice Services
Serious Incident Reporting (SIR) Certification

Fiscal Year: _____

SIR Quarter ending: _____

Name of District: _____

Name of Special Agent in Charge: _____

Name of Correctional Program Specialist: _____

Pursuant to Memorandum dated 12-18-2015, all serious incident reports will be reconciled with all detention programs.

- I have reviewed and reconciled all SIR reports from the District Law Enforcement Office and certify the following:
- All Known SIR have been reported from each detention center in the District.
- All known SIR have been entered and recorded into IMARS.
- All known SIR have been documented into the log per the OJS Corrections Handbook policy.
- The District has an updated submission from each tribe and BIA Agency.
- All SIR's have been followed up with Corrective Action and all pertinent documents are on file with the District Office.
- All issues with SIR have been documented and addressed.

Correctional Program Specialist

Date

Special Agent in Charge

Date

This certification along with the SIR log, per the Corrections Handbook shall be submitted by the fifteenth of each quarter via email to the Headquarters Corrections Program by the close of business.

Appendix 5: Status of Recommendations

Recommendations	Status	Action Required
2 and 3	Resolved and Implemented	No further action required.
1 and 4 – 9	Resolved and Unimplemented	The recommendations will be referred to the Assistant Secretary, Policy, Management and Budget for tracking of implementation.

Report Fraud, Waste, and Mismanagement



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