

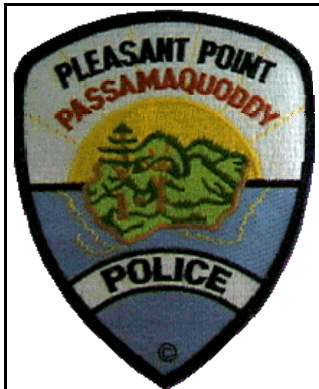


## U.S. DEPARTMENT OF THE INTERIOR OFFICE OF INSPECTOR GENERAL

### PROGRAM ASSESSMENT RATING TOOL

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### REVIEW OF BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT PROGRAM





# United States Department of the Interior


## Office of Inspector General

Office of Program Analysis and Technical Support  
381 Elden Street, Suite 1100  
Herndon, Virginia 20170

March 19, 2007

### Memorandum

To: Director, Bureau of Indian Affairs

From: Donald W. Cairns   
Director, Program Analysis and Technical Support

Subject: Program Assessment Rating Tool (PART) — Review of Bureau of Indian Affairs  
Law Enforcement Program (Report No. Y-RR-BIA-0004-2006)

This final report presents the results of our review of the Bureau of Indian Affairs Law Enforcement Program. It includes 25 suggestions for improving the Program in preparation for review by the Office of Management and Budget (OMB). Following two suggestions regarding the Program scope and the PART process, the report is organized under four recommendations that OMB made after the last PART review.

The legislation, as amended, creating the Office of Inspector General requires that we report to the Congress semiannually on all reports issued. Accordingly, we will include information from this report in our next semiannual report. Although a response is not required, we suggest you direct the Deputy Director — Office of Justice Services to review this report and inform you of his acceptance or rejection of each of our suggestions. We would appreciate your informing us of any progress.

We thank you and your staff for your valuable input during our review. If you have any comments or questions regarding this report, please call me at 703-487-8011.

# **PART REVIEW: BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT PROGRAM**

## **TABLE OF CONTENTS**

### Introduction

Why We Did This Review.....	1
Objectives .....	1
Scope and Methodology .....	1

### Results of Review

Overview — BIA’s Law Enforcement Program.....	2
OMB Recommendation #1, Develop a memorandum of understanding with the Department of Justice on the COPS Program .....	4
OMB Recommendation #2, Develop a strategic plan to guide management and performance improvement efforts .....	7
OMB Recommendation #3, Develop baseline data and targets for performance measures .....	8
OMB Recommendation #4, Develop a process for and schedule independent program evaluations.....	26
Appendix A, History and Use of the PART .....	A-1
Appendix B, Table of Suggestions .....	B-1

ON THE COVER: Photographs from tribal police departments operated under contract with the Bureau of Indian Affairs. Credits, clockwise from top left: Passamaquoddy Tribe of Pleasant Point, Washoe Tribe of Nevada and California, Hualapai Nation, Tonkawa Tribe of Oklahoma (Fort Oakland), and Fort McDowell Yavapai Nation.

## INTRODUCTION

### WHY WE DID THIS REVIEW

The Deputy Secretary of the Department of the Interior (DOI) asked the Office of Inspector General (OIG) to review the progress made by programs designated **Results Not Demonstrated** by the Office of Management and Budget (OMB). OMB uses the Program Assessment Rating Tool (PART) to make these designations. More detailed information on the PART process can

#### WHAT IS THE PART?

Federal agencies use the Program Assessment Rating Tool (PART), a standard questionnaire, to submit information on federal programs to the Office of Management and Budget.

OMB uses the information to determine program effectiveness, to recommend improvements for rated programs, and to follow up on those improvements.

The ExpectMore.gov Web site publishes PART results.

See Appendix A for more information on the history and use of the PART.

be found in Appendix A. We selected the Bureau of Indian Affairs (BIA) Law Enforcement Program (referred to as the Program), which is administered by BIA's Office of Justice Services (OJS). OMB reviewed the Program in 2003 and plans to reassess in 2007.

### OBJECTIVES

Based on its review, OMB made recommendations that relate to 1) interagency coordination; 2) planning; 3) performance measurement; and 4) program evaluation. The objectives of our review were to determine what progress BIA and OJS have made toward implementing the OMB recommendations and to provide observations and suggestions that DOI and the Bureau can use in preparing for upcoming PART reviews. We based our review and suggestions on OMB's 2006 PART guidance.

### SCOPE AND METHODOLOGY

To meet the objectives, we interviewed Bureau and Department officials; reviewed and analyzed Program documentation; and completed a limited review of related literature in the fields of planning, performance measurement, program evaluation, and law enforcement. We also visited the BIA Law Enforcement District 1 Office, Turtle Mountain Agency, and Rosebud Sioux Tribal Law Enforcement Services. We conducted our review from July to October 2006, in accordance with the "Quality Standards for Inspections" established by the President's Council on Integrity and Efficiency.

## RESULTS OF REVIEW

Based on its 2003 PART assessment, OMB made a number of recommendations to improve Program operations. We reviewed the Program in 2006 and observed some progress toward implementing each of these recommendations. We summarize below BIA key actions to date and discuss suggestions to further strengthen management of the Program. Appendix B lists the suggestions detailed in this report.

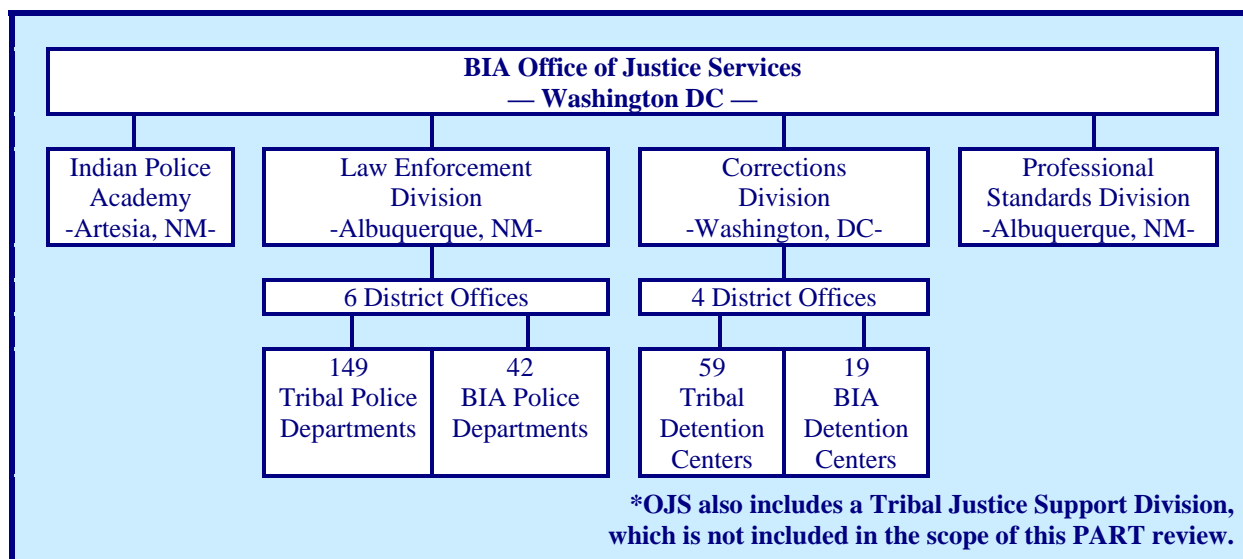
### OVERVIEW: BIA'S LAW ENFORCEMENT PROGRAM

**The protection of lives, resources and property is a mission at the heart of Bureau law enforcement and fully supports the Departmental goal of improving the quality of life for Indian communities.**

Indian Affairs budget justification for FY2007

The BIA Office of Justice Services (formerly the Office of Law Enforcement Services) administers this Program and shares responsibility with states and tribes for policing, criminal investigation, and corrections in Indian country. The budget of approximately \$200 million funds about 200 police departments and criminal investigations units. BIA operates around a quarter of these directly, and tribes under contract to BIA operate the balance. More than a third of the reservations served by the Program have detention centers to house inmates

who typically are awaiting adjudication or serving terms of less than 1 year. The Program includes national offices in Washington, DC, and Albuquerque, NM, and operates the Indian Police Academy, which provides both basic and specialized law enforcement training. See Table 1 for an organization chart representing major elements of the Program. OJS also administers the Tribal Courts Program through a separate division.



**Table 1.** Organization Chart for BIA's Law Enforcement Program.

**SUGGESTION 1: Expand the scope of the PART to include public safety facilities funding and activities.**

Within the Office of the Assistant Secretary for Indian Affairs (AS/IA), the Office of Facilities, Environmental, and Cultural Resources (OFECR) provides services that are integral to the success of the Program in providing adequate detention facilities. While there is a PART on record for school construction, the facilities funding for Public Safety and Justice does not seem to fall within the scope of any of the programs reviewed under the PART process to date. Therefore, the scope of the BIA Law Enforcement PART should be revised to include facilities improvement and repair funded under the Public Safety and Justice budget program element. See Table 2 for combined budget figures.

Program	FY2004	FY2005	FY2006	FY2007	FY2008 Request
BIA Law Enforcement	172.5	180.1	193.4	201.6	221.8
Public Safety and Justice Facilities Improvement and Repair	1.4	3.8	8.1	* 8.1	* 8.1
<i>Combined:</i>	<b>173.9</b>	<b>183.9</b>	<b>201.5</b>	<b>209.7</b>	<b>229.9</b>

**\*Assumes no change in sub-allocation between law enforcement and fire safety.**

**Table 2.** Funding (\$ millions) for the BIA Law Enforcement Program and Related Facilities.

While the tribes are replacing or rebuilding some facilities under DOJ grants, DOI is working to rehabilitate others through OFECR-managed projects. DOI has published a 5-year deferred maintenance schedule, which indicates the anticipated funding year for major projects at specified facilities, including detention centers operated by, or contracted through, the OJS Division of Corrections. The schedule would be more informative if accompanied by an explanation of the ranking categories used, but it does provide a sense of expected progress based on a fixed annual budget.

As illustrated in Table 3, OFECR reports results inconsistently. Budget justifications from FY2006 and FY2007 contain conflicting reports of prior-year facilities conditions. Confusion on the part of AS/IA staff over whether the measure pertains only to detention centers, as in the definition provided to us, or to all law enforcement facilities, including operations centers and courthouses, may partly explain the discrepancies. These results will need to be re-validated if they are used as baseline data for assessing Program progress. Another potential problem is that, under the current methodology, OFECR could rate facilities with serious safety deficiencies in “good” condition as long as the required repair is estimated to cost less than \$2,500.

<b>Good</b>	<b>14</b>
<b>Fair</b>	<b>6</b>
<b>Poor</b>	<b>30</b>
Condition of facilities in 2004, as reported in the budget justification for FY 2006	
<b>Good</b>	<b>21</b>
<b>Fair</b>	<b>12</b>
<b>Poor</b>	<b>25</b>
Condition of facilities in 2004, as reported in the budget justification for FY 2007	

**Table 3.** DOI Reports of Facilities Condition.



## **SUGGESTION 2: Brief OMB on law enforcement jurisdiction in Indian country.**

Jurisdiction in Indian country poses challenges for law enforcement because of the complex blend of tribal sovereignty, federal authority, government-to-government and interagency relationships, and individual officer credentials. All affect the ability of the Program to address certain crimes committed by certain perpetrators involving certain victims in certain locations. This is such a fundamental issue that an examiner may view this issue as a “major flaw” under:

**PART Question 1.4,** Is the program design free of major flaws that would limit the program’s effectiveness or efficiency?

To meet this potential challenge in the context of the next PART review, Program officials should be prepared to articulate how this blend of jurisdictional considerations 1) supports the higher-order public policy goal of promoting tribal self-determination and 2) affects the scope of Program activities.

### **OMB RECOMMENDATION #1: DEVELOP A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF JUSTICE ON THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM.**

Engaging communities as partners in crime prevention is fundamental to the success of law enforcement. A community-oriented approach to policing calls for law enforcement to partner with community organizations and the public to identify and resolve problems relating to public safety and security. Program officials with whom we spoke seem to recognize this well, and say they meet frequently with residents,

Tribal Council members, and representatives of other public service functions such as healthcare, education, and housing to discuss ways of reducing crime and maintaining a welcome and effective law enforcement presence in Indian country.

**We believe that it is our responsibility to keep the peace not only by enforcing the law, but also by working proactively with our communities to identify and reduce problems and by addressing their causes.**

OJS “Law Enforcement Handbook”

In 2003, OMB cited the Program’s inability to plan for the expiration of grant funding as a significant issue, and recommended the development of a formal agreement to coordinate activities between BIA and the Department of Justice (DOJ) regarding the DOJ-funded

Community Oriented Policing Services (COPS) Program. This issue relates to several PART questions, including:



**COPS Logo With  
DOJ Seal**

**PART Question 1.4,** Is the program design free of major flaws that would limit the program’s effectiveness or efficiency?

**PART Question 1.5,** Is the program effectively targeted, so program resources reach intended beneficiaries and/or otherwise address the program’s purpose directly?

**PART Question 2.7,** Are . . . needs presented in a complete and transparent manner in the program’s budget?

**PART Question 3.5,** Does the program collaborate and coordinate effectively with related programs?

BIA has made progress in implementing OMB's recommendation by drafting an information-sharing agreement. At the time of our inquiry, however, the draft MOU had been under Office of the Solicitor review for some time, and officials were uncertain when it would be finalized. The draft calls for:

- BIA to provide information to DOJ-COPS regarding crime rates and high-crime areas in Indian country;
- DOJ-COPS to notify BIA of proposed grants prior to award, allowing BIA to register any concerns; and
- DOJ-COPS to provide BIA information on grants awarded and grant applications rejected.

**SUGGESTION 3: Implement and expand the interagency agreement.**

BIA should work with DOJ and the Office of the Solicitor to finalize and ratify the MOU without further delay. More importantly, OJS and the COPS Office should share information and coordinate activities as outlined in the agreement.

Further, despite OMB emphasis on the COPS Program, it is important to note that COPS is only one source of grant funding for law enforcement activities in Indian country. Even within DOJ, other programs provide relevant support, and OJS should view these as partners. DOI has attempted to address some of the resource shortfalls in the Program, with the FY2008 request more than \$50 million above the FY2004 level (see Table 2 on page 3). DOI's investments have been complemented in recent years by funding reserved for tribal grants at DOJ, though amounts budgeted there have steadily declined, as noted in Table 4. In its budget justification for FY2008, DOJ proposes to eliminate programs specifically targeting Indian country and to encourage tribes to apply for other funding opportunities available to state and local governments. How well the tribes will fare in competition with other communities remains to be seen.

Program	FY2004	FY2005	FY2006	FY2007	FY2008 Request
DOJ: Correctional Facilities in Indian Country	2.0	4.9	8.9	0.0	0.0
DOJ: COPS Tribal Law Enforcement	24.7	19.7	14.8	33.2	0.0
DOJ: Tribal Courts Assistance	7.9	7.9	7.9		
DOJ: Indian Alcohol and Crime	4.9	4.9	4.9		
DOJ: Juvenile Justice Tribal Youth Program	10.0	9.9	9.9	9.9	0.0
<i>Total — Department of Justice:</i>	<b>49.5</b>	<b>47.3</b>	<b>46.4</b>	<b>43.1</b>	<b>0.0</b>

**Table 4.** Budget (\$ millions) for Selected Programs with Funding Dedicated to Justice Services in Indian Country.



To provide a more comprehensive basis for resource planning, OJS should seek to expand the scope of the MOU to include all DOJ grant programs open to applications from the tribes. This would be one small step toward integrating management information to provide a more encompassing view of Indian country needs. Once Program officials in both Departments have agreed to a new, more comprehensive draft, BIA should work on a priority basis with the Office of the Solicitor to finalize the agreement.

#### **SUGGESTION 4: Collaborate with DOJ on planning.**

OJS should meet regularly with DOJ officials to:

- review key planning processes and timelines for each program;
- coordinate the exchange of pertinent information; and
- identify common goals and priority initiatives for the upcoming planning cycle.

As the two agencies reach a common understanding of roles and available resources, OJS should take DOJ funding estimates into account in developing long-term needs analyses and plans. This more comprehensive base of information will improve OJS's ability to plan for future needs and to consult with the tribes on resource strategies.

#### **SUGGESTION 5: Designate a partnership coordinator.**

In addition to expanding coordination with DOJ grants programs, OJS should stress to OMB its efforts to work with other Program partners. It is OJS policy to enter into agreements "... with other federal, state, local, and tribal agencies to provide the most efficient and effective law enforcement services to the residents of Indian country." Perhaps the most essential example of interagency cooperation in law enforcement is the cross-deputization agreement. The Bureau of Justice Statistics (BJS) indicates that about 99 percent of law enforcement agencies in Indian country have at least one such agreement with another tribal or public agency.

In our review, we found ample evidence of formal and informal coordination with related programs at all levels of OJS. Officials at Program headquarters provided copies of several interagency agreements currently in effect, including:

- a jurisdictional agreement with the Federal Bureau of Investigation (FBI);
- agreements with National Guard organizations to provide aviation support for law enforcement activities over tribal lands; and
- an agreement with the Indian Health Service for coordination of activities in support of Indian alcohol and drug abuse programs.

Districts and individual field agencies also foster interagency relationships. BIA Law Enforcement District 5 has entered into an agreement with the nonprofit Jason Foundation for collaboration on teen suicide prevention programs in Indian country. BIA Law Enforcement District 1 reports successfully negotiating deputization agreements among state, BIA, and tribal law enforcement entities in Nebraska and has worked in partnership with the FBI, state police, National Park Service (NPS), and the Indian Police Academy to provide in-service training for all uniformed field personnel in the District, including tribal officers. The chief of police for the Rosebud Sioux Tribe says he has been working to develop agreements with the nearby Pine Ridge and Cheyenne Eagle Butte law enforcement agencies to conduct internal affairs investigations for each other on cases that BIA's Albuquerque office does not handle.

Finally, DOI's Office of Law Enforcement, Security, and Emergency Management (OLESEM) and the DOI bureaus that have law enforcement functions — i.e., BIA, NPS, the Bureau of Land Management, the Bureau of Reclamation, and the Fish and Wildlife Service — are cooperating to develop the Incident Management and Reporting System (IMARS), which will integrate incident data across bureaus and enable the transfer of law enforcement statistical data to DOJ.

OJS should present these various agreements to OMB as evidence of collaboration and coordination with related programs and designate a partnership coordinator. This coordinator should inventory existing agreements and partnerships nationwide and maintain a consolidated record of commitments made by and to Program partners.

## **OMB RECOMMENDATION #2: DEVELOP A STRATEGIC PLAN TO GUIDE MANAGEMENT AND PERFORMANCE IMPROVEMENT EFFORTS.**

One key to achieving a successful PART rating is having clear priorities, organized in a strategic plan and supported by an appropriate base of performance information. In its FY2006 budget justification, BIA cites as one of its 2004 accomplishments “. . . implementation of a comprehensive Strategic Plan that outlines the direction for all Law Enforcement and Detention offices.” However, one Program official with whom we spoke indicated that BIA had not completed the planning effort. Instead, OJS provided the draft of a strategic plan, dated June 2006, for its Corrections Division. Upon review of the Corrections Division document, we discovered a number of shortcomings that relate to:

**PART Question 2.8,** Has the program taken meaningful steps to correct its strategic planning deficiencies?

The draft strategic plan lacks:

- ***time frames.*** Other than “2006-2007” on the cover page, the draft identifies no time frames for the objectives.
- ***sufficient discussion of context.*** While this strategic plan groups goals into four relevant themes, it includes little explanation of the rationale for the various ideas

presented or contextual information about the current state of the Program. For example, one section proposes maximizing inmate capacity through increased contracting — yet it does not first establish existence of a capacity shortage.

- ***explicit linkage to higher-level strategy.*** While the plan does open with a statement of mission and values, termed “cultural anchors” in the draft, it does not address how Corrections Division activities support Program goals. Such linkage would be difficult for the Corrections Division to achieve in a meaningful fashion considering the current absence of a plan at the OJS level. At a minimum, however, the plan should note that the goals align with the DOI “Serving Communities” mission area, specifically the end outcome goal to “Advance Quality Communities For Tribes and Alaska Natives” and its associated intermediate outcome goal to “Enhance Public Safety.”
- ***explanation of resource expectations.*** It is unclear what resources (means) are currently dedicated to each goal or what additional resources might be made available to support each strategy (whether by reallocating other resources within the Program or through pursuit of new funding and partnerships).
- ***information on how results will be measured.*** None of the 22 measures in the Plan contains baselines or targets. Most are simple task statements, made without reference to who would lead each strategy or be accountable for each measure.

#### **SUGGESTION 6: Prepare an OJS Strategic Plan.**

With only the Corrections Division addressed, OJS will likely be unsuccessful in achieving a **YES** from OMB on PART Question 2.8. OJS needs to clarify its objectives and significantly expand the scope of plans. We suggest developing a Program-wide strategic plan that meets OMB Circular A-11 guidelines. OJS management should identify specific goals that address priorities for each major function of the Program over the next several years. If completed in FY2007, the plan should extend through FY2012.

#### **OMB RECOMMENDATION #3: DEVELOP BASELINE DATA AND TARGETS FOR PERFORMANCE MEASURES.**

At the outset of our review, Department officials reported that, despite years of effort, the Program’s key performance measures, recent results, and future-year performance targets remained unclear. Consequently, they were not able to assess how the performance measures related to resource requests or whether the targets, where identified, were appropriate.

The Program has seen significant management turnover in the last 2 years, and officials are finalizing selection of key performance measures. OJS is also working with a committee formed under the auspices of the Tribal Budget Advisory

**Establish performance indicators to be used in measuring or assessing relevant outputs, service levels, and outcomes**

...

**Provide a basis for comparing actual program results with the established performance goals**

Government Performance and  
Results Act of 1993

Council to validate and standardize performance information requirements across major federal programs serving Native Americans.

### ***Establishing a Balanced Set of Measures***

For PART purposes, a balanced set of measures includes outcomes, outputs, and at least one significant efficiency measure. The discussion of performance measures below illustrates the types of issues that should be considered by BIA in finalizing a set of measures that can be presented to OMB for consideration. At the end of this discussion, Table 8 (on page 16) shows, as an example, a set of performance measures that touches upon each of the Program's major functions. In developing a set of PART measures, the OJS management team should be fully engaged in validating a limited number of broad performance measures that are indicative of Program results, with the understanding that each may be supported by numerous, more detailed measures within the Program.

Key questions to consider include:

- Can the data be collected in a timely manner?
- Can procedures be implemented and enforced to provide reasonable assurance of the accuracy of the data?
- Does the Program have the capacity to allow adequate analysis of the data and to report reliable information?
- Would this information be useful in managing the Program?

Currently, many of the Program's performance measures either lack data or reflect data that are clearly inconsistent from one year to the next. The latest posting on the OMB ExpectMore.gov Web site shows 12 measures, 9 of which have no data. Examination of other Program documents reflects a number of underlying problems with reported data. For example, definition is a fundamental issue in performance data collection. The Program used an incorrect definition of the violent crime rate, an important outcome measure for law enforcement. Officials initially provided a definition — included in the DOI strategic plan — that is inconsistent with guidelines issued by the FBI through its Uniform Crime Reporting (UCR) Program. In addition to the four categories of violent crime, the DOI definition included four other crime categories.

Once measures and data elements are properly defined, reporting processes and performance targets must be based on the same criteria. As indicated in Table 5, reports for the violent crime rate fluctuated by orders of magnitude. Clearly, OJS did not intend to indicate a more than hundredfold increase in violent crime from 2003 to 2006. What they did mean to convey is not at all clear — even after discussion with Program officials. Due to concerns about these data, Department officials decided not to publish the results in the DOI Performance and Accountability Report.

<b>2000 Baseline</b>	16,500
<b>2003 Report</b>	1,195
<b>2006 Target</b>	224,000

**Table 5.** Violent Crime Rate per 100,000 Residents, as Published on the ExpectMore.gov Web Site.

## Outcome Measures

### SUGGESTION 7. Consider key indicators of criminal activity as outcome measures.

During the course of our review, Program officials corrected the definition for the **Violent Crime Rate** — but were also considering deleting the measure altogether and replacing it with the **Violent Crime Case Clearance Rate**. Program officials reasoned that it would be inappropriate to judge Program performance based on the violent crime rate because too many factors affect the outcome and they believe that violent crime is likely to increase over the next several years. However, probability of failure would relate more to the level at which performance targets are set than to the performance measures selected. The public should expect that, over time, law enforcement programs will improve public safety by reducing crime. The fact that officials do not control all factors contributing to the outcome does not relieve the federal program manager of accountability.

Moving away from an outcome orientation would jeopardize the Program’s favorable ratings for the following PART questions:

**PART examines factors that the program or agency may not directly control but may be able to influence . . .**

*Outcome Measures.* Outcomes describe the intended result of carrying out a program or activity. They define an event or condition that is external to the program or activity and that is of direct importance to the intended beneficiaries and/or the general public.

OMB PART guidance

**PART Question 2.1,** Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?

**PART Question 2.2,** Does the program have ambitious targets and timeframes for its long-term measures?

Therefore, we suggest OJS reaffirm the use of crime statistics as the Program’s long-term outcome measures for PART purposes.

### SUGGESTION 8: Report crime by the number of reported incidents.

With the level of criminal activity identified as the key outcome of the Program, management must determine how best to report this information. In its UCR publications, the FBI reports incident volume and rate per 100,000 inhabitants for each of the eight Part 1 crime categories noted in Table 6. The FBI also reports the aggregates of the four violent crimes and of three property crimes. Arson, though defined as a property crime, is not included in property crime totals due to inconsistencies in data collection.

In OJS, field agencies track incident data, although they use disparate processes. We suggest that OJS use incident counts, by UCR category, as the Program’s key outcome measures for the time being, because we have concerns with the use of service population figures in the computation of crime rates.

Violent Crime
Criminal Homicide
Forcible Rape
Robbery
Aggravated Assault
Property Crime
Burglary
Larceny-Theft
Motor Vehicle Theft
Arson

**Table 6.**  
Part 1 Crime  
Categories from the  
FBI Publication  
“Crime in the  
United States.”

Variance in population estimates for an individual reservation can yield widely divergent assessments of crime rates, as illustrated in Table 7. For example, BIA's official estimate of the service population for the Turtle Mountain Reservation in North Dakota is 29,156 (per the 2003 BIA American Indian Population and Labor Force Report). This figure is equal to the total enrollment of the Turtle Mountain Band of Chippewa and may simply be more of a political statement that all enrolled members are eligible for BIA services than a reflection of the American Indian population on or near the Reservation.

Population Estimate	Source	Violent Crimes Reported, 2005	Calculated Violent Crime Rate per 100,000
29,156	BIA Labor Force Report (American Indians on or in the vicinity of Turtle Mountain lands)	22	75
9,983	Census Bureau Fact Finder (American Indians in Rolette County)		220
8,331	Census Bureau Fact Finder (Turtle Mountain lands, all races)		264

**Table 7.** Effect of Population Estimates on the Purported Violent Crime Rate for Turtle Mountain.

By contrast, Census Bureau data for 2000 suggest that the total population (regardless of race) on Turtle Mountain lands is 8,331, while the American Indian and Alaska Native population in all of Rolette County (including the Reservation) is 9,983. The different criteria employed by the tribes and BIA, on the one hand, and the Census Bureau, on the other, do not readily explain this wide variation in population figures, nor does the passage of 3 years between the enumerated census and the BIA poll. If this type of divergent quantification extends to the scores of reservations that receive BIA law enforcement support, the information would be unreliable for decision-making and PART purposes.

#### **SUGGESTION 9: Redefine the service population for public safety purposes.**

BIA compiles the tribes' estimates of service population as an indicator of the demand for BIA social services and related programs, which are generally available only to Native Americans. These estimates may not be appropriate for use by OJS.

In the interest of public safety, most police agencies have arrest authority over both American Indian **and non-Indian** suspects on tribal lands despite distinctions in prosecutorial jurisdiction. Therefore, limiting the population base in police statistics to American Indians can be misleading. Census Bureau data for 2000 suggest that about three-quarters of Indian country residents are non-Indian. To overlook this segment of the population could overstate crime rates considerably. Further, the use of population estimates significantly different from Census Bureau data would complicate, and potentially invalidate, any attempts to compare Indian country statistics to other jurisdictions based on UCR data because the FBI relies on Census Bureau figures.



Rather than adopting BIA population figures across the board, OJS should update its service population figures for law enforcement use to include the non-Indian residents for those reservations where officers hold general arrest authority. In addition, OJS should consult with the tribes to develop a new methodology that takes into consideration both Census Bureau and tribal data in determining the service population. Once a final, revised approach to estimating the population is approved and new figures have been validated, OJS can resume reporting outcomes in terms of both incident volume and crime rates.

### *Output Measures*

In examining key outputs for Program functions, it is important to distinguish between **operating statistics** and potential **performance measures**. Both are useful in program management. The former, however, may have projections but not targets. The latter require a clear objective to increase, maintain, or reduce — as communicated through appropriately set targets. For example, Program managers would track the number of service calls as an operating statistic rather than a performance measure because no target would be set to change this number.

#### ***Output Measures.***

Outputs describe the level of activity that will be provided over a period of time, including a description of the characteristics (e.g., timeliness) established as standards for the activity.

Outputs refer to the internal activities of a program (i.e., the products and services delivered).

OMB PART guidance

### **SUGGESTION 10: Identify a key output for each major function of the Program.**

While one can say that all functions within the Program share the common outcome goal of reducing crime levels, key annual output measures should be separately identified for each major function. In identifying the key outputs, Program managers should give some thought to capturing a limited number of outputs that collectively reflect the majority of the budget. The Indian Police Academy and the Professional Standards Division are allocated a relatively small percentage of the OJS budget and could be considered as carrying out support functions. The major operational functions then are policing, investigation, and detention.

### **Policing**

Arrests and citations issued by patrol officers should be tracked as key operating statistics for the Program. However, beyond specific enforcement initiatives, the overall number of these outputs may be driven more by the level of criminal activity than by predetermined targets. Similarly, the **Arrest Rate** is a common policing measure that can be determined for a given field agency, neighborhood, or category of crime. This may be a useful performance measure in limited circumstances because monitoring arrest rates at this level of detail can trigger further fact finding. On the other hand, an aggregate **Arrest Rate** would not stand as a useful Program-wide performance measure for PART purposes because its use should be coupled with an understanding of the law enforcement strategies employed during specific times in specific locations. Changes over time can result from a number of causes, including reluctance of community members to report offenses or changes in the intensity of enforcement activity. Instead of a targeted performance measure for police force output, OJS might commission periodic surveys of community perceptions of police effectiveness and the professionalism of its

dispatchers and patrol officers. The **Results of Community Surveys** could serve as additional outcome indicators for Program management overall and for the policing function specifically. These would not supplant the end outcome goals relating to crime reduction, but could serve as intermediate indicators to focus the Program's ongoing efforts to increase effectiveness and to enhance community relations.

## Investigation

Conversely, monitoring the **Case Clearance Rate** can provide important information about the Program's activity, if measured consistently. Under such a measure, the Program would report the proportion of investigations that lead to an arrest or exceptional disposition. Because the **Case Clearance Rate** reflects the Program's success at identifying perpetrators and gathering strong evidence, it would be appropriate for use as a key output measure for the Program's investigative role. A key challenge in applying this measure effectively would be maintaining consistency in determining when cases may be closed by exception. The OJS Professional Standards Division (PSD) should review how field agencies are making this determination and work toward a standard policy for case closure. Another possibility would be to follow the law enforcement process a step further and monitor the **Prosecutorial Acceptance Rate** for federal cases. As tribal codes and courts vary significantly, we do not believe the Program would be able to implement a meaningful Program-wide measure for tribal law cases, though tracking this information may be useful at the local level. Even within the federal system, different prosecutors' priorities and court case backlogs could present measurement difficulties. Therefore, OJS might consider monitoring the **Prosecutorial Acceptance Rate** on a pilot basis to determine whether a meaningful baseline can be established. Careful examination of the results could help the Program develop clear criteria for case closure in the future.

## Detention

For the detention role, performance means providing adequate capacity for inmates in appropriate facilities with qualified staff. Assuming success against certain critical factors such as preventing escapes or fatalities, Program managers can measure the adequacy of inmate capacity by comparing actual utilization against the rated capacity of the Program's detention centers using the formula:

$$\frac{\text{Average Daily Inmate Population}}{\text{Total Rated Capacity}} = \text{Detention Center Utilization Rate}$$

Ideally, OJS should be able to identify, for each facility, the average daily population as well as the range over a specified time period. If existing data systems do not support reporting of daily population levels, a periodic "snapshot" can be used — though this can lead to significant variance. For example, the BJS census of Indian country jails for June 2003 reported an average utilization of 71 percent for the month, while statistics for only the last day of the month yield a result of 82 percent.

The Bureau of Prisons (BOP) has set a goal of being over-capacity by 30 percent or more, i.e., an effective utilization target of at least 130 percent. BOP characterizes this utilization rate as an outcome measure, as well as an efficiency measure, because they have avoided cost by not increasing capacity to match the demand for their services. We believe it would be irresponsible for BIA to adopt this measure, setting Program-wide targets in excess of 100 percent, unless they have clear strategies to address overcrowding. We suggest BIA characterize the utilization rate as an output measure, with 100 percent meaning that the Program has delivered exactly the capacity that was required. Assuming a baseline of 71 percent, the goal would be to increase utilization.

**The Bureau of Indian Affairs  
Division of Corrections  
protects Indian communities  
by confining American Indian  
offenders in safe and secure  
environments . . .**

BIA Division of Corrections  
draft strategic plan.

To tie back to the Corrections Division mission of providing safe and secure detention facilities, managers might also consider a more ambitious “effective capacity” approach. They could do so by deducting from the Program’s rated capacity those facilities that are in poor condition or otherwise fail to meet safety and security standards. Following this approach would reinforce the responsibility that the OFECR and OJS share to improve the physical condition of Indian country detention centers and to staff them appropriately. With a substantial number of the detention centers in poor condition and with BIA facing litigation

over a perceived shortage of funds for staffing and operations, the Program officials would have to examine current data about the status of each detention center to establish a baseline for this measure. OJS would likely find many centers to be operating over their effective capacity and would need to establish a goal of reducing the utilization rate.

Either way, OJS can employ a number of possible strategies to manage the utilization rate. Managers could increase effective capacity through expanding investment in facilities, staff, and training; procuring additional capacity by agreement with federal, state, or local agencies; or by contracting with private sector providers. Excess capacity could be offered for use by others through consolidation of services within Indian country; franchising to federal, state, or local counterparts; or by closing underutilized or unfit facilities. The mix of strategies employed would depend on condition of facilities, construction and renovation plans, staffing and training levels, local and regional needs, interjurisdictional relationships, and other factors.

As the Corrections Division moves (in conjunction with court systems and community partners) beyond its detention role into rehabilitation, the Program could institute measures of **Recidivism** to monitor the extent to which Indian country inmates become repeat offenders.

## *Efficiency Measures*

### **SUGGESTION 11: Develop efficiency measures by comparing key outputs to associated costs.**

*Efficiency Measures.* Simply put, efficiency is the ratio of the outcome or output to the input of any program.

OMB PART guidance

Once OJS has selected key outputs, it can determine cost efficiency by comparing the level of output to the cost of the activities associated with each output. This is also referred to as “input productivity.” For example, OJS could employ the **Average Cost per Service Call** to assess the policing function and the **Average Cost per Case** to assess the investigation function. Cautious interpretation would be required because a decline in crime resulting from an increase in enforcement activity could be reflected as a notable increase in average unit cost. However, if a consistent definition is applied over time, average unit cost can be used to monitor general trends.

### **SUGGESTION 12: Refine the ABC System to gather cost data to support identified cost efficiency measures.**

An alternative approach would be to quantify the percentage of resources dedicated to fulfillment of the core role and to priority activities. The Home Office in the United Kingdom uses a **Frontline Policing** measure, which reports the percentage of police officer time spent on frontline duties. Based on activity analysis, the Home Office estimates a national average baseline of 61 percent for 2004 and has set a target of an annual 3 percent increase through 2008.

Adopting a measure in BIA like that of the Home Office would likely require revisions to the existing Activity-Based Costing (ABC) System to include clear definitions of what constitutes core, or frontline, activity. Use of this measure, however, in conjunction with the existing measure of **Percent of Agencies Implementing Community Policing**, could help reinforce community policing as a Program priority.

At a broader level, ABC data for FY2005 show that the Program had the lowest reported percentage of costs dedicated to “organizational sustaining activities,” i.e., program management and support functions, of the nine program areas reviewed by AS/IA staff. At 16 percent, OJS was one of only two program areas to meet the suggested benchmark of 25 percent. OJS could consider using this as an overall measure of efficiency. However, we suggest OJS develop a more ambitious target based on rigorous requirements analysis and benchmarking with appropriate counterparts in the law enforcement field.

As noted above, AS/IA staff members, with contractor support, have conducted some cost analysis of BIA programs using data from ABC surveys and other sources of fiscal information. This type of analysis can yield important insights into program operations. We observed, however, a number of significant errors in the “FY 05 Cost and Performance Results” report prepared for OJS.

The draft report noted an average cost per police officer of \$60,444 in 2005 and compared this to the “national average of \$91,415 per police officer.” This benchmark was based on information from BJS. The BJS figure, however, appears to be for **operating cost**, while the BIA figure is

for **labor cost** alone. Comparing these directly is a fundamental error that would significantly distort activity-based cost analyses. A more appropriate comparison to the benchmark cited would have been BIA's "burdened" cost figure of \$117,208 per police officer. Burdened costs include both labor and non-labor costs, including those of organizational sustaining activities. Using the proper comparison suggests that BIA law enforcement is more costly, perhaps due to the ancillary functions associated with running a nationwide program.

A more disconcerting error in the AS/IA report is the inappropriate comparison between data from another contractor's report and the Bureau's ABC data. Average costs of \$426,140 per police officer reported by the contractor were compared with the average cost per police officer of \$117,208 from the FY2005 ABC cost information. This comparison is between a projection of **cumulative cost over a 5-year period**, on the one hand, and a **single year of ABC cost data** on the other. AS/IA officials report that improvements in ABC data collection are planned; improvements in analysis and review are also needed.

	Policing	Investigation	Detention and Corrections	Management
<b>Key Long-term Outcomes</b>	<b>Common Outcome Goal: Reduced Crime</b> <i>Number of:</i> UCR Part 1 Violent Crimes Homicides / Rapes / Robberies / Aggravated Assaults UCR Part 1 Property Crimes Burglaries / Larcenies / Motor Vehicle Thefts / Arsons			
<b>Annual Outputs</b>	Number of Service Calls (no target)  Number of Arrests (no target)  Number of Citations Issued (no target)	Case Clearance Rate (increase)	Detention Center Utilization Rate (optimize)	Percent of Agencies Implementing Community Policing (increase)
<b>Efficiency Measures</b>	Percentage of Time in Frontline Policing (increase)	Average Cost per Case (reduce)	Ratio of Cost to Effective Inmate Capacity (reduce)	Percent of Program Dollars Expended for Organizational Sustaining Activities (reduce)
<b>Additional Outcome Measures for Future Use</b>	Results of Community Surveys	Prosecutorial Acceptance Rate (increase)	Recidivism (reduce)	Results of Community Surveys

**Table 8.** Sample Matrix of Potential Performance Measures

Table 8, above, provides a summary of the measures discussed above. We categorize these measures as outcomes, outputs, or efficiency measures and list them under headings that reflect the Program’s major functions. Outcome goals pertaining to crime reduction are common to all elements of the Program. In addition, we have listed outcome measures that may not be suitable as PART measures currently, as the Program likely lacks sufficient baseline data. OJS should consider these for future use. Again, these are but one possible set of measures for discussion; management officials are responsible for validating a set of performance measures appropriate to the Program. When the Program selects a final slate of measures to present to OMB, the examiner will consider which measures best inform the public of the results of their investment and accept these as PART measures.

### *Setting Targets*

Ideally, the Program will consult with its partners to determine results expected over the next several years, considering key external factors and initially assuming a fixed funding level. Then, they should identify strategies for improvement and set ambitious targets they might achieve with additional investment or changes in Program management.

**All targets and timeframes must be ambitious — that is, they must be set at a level that promotes continued improvement within achievable efficiencies.**

OMB PART guidance

Developing realistic targets that are also ambitious can be challenging. Justifications for moderating targets may be driven by resource issues within the Program or by external factors. OJS officials should inform the OMB examiner of the challenges faced in providing effective policing and detention services by citing data and research that substantiate their concerns about the effects of unemployment, poverty, lack of adequate housing, and alcohol and drug abuse on crime levels.

### *Resource Ratios*

In addition to outcome, output, and efficiency measures, the Program could use input measures or resource ratios to compare the level of resources available to some indicator of demand. In determining resource needs, OJS currently uses a **Police Staffing Ratio**, which compares the number of officers assigned to the number of residents served. Clearly, variance in the population data element, as discussed above in the context of crime rates, can significantly change the report of a given field office’s resource level and, thereby, affect perceptions of resource needs.

Problems with Program staffing ratios are not limited to the concerns about population estimates. OJS does not seem to account for all resources when examining existing staffing levels. Turning to Turtle Mountain reservation as an example, an OJS analysis cited 21 officers assigned. One officer accepted a reassignment to the Law Enforcement District 1 office. As a result, we expected to find 20 officers on board. We discovered, however, that the count recognized only BIA-funded positions and neglected an additional 10 positions funded by the Tribe or through grants. BIA would base any decision-making in this case on information that understates the existing staffing level by 33 percent.



Population Estimate	Source	Officers Assigned	Calculated Officers per 1,000
29,156	BIA <i>Labor Force Report</i>	20	0.7
9,983	Census Bureau <i>Fact Finder</i>	(BIA funds only)	2.0
29,156	BIA <i>Labor Force Report</i>	30	1.0
9,983	Census Bureau <i>Fact Finder</i>	(All fund sources)	3.0

**Table 9.** Combined Effect of Population Estimates and Alternative Funding Sources on the Purported *Police Staffing Ratio* for Turtle Mountain Reservation.

The effect is magnified when combined with differing population estimates in determining Turtle Mountain's **Police Staffing Ratio**, as illustrated in Table 9, above. The OJS analysis indicated a ratio of 0.7, the least-case scenario from permutations that range all the way to three officers per thousand served, when citing Census Bureau figures and accounting for all officers regardless of funding source. We have insufficient information to determine how prevalent this fault may be, but management should assess the issue Program-wide to gain a clearer understanding of the law enforcement presence in Indian country.

**SUGGESTION 13: Develop an inventory of positions funded by the tribes or by grant programs and clearly identify them as resources in any needs assessment.**

District offices should routinely maintain a field office inventory of both BIA-funded positions and of positions funded through other means. Chiefs of police should report all positions, together with information about when the funding is due to expire, so district and headquarters personnel can assess the stability of these alternative funding arrangements and plan accordingly.

This suggestion complements OMB's recommendation regarding improved coordination with the COPS Program as we previously discussed. While we support the call to coordinate activities at the national level, the most direct interchange with the tribes takes place in the field. As tribes pursue multiple avenues to meet their communities' needs, OJS needs to capture all information to more fully inform BIA decision-making.

Maintaining the position inventory as we suggest will provide evidence useful for a number of PART questions, including:

**Question 1.4,** Is the program design free of major flaws that would limit the program's effectiveness or efficiency?

**Question 1.5,** Is the program effectively targeted, so program resources reach intended beneficiaries and/or otherwise address the program's purpose directly?

**Question 2.7,** Are...resource needs presented in a complete and transparent manner in the program's budget?

#### **SUGGESTION 14: Implement more rigorous requirements analysis.**

OJS officials report using National Institute of Corrections (NIC) standards to determine staffing requirements for Indian country detention facilities. Just as these requirements are not determined through simple staff-to-inmate ratios, the number of police officers required should not be determined based simply upon the number of American Indians in the vicinity. The **Police Staffing Ratio**, if corrected to account for all funding sources as discussed above, may provide some comparative information about the level of resources consumed in one community versus another. To better determine requirements, however, analysis should be based on the **demand for police services**. Management should consider workload drivers (such as the number of service calls), analyses of the volume and nature of crimes reported for each location, and other factors (such as officer safety and the geographic extent of the jurisdiction).

#### ***Performance Data Collection and Analysis***

Lack of clear identification and definition of key performance measures and operating statistics can lead field offices to report data that may not be needed and to use different reporting formats and inconsistent criteria. To examine procedures in effect in OJS, we visited the Law Enforcement District 1 office in Aberdeen, South Dakota, and two of its associated field sites.

BIA officials at the Turtle Mountain reservation in North Dakota face challenges in data management. There, BIA staff use the **Crime Reporting Information System (CRIS)**, together with a number of Microsoft Access databases designed by the police themselves. Piecing together information from multiple databases provides no automated procedure to check for duplicate entries, and field officials describe CRIS as an obsolete system that is not effective in organizing or retrieving information. The System does not provide necessary sorting or filtering capabilities. To report crime and workload statistics, the staff must, therefore, print the data log and then count the number of lines with given entries.



**BIA Patrol Car at Turtle Mountain (OIG staff photo)**

The resulting information should be input to Lotus Notes on a monthly basis. With more than 600 service calls in an average month, this approach is time-consuming and provides considerable opportunity for error. Local OJS officials report that BIA has discouraged continued reliance on CRIS but has not provided any other means of tracking data from origination to final disposition. At the same time, the longstanding *Cobell v. Kempthorne* injunction on data connectivity has resulted in a need for the Turtle Mountain office to operate two separate systems — one under BIA auspices and one owned and operated by the tribe — in order to share information with prosecutors and the courts.

Field officials use these systems to track calls for service, radio communications, arrests or citations, and investigations, with separate logs for cases investigated under the Tribal Code and for those pursued under federal law. They report using service call data to determine priorities for assignment of school resource officers. In theory, the data could also be useful in deploying police resources to residential and commercial areas, but further use of performance information to manage operations is limited in practice because the high service call volume keeps every available officer engaged in call response.



Rosebud Sioux Tribe Law  
Enforcement Services Insignia  
(OIG staff photo)

In contrast to the situation at Turtle Mountain, the Rosebud Sioux Tribe uses advanced information technology. The Tribe provides law enforcement services there under a Public Law 93-638 contract. Federal grant funding supports the Tribe's use of a system from The Creative Information Systems Company (CISCO). Both local and district office officials describe the CISCO System as state-of-the-art. Not only does it track the operational data required by police, it integrates applications for detention managers, prosecutors, and tribal court officials.

The Tribal Program is also notable for its pursuit of other improvements in technology. Officials report that all patrol cars are equipped with vehicle cameras and that officers will soon be able to generate reports in the field using rugged notebook computers. Long-term plans include expanding wireless access to the CISCO System from its current 1-mile radius. Cellular technology will allow a much broader coverage, and officers will be able to save considerable time, given that the Rosebud jurisdiction spans more than 5,000 square miles across five counties.

The chief of police reports that he routinely shares information from the System in community meetings and Tribal Council sessions. Authorities use System-generated statistics to assign patrol officers to each of the reservation's 20 communities, identify priorities for special enforcement programs, and prioritize needed transportation improvements on the reservation. Rosebud officials include CISCO printouts in the hard copy reports they provide to BIA on a monthly, quarterly, and annual basis. Rosebud officials hope that modifications to be made in FY2007 will allow their office to become the first site to fully comply with National Highway Transportation Safety Administration (NHTSA) standards for vehicle accident statistics. Once modifications are complete, they will be able to automatically transfer traffic safety data to highway safety officials in Albuquerque.

Even with advanced technology in place, human error can interfere with an organization's ability to provide reliable performance data, and we found errors that suggest inadequate review. For example, 2003 to 2005 traffic safety information produced by the Rosebud Sioux Tribe and distributed by highway safety officials contains numbers that conflict, do not add up, or were apparently duplicated from one year to the next. Similarly, a recent quarterly report to BIA shows different data for the same period (fourth quarter 2005) from the previous year's report.

To begin addressing some of its data management challenges, OJS is prototyping a pilot system to unify data collection. The system enables Program officials to issue a single data call to all district and field offices using Lotus Notes on the Bureau intranet. Individual users may read records from other field sites, but access for data entry is restricted. Programmers have embedded standard definitions for key data elements for easy reference. Reported data require electronic approval by management officials in the field, who are responsible for data verification and control.

BIA field offices are to input their data on at least a quarterly basis, though monthly reporting is preferred. District office staffers solicit data from tribally run programs outside the system and then input responses. This method consumes time and introduces opportunities for transcription error because staff members often receive hard-copy responses in a variety of formats. In addition, they sometimes receive responses only once a year, so incident data may not be recorded in the appropriate quarter.

Use of the Lotus Notes-based system is an improvement, but without final approval of performance measures for the Program, the system design cannot be validated. Further, it is a repository that requires manual transfer of data from other systems in the field, rather than a more efficient and less error-prone standardized workflow system that would integrate field operating requirements with management information needs. Visiting only 2 of approximately 200 field locations, we encountered CISCO, CRIS, and at least 4 separate Access databases. Users manually transfer any necessary data between these systems or from these systems into Notes.

Despite regular communication between field offices, Turtle Mountain officials developed their own databases. They did not copy from another office to capitalize on the time already invested, nor do they report sharing their database structures with other offices. According to the field officials with whom we spoke, each office makes its own data management determinations. While the tribally run departments are free to opt for other solutions, it makes little sense for each of BIA's many field offices to create their own ad-hoc systems.

As noted in the discussion of interagency collaboration, DOI and its bureaus are working to develop a system for incident data collection to improve reporting under the Uniform Federal Crime Reporting Act of 1988. The Incident Management and Reporting System, or IMARS, is scheduled for deployment of core functions by September 2008 and has the potential for additional capabilities to be integrated over the ensuing 2 years. BIA is participating in the development of IMARS, but it is unclear to what extent BIA offices will be able to connect to the System or whether the tribally run field agencies can be required to do so. The IMARS project manager is preparing a contingency plan concerning BIA participation as a potential project risk.



Incident Management and Reporting System Logo

**SUGGESTION 15: Conduct market research and benchmarking to assess the feasibility and cost of procuring a more comprehensive information technology solution.**

As we have seen demonstrated at Rosebud, commercial technology is available to address law enforcement needs at the operational level and to provide analytic and reporting capabilities for management information. Should OJS managers pursue an end-to-end solution, they would have to consider modifications to the IMARS system alongside off-the-shelf alternatives such as CISCO or CrimeStar. Program officials could consider contract incentives or cost-sharing grants to bring tribal departments online, as well (either through direct access, or through standard data transfer protocols).

An investment in improved information technology (subject to current court restrictions) should enhance management's ability to oversee Program operations and provide tools to strengthen decision-making. If standardized reporting requirements are implemented with appropriate controls, analysis of incident data and investigative information can be used to support planning for more effective deployment of law enforcement resources. Effective analysis requires access to reliable data.

When analyzing crime data and planning law enforcement activities, many community-policing organizations cite the SARA model, which acknowledges four stages in identifying and solving problems. We summarize the stages below.

- **Scanning** — monitoring the environment to identify issues of concern to the police and public.
- **Analysis** — reviewing incident data (offense, offender, victim, location, time) to identify trends, commonalities, and possible causes and consequences.
- **Response** — devising, selecting, and implementing potential solutions to clearly defined problems.
- **Assessment** — comparing incident data prior to and after the response to determine effectiveness.

We encountered numerous problems in examining OJS performance information, operating statistics, and other analyses from within OJS or elsewhere in AS/IA. These problems suggest that the Program currently lacks the necessary analytical capacity to complete the SARA cycle in support of their field offices or even to assess the quality of service provided when consultants are engaged. For example, OJS engaged a private contractor to perform a gap analysis of the Program's staffing needs. In its final report, the contractor cited UCR statistics from 2004 (the latest full year available at the time of the analysis) in providing a standard value to use in calculating staffing requirements. When we checked the reference, we found that the UCR report read, "of the population groups labeled *city*, the cities of 10,000 or less in population had the highest rate, 3.3 officers per 1,000 inhabitants . . .". Using this benchmark resulted in a purported requirement of 4,409 law enforcement officials. The contractor's work is cited in the Indian Affairs budget justification. However, because Census Bureau data characterize much of Indian country as rural, using the UCR-reported average for **non-metropolitan counties** rather than for small cities might have been more appropriate. In the 2004 UCR report, this value was 2.7 officers per 1,000 inhabitants. Setting aside other considerations, such as concerns about population estimates or consistency in counting only sworn officers, the contractor's report may have overstated the baseline staffing requirement by as much as 22 percent for much of Indian country. As we indicate in our discussion of the **Police Staffing Ratio** (see pages 17-18), we believe the Program would benefit from analysis of the characteristics of the communities receiving services, instead of basing requirements on national averages. National averages may not be applicable to Indian country circumstances.



#### **SUGGESTION 16: Work with BJS to improve compilation and organization of existing data.**

To address this situation, we suggest that OJS pursue strategies to improve its in-house analytical capabilities. In the near term, we suggest that OJS pursue expanded interaction with BJS, an agency with considerable experience in gathering, managing, and analyzing volumes of data and in generating informative reports regarding crime statistics and the administration of law enforcement programs. Recruiting a detailee from BJS would be similar to the approach recently used when a detailee from BOP was assigned to help BIA address daunting challenges in the operation and management of detention centers. Together, BIA and BJS should lay groundwork for a network of analysts to collaboratively publish an annual report of crime statistics that cover Indian country. The report should aggregate data from all reservations. Arizona, Idaho, and Virginia are examples of states that provide consolidated reports of data compiled through county and municipal officials.

#### **SUGGESTION 17: Invest in crime analysis capacity within BIA.**

BIA managers should consider a budget increase of five to eight full-time equivalents (FTEs) dedicated to improving OJS data quality and in-house analytical capacity. Recent requests have focused on increasing staffing levels in the field. While increasing field staff may indeed have the greatest noticeable effect, it is also important for Program managers to have sound information on which to base resource deployment decisions. An increase of up to eight FTEs for analytical support, when compared to recent requests for frontline staffing increases, is in line with the Program's reported cost ratio for organizational sustaining activities as discussed on page 15.

If the request for additional analytical staff were to be approved, the top priority should be to assign one analyst to each of Districts 1 through 5, where the Law Enforcement Division currently employs five staff members to oversee as many as 53 field agencies. Next, OJS should look into assigning another three FTEs — one to Law Enforcement District 6, where a staff of three oversees tribal law enforcement contracts in the Eastern Region — one to the division headquarters in Albuquerque — and one to the Program headquarters in Washington, DC. The primary job functions of these crime analysts would be to 1) provide technical assistance to field offices in managing data; 2) review and validate data collected from these offices on a regular basis; and 3) provide analyses to management officials at both headquarters and in the field. Such analyses would support the generation of general Program publications, as well as the cooperative identification and systematic study of issues of concern to field offices. In addition, these analysts could serve as the “core team” for implementation of expanded program evaluation, as we discuss below.

#### ***Budget and Performance Integration***

OJS considers performance information when allocating new resources, but not when analyzing base funding. In its deliberations over the FY2006 budget, the House Committee on Appropriations directed BIA to report on the distribution of new funding, noting that the resources should be applied to “. . . high priority law enforcement needs in Indian country including, but not limited to, community policing programs and drug enforcement.”



Program officials prepared a response to the Committee based on an analysis of key performance information (i.e., crime rates), current resource ratios, and related external factors, such as proximity to international borders or reports of drug prevalence. While the approach is conceptually sound, we have a number of concerns with the underlying data. Indeed, review of the Program’s internal documentation suggests that management is aware that the “high-crime” reservations are not always those with the highest calculated crime rate.

**SUGGESTION 18: Realign resources within the base Program before requesting additional funding.**

The report and the underlying analysis reflect consideration of performance information for the distribution of \$3.9 million — a mere 2 percent of the budget. The Program’s base funding should also be managed with the goal of maximizing performance by deploying law enforcement resources where they are needed most, but we found no evidence of significant changes in the 98 percent of Program funds that constitute the base budget. Analysis of performance information does not seem to have resulted in permanent realignment of resources from relatively “low crime, high staff” offices to “high crime, low staff” offices.

Indeed, there are many considerations in reallocating funds or moving staff from one location to another — particularly when these changes involve government-to-government relationships. Such changes do occur on a temporary basis during times of crisis. District officials coordinate personnel details between field agencies to meet high-priority needs, such as conducting special investigations, policing special events, or filling key positions. In order to support long-term resource shifts, the Program should gather reliable performance information and conduct analyses to show how existing resources could be used to meet the greatest needs. However, OJS does not seem to systematically realign resources to satisfy priority needs (or to identify savings) before developing budget requests.

Strengthening performance data verification and analysis and expanding performance-based budget analysis beyond new funding into the base budget could improve the Program’s standing in regard to several PART questions. These include:

**PART Question 1.5,** Is the program effectively targeted, so program resources reach intended beneficiaries and/or otherwise address the program’s purpose directly?

**PART Question 2.7,** Are budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program’s budget?

**PART Question 3.1,** Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?

## *Program Efficiencies*

### **SUGGESTION 19: Inform OMB of cost-saving efforts.**

Although OMB has procedures to review consistency in its application of PART standards to programs across government, there are times when inconsistencies are evident nonetheless. Like BIA, the Drug Enforcement Administration (DEA) was subject to PART review in 2003. With a rising budget and, at the same time, a lack of information about effectiveness and efficiency, BIA received a **NO** in response to:

**PART Question 4.3,** Does the program demonstrate improved efficiencies or cost effectiveness in achieving program performance goals each year?

DEA, on the other hand, was exempted from review under this question based on OMB's conclusion that, "efficiency measures are not appropriate for law enforcement programs" and "... these types of measures ... are not helpful in determining a law enforcement program's effectiveness." While we would agree that considerable caution is required in balancing cost efficiency against program effectiveness, operating efficiently can free resources for other Program priorities that would ultimately enhance law enforcement effectiveness.

We believe it is unlikely that OMB exempt BIA from PART Question 4.3 in the next review. To succeed in the PART process, BIA will need to continue to pursue strategies for efficient law enforcement operations, to explore approaches to efficiency measurement, and to communicate cost savings to the OMB examiner.

Because law enforcement is an inherently governmental function not subject to competitive sourcing, OMB exempted the Program from review under:

**PART Question 3.4,** Does the program have procedures (*e.g.*, competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution?

As OMB notes in its PART guidance for 2006, "there are several ways to demonstrate that a program has established procedures for ... improving efficiency." Therefore, Program officials should be prepared to describe 1) other cost saving strategies they have employed since 2003 and 2) what they have planned for upcoming years. Examples could include consolidating detention services, improving information technology to minimize field reporting burdens, or centralizing dispatch services across police, fire, and emergency medical services.

## **OMB RECOMMENDATION #4: DEVELOP A PROCESS FOR AND SCHEDULE INDEPENDENT PROGRAM EVALUATIONS.**

Law enforcement is a basic function of government, and the provision of police protection and related services is a fundamental responsibility. Accordingly, law enforcement services — as a whole — may not be suitable for the type of comprehensive impact evaluation emphasized in OMB guidance. It would be unethical to withhold law enforcement services from one part of Indian country and provide them to another to compare the results.

**Although providing safety to citizens is one of the most important tasks of the government, policy makers tend to have very limited information on how to achieve this goal.**

RAND dissertation  
on police effectiveness

Consequently, OJS must rely on more narrowly focused evaluative activities, including independent reviews that provide information about the effectiveness or efficiency of specific policies, strategies, and processes. OJS must make sure that the OMB examiner takes into account the nature of law enforcement in Indian country when he or she reviews OJS evaluation activities. The examiner may then give credit for the full range of recent program review efforts.

In keeping with the PART process, the goal of program reviews is to improve planning, program management, and, ultimately, results. Such reviews, collectively, may satisfy OMB requirements for program evaluation. For example, both the Environmental Protection Agency criminal enforcement and the BOP operations programs received affirmative responses for the following PART questions by citing various program reviews rather than impact evaluations.

**Question 2.6,** Are independent and quality evaluations of sufficient scope and quality [*sic*] conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need?

**Question 4.5,** Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?

### ***Recent Evaluative Activities***

**SUGGESTION 20: Inform OMB of recent OIG and DOI reviews and related Program improvements.**

### **Inspector General Reports**

As noted by OMB in its 2003 PART review, the DOI OIG published a review of law enforcement activities across DOI in 2002. A 2006 follow-up report indicated that of six recommendations, BIA had implemented four and achieved moderate progress toward implementing the other two. A comprehensive OIG assessment of Indian detention



facilities in 2004 covered oversight and coordination, safety and security, facility staffing and maintenance, funding, and training. Though not verified in this review, OJS and OFECR officials report having closed 16 of the 25 recommendations in that report.

## **Departmental Review**

The 2003 PART notes that internal affairs investigations deal with allegations of police misconduct. The Internal Affairs Unit (IAU) in the OJS Professional Standards Division (PSD), a national program office, conducts these investigations. The IAU was subject to a policy compliance evaluation conducted in July 2006 by the DOI OLESEM Professional Responsibility Division. The inspection team consisted of two OLESEM representatives and one BLM special agent, which afforded a degree of independence. The review concluded that “. . . although there are some issues that need resolution, the BIA IAU is operating in an efficient and professional manner.”

OJS should continue to implement the OIG and DOI recommendations, update additional progress in those areas of less than full compliance, and report these assessments and follow up activities to OMB as evidence of independent evaluation.

## **Program Reviews**

### **SUGGESTION 21: Emphasize the independence and breadth of PSD activities.**

Though internal to the Program, PSD review teams do have a degree of independence concerning the field agencies they review. The PSD activities we note below provide evaluative information that feeds into program improvement efforts, and OJS should present them to the OMB examiner as a part of its overall evaluation effort.

**Inspections.** PSD cooperates with the AS/IA Division of Safety and Risk Management and the OFECR in completing inspections of Indian country detention facilities. The inspection process is adapted from the U.S. Marshals Service and is intended to assess each facility’s compliance with established guidelines based on NIC standards. The reports feed into management deliberations on the priority for physical renovations, operational changes, and staffing adjustments — or facility closures when the safety and health of inmates and staff cannot be assured.

**Case File Management Reviews.** PSD performs reviews of records in OJS criminal investigation units to assure proper documentation and to determine case clearance rates and disposition.

## ***Additional Activities for Program Evaluation***

### **SUGGESTION 22: Pursue external validation of the PSD inspection process.**

OJS could strengthen its position for the next PART review by having the American Correctional Association or another outside organization validate the PSD inspection process, much as the

OLESEM review of the Internal Affairs unit did. This would provide additional assurance that PSD has interpreted and applied the standards correctly.

**SUGGESTION 23: Secure outside expertise in developing a 5-year program evaluation plan.**

OJS should contract for a program evaluation expert with law enforcement experience to meet with the management team. The team should include district special agents in charge and would develop evaluation questions focused on assessing and improving operational performance. For example, it may be possible to compare community perceptions of the effectiveness of BIA-operated and Public Law 93-638 agencies that fall within the Program's purview or to compare inmate costs as the Program seeks to consolidate detention services.

**To sustain a credible performance-based focus in budgeting and ensure fair assessment of agency and program effectiveness, federal agencies, as well as those third parties that implement federal programs, will require significant improvements in evaluation information and capacity.**

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To keep the focus on questions that will meet OMB's criteria for evaluation quality and scope, the evaluation expert should be provided with a current copy of the PART guidance. Once the team has agreed upon evaluation questions, members should develop a 5-year plan to conduct studies that will answer those questions. It is important that proposed studies account for demographic variables, such as urban/rural categorization, racial and cultural homogeneity or diversity, and unemployment and poverty rates, as well as the jurisdictional complexities unique to Indian country law enforcement. The resulting plan should include estimated costs so that a request for funding the evaluation effort can be included with the next budget.

**SUGGESTION 24: Build evaluation into implementation plans as new strategies and programs are initiated.**

As resources become available for new initiatives, such as expanded counter-methamphetamine programs, OJS should build an evaluation component into the implementation plans. Implementation plans should clearly outline the goals to be achieved, and how progress and results will be assessed. This would allow the agency to gauge effectiveness of the initiative at all levels of implementation and to document lessons learned.

**SUGGESTION 25: Benchmark as part of the program evaluation strategy.**

In 2003, OMB gave BIA a **NO** in response to:

**PART Question 4.4,** Does the performance of this program compare favorably to other programs, including government, private, etc., that have similar purpose and goals?

In contrast, OMB exempted DEA from this question because similar programs “. . . do not have good performance indicators so a comparison is difficult to make.” While making appropriate comparisons between programs is indeed challenging, reasonable statistical benchmarks can be

found for OJS, and program evaluation can provide useful information at many levels. Therefore, we believe it is unlikely OMB will carry this exemption into future PART reviews.

Based on BIA's own portrayal of the challenges faced by the Program, we would presume a **NO** for this question until reliable data demonstrate a favorable comparison between crime levels in Indian country and national averages (or other appropriate benchmarks available through the UCR program or the BJS). In selecting benchmarks, BIA can, to some degree, limit the pool of counterparts to departments facing similar circumstances and challenges. However, doing so would raise issues in validating benchmark data. Criteria used in selecting benchmarks or benchmarking partners should be fully documented and consistently applied.

### ***Collecting Valid and Reliable Evaluative Information***

The ability to effectively evaluate aspects of program performance on a bureau-wide basis is dependent on the capacity to collect and record data accurately and consistently across law enforcement agencies. We discuss this issue in depth under OMB Recommendation #3, but note here that the availability of accurate and reliable data directly affects the ability to conduct evaluation.



## APPENDIX A: HISTORY AND USE OF THE PART

### Planning and performance monitoring are required by law

In 1993, the Congress found federal managers to be “disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance.” The Government Performance and Results Act (Public Law 103-62), or GPRA, was passed to promote a focus on results by requiring federal agencies to engage in strategic planning and performance reporting.

### Objectives and results of federal programs are assessed during budget formulation

The “President’s Management Agenda,” which includes a U.S. Government-wide initiative to improve budget and performance integration, was published in 2001. The Agenda calls for agencies to monitor program performance and to incorporate performance review into budgetary decision-making.

To support this initiative, the Office of Management and Budget (OMB) instituted a new activity within the context of budget formulation. OMB uses a standard questionnaire called the Program Assessment Rating Tool (PART) to engage federal programs in a review of program design, strategic planning, program management, and the achievement of results that demonstrate value for the taxpayer. Through the PART process, OMB rates programs as **Effective**, **Moderately Effective**, **Adequate**, or **Ineffective**. Alternatively, OMB deems programs that are unable to provide reliable performance information (thus precluding assignment of a program rating) **Results Not Demonstrated** and recommends establishment or improvement of mechanisms for performance measurement.

### OMB has found that many DOI programs lack performance information

Of the federal programs assessed between 2002 and 2006, OMB rated only 17 percent **Effective** and placed 21 percent in the category **Results Not Demonstrated**. Within the Department of the Interior (DOI), OMB assessed 73 programs, reflecting over \$9 billion dollars in annual budget authority. Of these, OMB rated only eight **Effective**. OMB examiners were unable to determine whether 22 of these programs, reflecting nearly half of the assessed spending, were performing satisfactorily due to the lack of reliable performance information.

<b>PART Ratings, 2002-2006</b>	<b>Federal Programs</b>	<b>DOI Programs</b>
Effective	166 (17%)	8 (11%)
Moderately Effective	299 (31%)	21 (29%)
Adequate	276 (28%)	22 (30%)
Ineffective	27 (3%)	0 (0%)
<b>Results Not Demonstrated</b>	209 (21%)	22 (30%)
<b>TOTAL NUMBER OF PROGRAMS</b>	977	73

PART findings can be used to 1) justify termination or substantial curtailment of federal programs, 2) support legislative or fiscal enhancements, or 3) promote management improvements. OMB publishes PART results on its ExpectMore.gov Web site, together with recommended improvement actions for every program it has assessed. Agency officials and program managers are expected to follow up on these recommendations and to keep OMB, and ultimately the public, apprised of progress through updates of the information posted to ExpectMore.gov and through internal communications. OMB then reassesses programs on schedules developed in consultation with responsible agencies.

## APPENDIX B: TABLE OF SUGGESTIONS

NUMBER	SUGGESTION	PAGE
<b>OVERVIEW</b>		
1	Expand the scope of the PART to include public safety facilities funding and activities.	3
2	Brief OMB on law enforcement jurisdiction in Indian country.	4
<b>DEVELOP A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF JUSTICE ON THE COPS PROGRAM</b>		
3	Implement and expand the interagency agreement.	5
4	Collaborate with DOJ on planning.	6
5	Designate a partnership coordinator.	6
<b>DEVELOP A STRATEGIC PLAN TO GUIDE MANAGEMENT AND PERFORMANCE IMPROVEMENT EFFORTS</b>		
6	Prepare an OJS Strategic Plan.	8
<b>DEVELOP BASELINE DATA AND TARGETS FOR PERFORMANCE MEASURES</b>		
7	Consider key indicators of criminal activity as outcome measures.	10
8	Report crime by the number of reported incidents.	10
9	Redefine the service population for public safety purposes.	11
10	Identify a key output for each major function of the program.	12
11	Develop efficiency measures by comparing key outputs to associated costs.	15
12	Refine the ABC system to gather cost data to support identified cost efficiency measures.	15
13	Develop an inventory of positions funded by the tribes or by grant programs, and clearly identify these resources in any needs assessment.	18
14	Implement more rigorous requirements analysis.	19
15	Conduct market research and benchmarking to assess the feasibility and cost of procuring a more comprehensive information technology solution.	21
16	Work with the Bureau of Justice Statistics to improve compilation and organization of existing data.	23

<b>NUMBER</b>	<b>SUGGESTION</b>	<b>PAGE</b>
17	Invest in crime analysis capacity within BIA.	23
18	Realign resources within the base Program before requesting additional funding.	24
19	Inform OMB of cost-saving efforts.	25
<b>DEVELOP A PROCESS FOR AND SCHEDULE PROGRAM EVALUATIONS</b>		
20	Inform OMB of recent OIG and DOI reviews and related program improvements.	26
21	Emphasize the independence and breadth of PSD activities.	27
22	Pursue external validation of PSD's inspection process.	27
23	Secure outside expertise in developing a 5-year program evaluation plan.	28
24	Build evaluation into implementation plans as new strategies and programs are initiated.	28
25	Benchmark as part of the program evaluation strategy.	28

## **Report Fraud, Waste, Abuse, and Mismanagement**



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