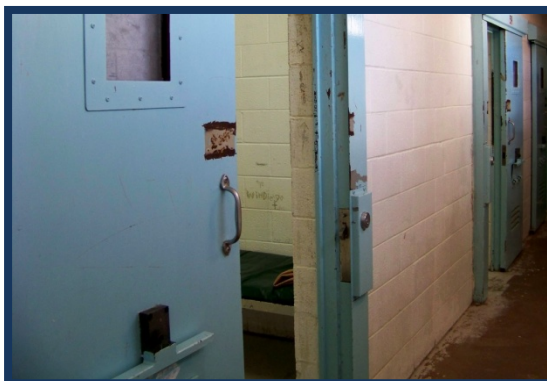
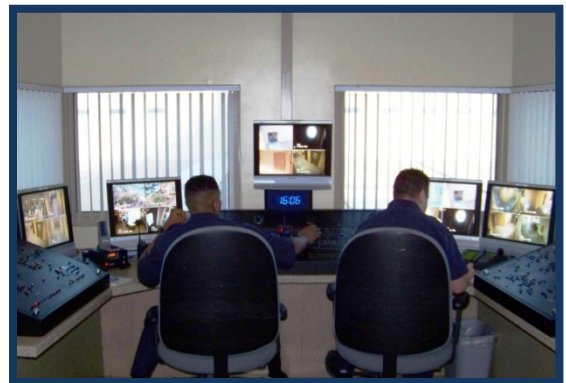




U.S. DEPARTMENT OF THE INTERIOR OFFICE OF INSPECTOR GENERAL

EVALUATION OF THE USE OF PERFORMANCE INFORMATION IN THE BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES



ER-RR-BIA-0003-2008

APRIL 2009



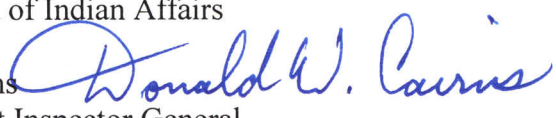
United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington, DC 20240

APR 24 2009

Memorandum

To: Jerold L. Gidner
Director, Bureau of Indian Affairs

From: Donald W. Cairns 
Deputy Assistant Inspector General
Office of Audits, Inspections and Evaluations

Subject: Evaluation of the Use of Performance Information in the Bureau of Indian Affairs Office of Justice Services (Report Number ER-RR-BIA-0003-2008)

In light of recent and anticipated budget increases and Congressional interest in Indian Country law and order, Department of the Interior officials asked the Office of Inspector General (OIG) to evaluate the use of performance information by the Bureau of Indian Affairs Office of Justice Services (OJS). Secretary Salazar has pledged to work with Tribes and the Department of Justice to aggressively confront violent crime in Indian Country, to address the conditions and staffing needs of detention facilities there, and to strengthen tribal court systems. Field agencies managed or funded by OJS constitute the front line in these critical endeavors. For them to succeed, OJS programs must be managed with the best available information and senior leaders must demonstrate the highest level of commitment.

This final report presents the results of our evaluation and includes six suggestions for improvement in the areas of budget development, performance data, evaluation and oversight mechanisms, and interagency coordination. The legislation, as amended, that created the OIG 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 have the Deputy Director — Justice Services review this report and advise you of his acceptance or rejection of each of our suggestions. We would appreciate your informing us of any progress made.

We thank your staff for their valuable input to this evaluation. If you have any comments or questions regarding this report, please call me at 202-208-5512.

EVALUATION OF THE USE OF PERFORMANCE INFORMATION IN THE BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES

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ON THE COVER:

OIG staff photos from (clockwise from top left) Tohono O’odham, Salt River Pima Maricopa, San Carlos Apache, and White Mountain Apache reservations in Arizona.

INTRODUCTION

WHY WE DID THIS EVALUATION

Officials of the Department of the Interior (DOI) asked the Office of Inspector General (OIG) to evaluate the use of performance information by the Bureau of Indian Affairs (BIA or Bureau) Office of Justice Services (OJS) in light of recent and anticipated budget increases and related Congressional interest in Indian Country law and order. Recent OIG reports, as cited in Appendix A, highlight significant challenges OJS faces, as well as shortcomings in program management. As OJS implements strategies to address these concerns, DOI and OIG both seek to ensure that funds are wisely spent, goals and objectives for performance are appropriately established, and program results are reliably measured.

OBJECTIVES

In many respects, this report is a close follow-on to our 2007 evaluation of the BIA Law Enforcement Program (Report Number Y-RR-BIA-0004-2006), which focused on specific actions recommended by the Office of Management and Budget (OMB). Our objectives for this evaluation were to assess the Bureau's efforts to reduce crime through the effective allocation of fiscal and human resources and to examine how program officials use performance data in making asset deployment decisions.

SCOPE AND METHODOLOGY

Approach. To meet the objectives, we reviewed pertinent documentation and met with federal and tribal officials at selected sites to discuss current approaches to resources allocation, as well as the availability, reliability, and use of program performance information. See Appendix B for a complete list of sites visited or contacted.

Standards. We conducted our review from July to November 2008, in accordance with the "Quality Standards for Inspections" established by the former President's Council on Integrity and Efficiency.

Limitations.

- 1) Our evaluative work focused solely on BIA and tribal activities funded through OJS. Further, in keeping with OJS funding levels, our work generally emphasized law enforcement operations and corrections over other functions. Readers should understand that successful law enforcement requires effective interaction, not only within various public safety and justice elements but also between these elements and many other community resources.

- 2) Our fieldwork focused on the BIA Law Enforcement District Office in Phoenix, Arizona, and four associated reservations. From these, we identify general themes significant to our evaluation objectives but caution that specific observations may not be applicable to other reservations or districts.
- 3) Excerpts selected from our field notes (see sidebar on page 4) do not come from a single reservation. Neither are they descriptive of all reservations.
- 4) Though we have collected some statistical information from BIA and selected tribes to improve our understanding of OJS data collection processes, we did not audit the data for accuracy.

HOW WE STRUCTURED THIS REPORT

Following a brief overview of OJS, we discuss budget development, performance data, oversight mechanisms, and interagency coordination. We also present six suggestions designed to help OJS meet the challenges it faces (see Appendix C for a complete listing).

OVERVIEW OF THE BIA OFFICE OF JUSTICE SERVICES

OJS is responsible for law enforcement and public safety throughout much of Indian Country. Six separate divisions make up OJS:

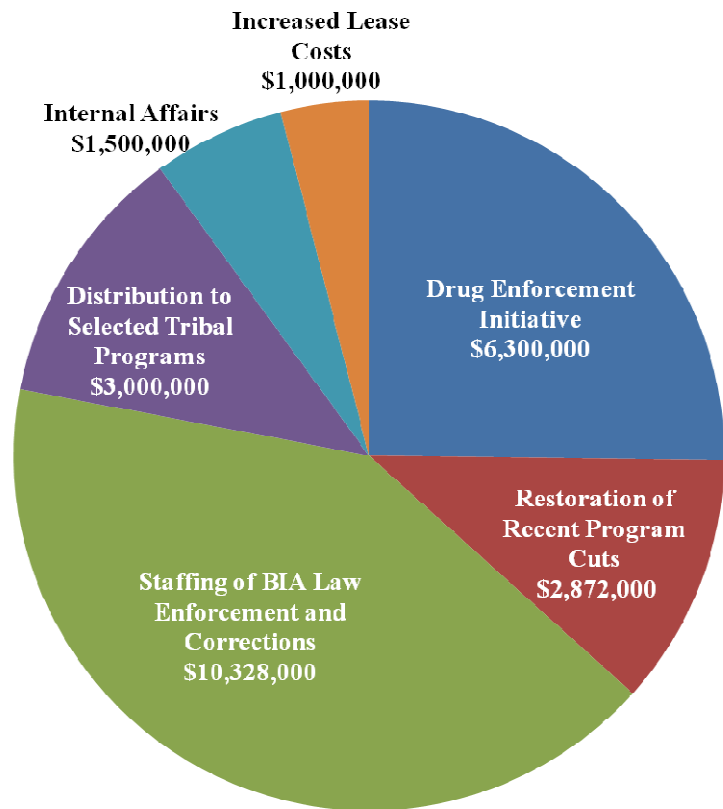
- ❖ **Law Enforcement Operations** provides uniformed police and investigative services and combats serious crimes through 191 field agencies. OJS operates 42 of these agencies directly and contracts operation of the remaining 149 agencies to tribes. These contracts are authorized by Public Law 93-638, the Indian Self-Determination Act, and are known as “PL-638 contracts.”
- ❖ **Corrections** provides detention services for many tribal communities. According to OJS, DOI provides funding for 62 tribally-operated and 19 direct-service detention facilities that house inmates who, generally, are awaiting adjudication or serving sentences of less than 1 year. Some offenders may serve beyond a year if sentenced to consecutive terms.
- ❖ **Drug Enforcement** specializes in counter-drug investigations, information gathering, and capacity building to help stem the flow of illegal drugs in and through Indian Country.
- ❖ **Tribal Justice Support** fosters the establishment and development of tribal court systems and codes of law. In addition, BIA helps provide judicial services for tribes that do not have tribal courts and do not fall under State jurisdiction. Assistance given is through the Courts of Indian Offenses established under title 25 of the Code of Federal Regulations.

- ❖ The **Indian Police Academy** provides police, criminal investigation, and detention officer training for OJS and tribal officers at the Department of Homeland Security (DHS) Federal Law Enforcement Training Center.
- ❖ **Professional Standards** reviews case files of criminal investigations units, conducts inspections of detention centers, and investigates allegations of wrongdoing by BIA and tribal police.

For fiscal year (FY) 2008, the Congress appropriated over \$228 million to fund OJS. Additionally, several million dollars were appropriated for repairs and improvements at public safety and justice facilities — including detention centers, police operations centers, courtrooms, and office space. The Indian Affairs Office of Facilities Management and Construction (OFMC) managed the facilities funding.

FY 2008 funding increased by about \$25 million from the FY 2007 level. The chart to the right depicts how OJS officials allocated this increase among six priority areas.

Further, the Congress has already authorized and appropriated hundreds of millions of additional dollars to address law and order and other critical issues in Indian Country. With increased funding comes a heightened need for transparency in and accountability for the effective use of public funds.



Distribution of Budget Increase

RESULTS OF EVALUATION

In much of Indian Country, ensuring the safety of citizens is an important federal responsibility. Yet today, we do not measure public safety on Indian reservations by the occurrence of violent crimes. Rather, we measure it by *how many times worse* than the national average violent crime rates seem to be.

BIA statistics indicate that scores of communities experience violent crime at more than double the national average. In fact, about two dozen Indian Country communities endure violent crime estimated at *more than 10 times* the national average — a truly deplorable situation.

I have testified before this Committee a number of times, and I have tried not to varnish over the situation that we have with regard to public safety in Indian Country. It is a national disgrace.

— W. Patrick Ragsdale,
Deputy Director of BIA, testifying
before the Senate Committee on
Indian Affairs in June 2008

Police, courts, and corrections programs each represent a part of a larger system established to protect the populace. Each part of the system faces daunting challenges, particularly in Indian Country. Shortcomings — or even successes — in one area can exacerbate problems elsewhere. An enforcement initiative implemented by police can overwhelm a backlogged court or a crowded detention facility. Corrections programs that lack appropriate rehabilitative services release inmates who will predictably offend again. In light of such circumstances, policymakers must ensure that scarce resources are applied effectively.



Tribal Police Vehicle

OIG Staff Photo

Notes from the Field

During this evaluation, we visited a few select reservations and heard many interviewees voice their concerns about conditions in Indian Country. What we found is disturbing:

PUBLIC SAFETY AT RISK: A BIA investigator commented that once a fight starts, often between friends, the beating continues with indescribable brutality, even after the victim is dead.

INUNDATED COURTS: A chief judge stated that the system cannot handle the caseload. The same perpetrators appear over and over again.

LACK OF SOCIAL SERVICES

SUPPORT: A corrections supervisor, when asked about programs supporting the inmates, simply responded with "No."

A GENERATION VULNERABLE

TO DRUG ABUSE: A chief judge expressed his fear and sadness about what the next generation will bring. He has the sense that with methamphetamines, the violence will not end.

PAST-BASED BUDGETING: EXTENDING SHORTFALLS INTO THE FUTURE

BIA has made some improvements since our 2007 report on the BIA Law Enforcement Program. We suggested then that BIA 1) work to realign resources within the base Program before requesting additional funding and 2) implement more rigorous requirements analysis. With regard to resources, we stated:

The Program's base funding should ... 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.

In FY 2008, OJS documented a resource allocation methodology for \$25 million in new funding — about 11 percent of the total budget. Using this methodology, OJS officials considered a combination of factors, including the geographic extent of the reservation and the volume of drugs seized, in addition to the reported violent crime rates and police staffing ratios. This methodology enabled OJS to list certain "high crime/high staffing need" programs and to provide additional funds accordingly. The White Mountain Apache Tribe, for example, topped the list and was authorized an additional 10 police officers — positions that, when filled, will bring the reservation up to the identified benchmark of 2.6 officers per 1,000 population. Though use of a staffing ratio is a simplistic approach to requirements definition, the benchmark is based on "non-metropolitan area" statistics from the Federal Bureau of Investigation (FBI) and is a more reasonable general comparator than BIA has used in the past.

Nevertheless, room for further improvement exists. For example, the threshold OJS set for the drug seizure



TOPD Evidence Room

OIG Staff Photo

LAW ENFORCEMENT AGENCIES IN INDIAN COUNTRY FACE MANY CHALLENGES

Although Customs and Border Protection officers patrol the international border, the Tohono O'odham Police Department (TOPD) handles scores of autopsies, hundreds of weapons, and thousands of pounds of contraband (some stored in the TOPD evidence room as pictured here) due to trafficking of undocumented migrants and illegal drugs across the reservation. This work drains resources from TOPD's community policing

statistic was so low that the reservations in every State were tagged as “high level.” With no distinction made among reservations, this statistic is useless in assessing relative needs. In the future, a higher threshold or a series of thresholds could help officials more effectively target resources toward areas with greater needs.

Also, some funding decisions seem inconsistent with available statistics and field managers’ input. For example, OJS reportedly provided one reservation \$150,000 in “high priority” funding when crime statistics, workload data, and senior district officials failed to support this particular reservation as facing the greatest needs. While many other considerations legitimately affect such decisions, we believe that district and field officials could benefit from more proactive communication regarding key decisions made and the rationale supporting these decisions.

Most significantly, budget execution models (spending plans developed at each BIA field agency) list costs associated with on-board staff and any authorized vacancies that are required to maintain a “minimum safe level” of operations. This may mean that, in some cases, not all currently authorized vacancies are included. In other cases, critical needs — those required to bring operations from dire underperformance to the “minimum safe level” — may continue to go unidentified and unfulfilled.

Tribal departments and BIA field agencies both face difficulties in recruiting and retaining personnel, especially in remote locations. Budget execution models effectively constrain field staffing to, at best, current levels. Each field agency uses the previous year’s funding level as the total estimate to operate in the next fiscal year. This approach does not take into account existing operational capacity shortfalls or growing demands. We do not believe that budgeting based on the past is the best approach for a Program with a funding history characterized by its manager as disgraceful.

During this evaluation, OJS did provide some training to District officials on how to better use the models and identify unmet needs. Clear identification of needs would require consistent communication as to the appropriate tools and procedures.

OIG Suggestion: BIA and OJS should continue to refine budget formulation processes by accounting for existing shortfalls in operational capacity.

With regard to requirements analysis, BIA must better quantify Indian Country needs to budget effectively. Not only did we address requirements analysis in our 2007 Law Enforcement report, we specifically recommended needs-based planning for the Corrections function in our 2004 report on Indian Country detention facilities, “Neither Safe Nor Secure” (Report Number 2004-I-0056).

Over the last 2 fiscal years, a total of \$14.9 million — 12 percent of funds appropriated for Corrections — has been diverted to other program areas, mainly to Law Enforcement Operations. In a report on the allocation of funds, OJS combined the information for these two program areas. Whatever the intent, this presentation obscures the movement of funds

and may give the impression of investment in both program areas, rather than disinvestment from Corrections in favor of Law Enforcement Operations.

Unfortunately, diverting funds from Corrections compounds an already desperate situation. BIA detention facilities, collectively, require 521 staff members but are only currently authorized 350. Of the 350 authorized, on-board staffing is routinely less than 40 percent. OJS officials have budgeted \$5 million dollars for contracted bed space to allay some of the detention demand, but overall, it seems that BIA is struggling to provide the bare minimum in detention services — shelter and food. The Bureau falls far short of providing rehabilitation services, such as counseling and education, that are hallmarks of an effective corrections program. Pressing needs continue to go unmet and real progress toward correcting the types of deficiencies highlighted in “Neither Safe Nor Secure” has stalled.

BIA has made some effort to engage outside expertise in performing a comprehensive needs assessment for corrections facilities. An outside consultant worked to assess the current state of Indian Country detention centers and to recommend strategies, with cost estimates, to improve this situation. The central recommendations and cost estimation methodologies employed in the consultant’s draft report yielded a multi-billion dollar price tag, and the assessment became embroiled in political controversy. DOI and the Office of Management and Budget (OMB) had many concerns about the report and, for a time, refused to release the draft — relenting only in the face of a subpoena threat from the Senate Committee on Indian Affairs. BIA officials insist that they intended to use the consultant’s information and recommendations as inputs to a long-term process of consultation with tribal leaders to develop plans and strategies appropriate to the needs of the communities they serve. BIA did not intend the report to be a “master plan” to be imposed on Indian Country. Now that the consultant’s findings and recommendations have been made public, officials should carefully weigh the information in light of fiscal and political realities and engage tribal leaders in open dialogue about the current and future state of Indian Country corrections.

OIG Suggestion: OJS and OFMC should review the recent assessment of corrections facilities and needs to develop a reasonable range of alternatives for management consideration and tribal consultation.

UNRELIABLE PERFORMANCE INFORMATION: BASING DECISIONS ON INADEQUATE DATA

Managers cannot make sound program decisions if their choices are based on inadequate and unreliable performance data. In OJS, some improvements in performance measurement have occurred since our 2007 report. We observed 2 years ago that staffing ratios and crime rates were based on unreliable population data. This is still the case today, though BIA has solicited comments on how to improve in its latest “American Indian Population and Labor Force Report” data call. We also commented on the use of an inappropriate benchmark in estimating staffing requirements. Recent analyses are based on a more reasonable standard. Challenges in timely reporting, however, remain an issue, along with inadequate data validation.

In terms of late and inaccurate data submissions, OJS uses a Lotus® Notes® database to enter monthly crime reports that the tribes submit. All BIA field offices submit their data monthly, while the tribes do not participate fully. Some tribes report only annual totals. Even in cases where tribes are submitting their crime reports monthly, many are 2 to 3 months behind schedule. OJS, in turn, submits reports to the Indian Affairs Office of Planning and Policy Analysis on a quarterly basis. These reports are often late and must be frequently amended to incorporate new data.

In addressing the issue of tribal participation, an official conceded that participation in monthly crime reporting could be discussed during negotiation of PL-638 annual funding agreements. The negotiations provide BIA with an opportunity each year to increase the number of tribes that submit data. BIA regulations do not address monthly reporting, so it is incumbent upon the awarding officials to include a clear stipulation in the PL-638 contracts.

For some reservations, monthly crime reports and annual summaries include one set of data from tribal police and another set of data from BIA criminal investigators. The reports indicate the number of incidents reported in specific categories of crime. Based on these reports, however, there is no way to discern if both the tribal police and BIA investigators report the same incident. Therefore, some incidents may be counted twice, which would result in inflated crime statistics. District officials say they certify only that they have received data, not that the reports are accurate.

OIG Suggestion: BIA should 1) include mandates in PL-638 contracts for monthly crime report submittal and 2) develop a standardized procedure to ensure incidents are not reported more than once.

EVALUATION AND OVERSIGHT: BALANCING INSIGHT WITH INDEPENDENCE

Over the past several years, OJS has shown some success in implementing evaluative processes in its various programs. For Law Enforcement Operations, as well as Corrections, Professional Standards provides evaluative information through federal case file management reviews, detention center inspections, and internal affairs investigations.

For any oversight organization, independence of action is vital to credibility. Because Professional Standards reports to OJS and is at the same time responsible for reviewing OJS activities, it is important that their independence be protected from potential undue influence or the appearance thereof.

The Indian Affairs Office of Internal Evaluation and Assessment (IA/IE&A) is responsible for reviewing Indian Affairs elements, including OJS. We found, however, that they do not maintain a regular schedule of reviews. Instead, they rely heavily on Professional Standards to oversee OJS functions and employees and simply monitor the timeliness of response. We found only one recent instance in which IA/IE&A believed it necessary to conduct an investigation (in conjunction with OIG) of senior OJS officials. With the exception of this single case, we understand that all OJS matters have been referred to OJS for disposition.

Our recent progress report on DOI's law enforcement reform efforts (Report Number PI-AT-MOA-0001-2008) recognizes the central role of the DOI Office of Law Enforcement, Security, and Emergency Management (OLESEM) in overseeing law enforcement programs in DOI's several bureaus. The OLESEM oversight role needs to be strengthened through more frequent and direct engagement in OJS activities.

OIG Suggestion: BIA, IA/IE&A, and OLESEM should work together to ensure and protect the independence of evaluative and investigative work.

We also looked at how Tribal Justice Support reviews tribal court systems. Tribal Justice Support has contracted with a third party to field assessment teams with members who have many years of experience in tribal courts. The contractor usually conducts a 2- to 4-day site visit and prepares a report addressing resource needs, the use of federal funds, and other observations and recommendations. Approximately 20 percent of the courts reviewed have developed formal action plans for improvements recommended by the contractor.

While these reviews are a positive step toward improving oversight and evaluation, we question independence in that the contractor negotiates the scope of work with the tribe to be reviewed. Although this practice may allow a tribe to highlight certain areas of concern, it could also allow the tribe to bar review of areas that are managed improperly. This potential limitation restricts the reach of the assessment effort and compromises the assessment team's independence of action. Such an approach may have been necessary to overcome resistance when the evaluation program was initiated, but future assessments should cover a standard range of program requirements to the maximum extent possible.

OIG Suggestion: BIA should work with the tribes to develop and implement new requirements in PL-638 contracts that strengthen the independence of tribal court review teams in conducting complete, standardized assessments.

INSPECTIONS:

Professional Standards cooperates with the Indian Affairs Division of Safety and Risk Management and the OFMC to complete about 60 inspections each year at Indian Country detention centers.

CASE FILE MANAGEMENT REVIEWS:

Professional Standards reviews records for every federal investigation conducted by BIA to assure proper documentation and to determine case clearance rates and disposition.

INTERNAL AFFAIRS INVESTIGATIONS:

Professional Standards conducts about 100 investigations each year in response to allegations of wrongdoing by BIA or tribal police.

INSUFFICIENT INTERAGENCY AND INTERGOVERNMENTAL COORDINATION: FALLING SHORT IN EFFORTS TO SERVE INDIAN COUNTRY COMMUNITIES

OJS depends upon many other agencies and community resources for services throughout Indian Country. In discussing interagency coordination, officials at various levels — national, district, and field — described a wide variety of circumstances.

In some communities, controversy may arise between reservation police and their off-reservation counterparts. This relationship differs from State to State and from reservation to reservation. Our work for this evaluation focused on selected reservations in Arizona, where tribal police — as fully recognized peace officers — can act to enforce both tribal and State laws. Tribal officers in other States may not enjoy the same standing, which would negatively affect their ability to carry cases through to successful prosecution in the appropriate venue.

Another area of concern is the lack of coordination between BIA and DOJ in the grants-making process for Indian Country detention facilities. Officials from both OJS and OFMC say they do not receive adequate communication from DOJ regarding tribes that have applied for grants. BIA possesses contextual information about tribal communities that could be useful in the DOJ grant issuance process. Too often, however, DOJ funds facilities construction without consulting OJS/OFMC officials when selecting a grant recipient or planning and designing a facility. This leads to tribes building facilities that BIA cannot afford to operate. It might take 2 or more years for BIA to begin to address funding and staffing requirements at such facilities. Perhaps worse is the state of the juvenile service center at Duck Valley (Owyhee). Even if a fully trained staff were available to run the facility, it could not — and may never — open due to substandard engineering.

PROMISING DEVELOPMENT

One promising development in OJS is the significant expansion of its Counter-Drug Program, which is meeting a complex problem with a multi-faceted strategy.

First, BIA's drug enforcement team is growing substantially, with field agents assigned to interagency task forces. These task forces are established to share intelligence and leverage capabilities to interdict the flow of drugs across reservation, state, and international borders. This enables OJS to target not only street-level offenders, but also the powerful cartels that may be fueling criminal activity on a very broad scale.

Second, the Program has funded school resource officers on 18 reservations. This provides not only a proactive community policing presence but also some ability to monitor for gang-related activities, including trafficking and recruitment.

Third, OJS has developed an innovative equipment-for-information exchange program whereby tribal police are loaned state-of-the-art surveillance equipment if they share investigative information with BIA. OJS plans to hire a crime analyst to examine this information and other sources of intelligence to identify trends and linkages that might help focus future law enforcement efforts more effectively.

With regard to delivery of health services, education, and other programs for inmates, BIA Corrections officials rely on outside organizations. Of particular note is their dependence, in many locations, on the Indian Health Service (IHS) to provide medical clearance for incoming inmates, as well as ongoing medical and dental care. According to BIA officials, the level of service available from IHS and the degree of cooperation can vary greatly from one reservation to another. Like many federal programs, IHS has fiscal constraints, and service to inmates is but one requirement amid a range of competing priorities.

In our 2007 report, we suggested that OJS officials meet regularly with DOJ officials to review key planning processes, exchange pertinent information, and identify common goals and priority initiatives. A similar need exists with regard to IHS. A high-level memorandum of understanding between departments and a visible commitment from senior officials could catalyze field staff negotiation and implementation of more specific memorandums of agreement that detail services appropriate to the needs of Indian Country communities. Indeed, in authorizing the \$2 billion Emergency Fund for Indian Safety and Health last year, the Congress stipulated that the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services (HHS) consult with Indian tribes and jointly establish a long-term plan to address myriad needs in Indian Country.

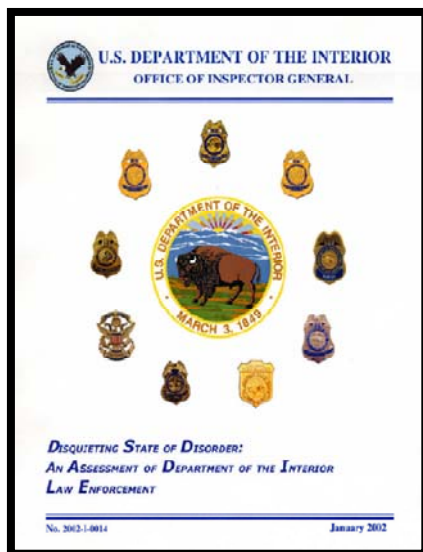
OIG Suggestion: DOI senior officials should work with their counterparts in DOJ, HHS, and other agencies, as necessary, to 1) coordinate federal action in Indian Country and 2) direct program officials at national and field levels to coordinate services across organizational boundaries as appropriate.

CONCLUSION

In our evaluation of OJS, we have discussed a budget development process too reliant on recent history, rather than on a strategic view of requirements in Indian Country communities. We have described a management system that, despite ongoing efforts, delivers incomplete and largely unverified — and, thus, unreliable — information. We have commented on the need for accountability and transparency. Finally, we have noted a need for strong leadership and the interplay of numerous agencies.

Most importantly, however, we must emphasize the continuing, critical need for effective investment and management. The success or failure of OJS affects the safety of millions of Americans.

APPENDIX A: SELECTED PRIOR COVERAGE

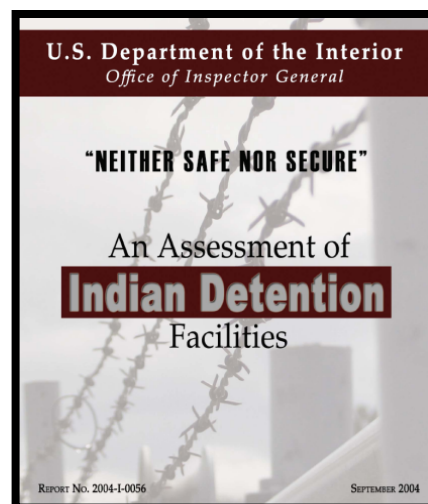


Disquieting State of Disorder: An Assessment of Department of the Interior Law Enforcement

In 2002, the OIG completed an assessment of DOI's law enforcement programs. Report Number 2002-I-0014 revealed that the bureaus had a long history of providing minimum oversight of and direction to their law enforcement programs. The degree of autonomy associated with decentralized law enforcement management had led to inconsistent priorities, lack of coordination, and employee frustration. The results of the assessment were presented to then-Secretary Norton, who directed important reforms.

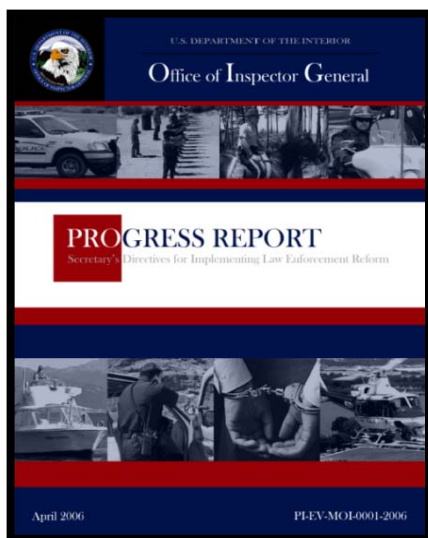
Neither Safe Nor Secure: An Assessment of Indian Detention Facilities

In 2004, we completed an assessment focused on detention facilities operated or funded by BIA. Report Number 2004-I-0056 brought to light a long history of neglect and apathy on the part of BIA officials that had resulted in serious safety, security, and maintenance deficiencies at many Indian Country detention facilities. Because these conditions were potentially life-threatening, the Inspector General issued an interim report to the Secretary and testified before the U.S. Senate Committee on Indian Affairs months before the final report was issued.



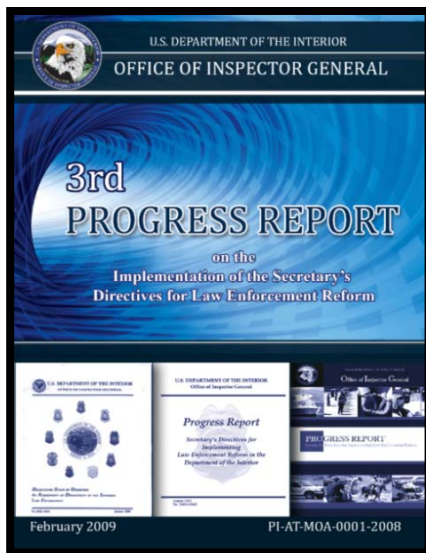
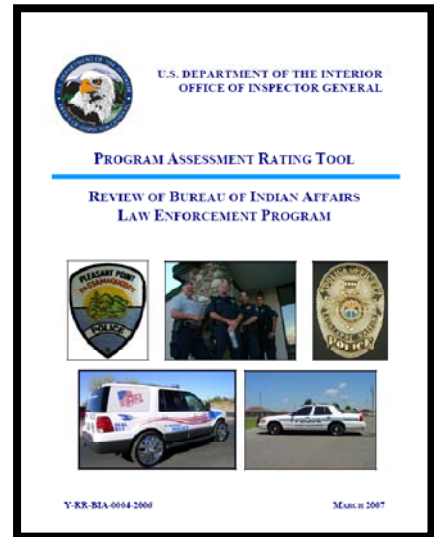
Progress Report: Secretary's Directives for Implementing Law Enforcement Reform

As part of our ongoing examination of DOI's law enforcement programs, we issued a report in 2006 detailing the progress made toward implementing Secretarial directives for law enforcement reform. Report Number PI-EV-MOI-0001-2006 disclosed that the pace of implementing these directives was slow. Although well-intentioned, OLESEM was struggling with its policy and oversight role, and some bureaus' actions demonstrated reluctance to fully implement numerous directives. Of six recommendations, BIA had implemented four and achieved moderate progress toward implementing the other two.



Program Assessment and Rating Tool (PART) — Review of Bureau of Indian Affairs Law Enforcement Program

The Deputy Secretary asked OIG to review programs assessed by OMB using the PART and to suggest improvements for DOI programs that could not demonstrate results. The BIA Law Enforcement Program fell in that category. In 2007, Report Number Y-RR-BIA-0004-2006 discussed progress BIA had made in implementing OMB recommendations from 2004. BIA had drafted an interagency agreement to coordinate activities with DOJ's Community-Oriented Policing Services Program; drafted a strategic plan for the OJS Corrections Division; developed a prototype system for collection of performance data; and completed numerous reviews and inspections of field activities. However, we found that much work was still needed to improve the reliability of performance information.



3rd Progress Report: Secretary's Directives for Implementing Law Enforcement Reform

As part of our ongoing examination of DOI's law enforcement programs, we issued a report in 2009 detailing the progress made toward implementing Secretarial directives for law enforcement reform. Report Number PI-AT-MOA-0001-2008 indicates that 10 of the 25 directives are still not fully implemented more than 6 years after they were made. Implementation of these directives is essential to furthering the progress that has been made in DOI's law enforcement programs, and making the disquieting state of disorder found in 2002 a thing of the past.

APPENDIX B: SITES VISITED OR CONTACTED

DEPARTMENTAL OFFICES (POLICY, MANAGEMENT AND BUDGET)	
Office of Budget Washington, DC	
Office of Planning and Performance Management Washington, DC	
Office of Law Enforcement, Security, and Emergency Management Washington, DC	
INDIAN AFFAIRS OFFICES	
Office of Budget Nashville, Tennessee	
Office of Facilities Management and Construction Albuquerque, New Mexico	
Office of Internal Evaluation and Assessment Reston, Virginia	
Office of Planning and Policy Analysis Reston, Virginia	
Western Region Office of Tribal Self-Determination Phoenix, Arizona	
BUREAU OF INDIAN AFFAIRS OFFICES	
Office of Justice Services Washington, DC	
Office of Justice Services Central Office — West Albuquerque, New Mexico	Division of Corrections
	Division of Law Enforcement Operations
	Division of Professional Standards
	Division of Tribal Justice Support
Law Enforcement District Office Phoenix, Arizona	

TRIBAL AGENCIES	
Salt River Pima Maricopa	Scottsdale, Arizona
San Carlos Apache	San Carlos, Arizona
Tohono O'odham	Sells, Arizona
White Mountain Apache	Whiteriver, Arizona
OTHER AGENCIES	
Department of Homeland Security / Customs and Border Protection	Law Enforcement Center Outside Sells, Arizona
Department of Justice / Bureau of Justice Statistics	Washington, DC
Department of Justice / Federal Bureau of Investigation	Clarksburg, West Virginia
Department of Justice / Office of Tribal Justice	Washington, DC

APPENDIX C: TABLE OF SUGGESTIONS

NUMBER	SUGGESTION	PAGE
BUDGETING		
1	BIA and OJS should continue to refine budget formulation processes by accounting for existing shortfalls in operational capacity.	6
2	OJS and OFMC should review the recent assessment of corrections facilities and needs to develop a reasonable range of alternatives for management consideration and tribal consultation.	7
PERFORMANCE DATA		
3	BIA should 1) include mandates in PL-638 contracts for monthly crime report submittal and 2) develop a standardized procedure to ensure incidents are not reported more than once.	8
EVALUATION AND OVERSIGHT		
4	BIA, IA/IE&A, and OLESEM should work together to ensure and protect the independence of evaluative and investigative work.	9
5	BIA should work with the tribes to develop and implement new requirements in PL-638 contracts that strengthen the independence of tribal court review teams in conducting complete, standardized assessments.	9
COORDINATION		
6	DOI senior officials should work with their counterparts in DOJ, HHS, and other agencies, as necessary, to 1) coordinate federal action in Indian Country and 2) direct program officials at national and field levels to coordinate services across organizational boundaries as appropriate.	11

Report Fraud, Waste, Abuse, and Mismanagement



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