

Section 2**Program Review****May 19, 2006**

1. **Funding of Operations**
The operations part of the program is 100% funded by PL-638 from the BIA. This year, the total amounted to \$1,600,000, which included funding for both operations for the detention, as well as operations for the police and dispatch. However, for this year, only as a special consideration, the tribe contributed \$800,000 towards the operations of the detention facility. This additional funding resulted from funding left over from the juvenile facility.
2. **Funding of Repairs and Maintenance of Facility Structure**
Separate funding from the BIA provides for the repairs and maintenance of the facility. This averages about \$300,000 annually.
3. **Policies and Procedures**
The facility uses the tribal policies and procedures that have been written in a BIA format, which includes the BIA table of contents. The tribal policies and procedures include a few cultural items but they are not implemented due to lack of space and personnel. On the day of the visit a search was conducted to locate these policies and procedures. However, neither the tribal nor the BIA policies and procedures could be located at the facility even though a sincere attempt was made to find them. The detention officer indicated that they generally train on a one-to-one basis from each other.
4. **Staffing**
There are five full-time detention officers, four of whom are certified. In addition a full-time cook assists with cooking. There are three additional individuals in the Police Department who assist with the full-time administration. These include the Chief of Police, Captain and a Business Manager/Administrator.
The detention officers work in 8-hour shifts, unless absolutely necessary, when they switch to 12-hour shifts. Generally there are two detention officers on duty on most days, unless one officer has a day off. There is only one detention officer on duty generally about 30% of the time.
5. **Programs**
The facility participates in a community work program where the courts allow inmates with minor offenses to work-off their prison time by providing cleanup services in the community. The facility provides a trustee program.

6. **Staff Training**
Once out of the Academy, the officers are not trained in policies and procedures due to lack of time and personnel. They would rather participate in hands-on training on a one-on-one basis. There are only two officers who have more than two years of experience as detention officers at this facility. Other training is made available to the officers, such as: training regarding sexual-harassment, training regarding OC (pepper spray), intoxilyzer training and supervisor training.
7. **Space for Inmates On-Site**
There is a shortage of space at this 67-bed facility. The inmate population peaked at 103 on January 1, 2006, 98 on January 1, 2005, 102 on January 1, 2004 and 101 on January 1003. The number of inmates exceeds the capacity throughout summer months. Various attempts are made by the judges to alleviate the lack of capacity. Once such method is to give a 'suspended bond' in lieu of incarceration. No inmates are sent off-site. However, inmates from the State also use the facility if there is an opening. The tribe is presently considering methods to have federal inmates incarcerated locally for the sake of cultural and family ties and considerations.
8. **Space for Inmates Off-Site**
Inmates are not sent off-site.
9. **Staffing Capacity for the Inmates On-Site**
The facility is understaffed for the number of inmates that are incarcerated at any given time.
10. **Staffing Capacity for Transportation and Escort for Inmates**
Detention officers transport and escort the inmates unless there is only one detention officer on duty, at which time they seek assistance from the police officers.
11. **Office Supplies for Staff**
The detention officers use their personal funds to purchase small items such as envelopes, pens, markers and writing paper. They are not reimbursed for such purchases. The detention officers also 'borrow' office supplies from the patrol officers. Since there is no printer for use by the detention officers, the officers are using the patrol officers' printer located in a different part of the building.
12. **IT Equipment for Office Use**
The detention officers have one computer station at this time. There is a need for two additional computer stations.

13. IT Equipment for Communications Use
There is no additional IT equipment such as panic transmitters for the officers, so they have borrowed two, two-way radios, to serve as emergency transmitters, from the patrol officers.
14. Personal Supplies for Inmates
Until very recently, there were no funds to procure personal supplies for the inmates.
15. Uniforms for Staff and Inmates
Until very recently, there were no funds to procure uniforms for the staff or inmates.
16. Linen for Inmates
They are sufficient blankets for the inmates.
17. Furniture and Fixtures for Staff and Inmates
The staff needs furniture and fixtures for two additional computer stations. However, since the detention officers are using a part of the booking space, there is not enough space to locate two additional stations. Additional seating is required for the 'common space' used by the inmates for dining.
18. Transportation Vehicles
There are no transportation vehicles at this facility. Officers borrow patrol cars to transport inmates. The facility needs a transportation van to transport up to six inmates.
19. Fuel for Vehicles
Since the facility does not have a vehicle, the fuel for detention vehicles is not applicable.
20. Utilities for Facility
Utilities are paid for directly by the BIA.
21. Hot and Cold Water for Kitchen, Laundry and Showers
There is sufficient hot and cold water for the kitchen, laundry and showers.
22. Adequate Lighting for Inmate and Staff Areas
Lighting for the staff areas is sufficient. The inmates complain about excessive light at night. There are no night-lights in the cells.
23. Ongoing Repairs and Maintenance
The BIA facility staff is working on repairing leaks at sinks, and the push buttons for the sink- lavatory combination units.

24. Deferred Repairs and Maintenance
1. The security mesh needs to be anchored above the suspended ceiling in the dining room. Over a quarter of the total material is already in place.
 2. Continuous new leaks in the roof develop. Last season, 13 separate leaks were patched. The roof needs to be replaced. The present roof is the original flat roof with a shallow pitch.
 3. The facility needs a complete interior and exterior security camera surveillance system. This includes controlled-movement cameras and high-resolution recording cameras at the booking station.
 4. The facility needs compliance with ADA regulations.
 5. The facility needs a complete intercommunication system.
 6. The facility needs a complete clean-out of the exhaust system from the laundry room. This includes cleaning out the lint that has accumulated over the suspended ceiling and through the exhaust ducts.
 7. Approximately 8 glass blocks need to be replaced in the interconnecting glass block wall between the detention facility and the tribal court building.
 8. The chain-link fence and the chain-link fence gates enclosing the back of the building need to be refurbished and secured. The gates need to be cleared from the vegetation and buildup over the years, so they can be closed.
 9. The steel stairwell leading to the mezzanine that houses the building, mechanical and standby electrical system, needs to be re-anchored structurally to the building wall. Several nuts have loosened from the building bolts that anchored the stairwell.
25. Medical Response at the Facility
- The facility has the capability of providing basic first aid and CPR. An ambulance is available within about two minutes. The hospital is about half a mile away.
26. Booking Process at the Facility
- Booking is conducted across the counter top, in the same space that is also used as the office of the detention officer. There are no barriers between the inmate and the detention officer. The camera does not have recording capability and the monitor does not work. The computer at the booking station uses CISCO software for booking. However, when the detention officer is using the computer, her back is turned towards the inmate countertop leading from the Sally port. The restraining chair is stored in the cleaning-supplies room at a distant location from the booking area.
- The procedure is for the arresting officer to stay with the inmate during the booking and escort him up to the cell. During our observation of a booking process, we noted that the inmate was not searched and was escorted to the cell in street clothes. We noticed that the male inmate could not be searched by the female detention officer on duty at the time

of the booking. When questioned, we were advised that the inmate will take a shower and change his clothes the next day.

27. **Food Service at the Facility**
There is a kitchen at the facility. The kitchen appears to be well-equipped.
28. **Kitchen and Dining staff at the Facility**
A certified cook provides three meals a day, five days a week. On occasion, the cook works overtime hours. During the remaining two days an inmate trustee provides the cooking with the oversight of a detention officer. The lead detention officer helps out with the cooking as well.
29. **Housekeeping Staff at the Facility**
Inmates provide cleaning for their own cells. The inmate trustees provide the cleaning for common corridors, restrooms, kitchen and laundry. Officers clean the remaining areas that are off-limits to the inmates.
30. **Repairs and Maintenance Staff at the Facility**
Repairs and maintenance are provided by the BIA staff who share the responsibility with several other buildings. Response time is acceptable for small items. However, the response is generally poor for larger items and repair items have not been attended to for up to a year.
31. **Inmate Services Provided at the Facility**
There is no routine healthcare checkup. There is no testing for TB, HIV or hepatitis. The Alcoholics Anonymous services and the Talking Circle services were stopped for lack of participation by the volunteers. Alcohol and drug assessment is provided to the inmates at the facility. Detention officers are waiting for training for working with methamphetamine users.
Courts do allow the temporary release of inmates to allow for their daily commute to college, when requested.
32. **Healthcare Assistance in the Community**
The Indian Health Service (IHS) provides healthcare assistance in the community. It is located about five minutes away.
33. **Other Support Agencies in the Community**
There is an alcohol treatment program available in the community.
34. **General Reasons for Detention**
Street gangs are on the rise at the reservation. This has corresponded with increased use and availability of drugs at the reservation. Generally, drug use includes methamphetamine, marijuana and cocaine. There were six to seven large 'drug busts' at the reservation over the past year. It is well known that there are several more drug labs in the community. But they have not been apprehended yet. The violent crime rate is 887 per 100,000

inhabitants. The property crime rate and all other crime rates are 2573 and 80,389 per 100,000 inhabitants respectively.

35. **Potentially Harmful Conditions and Behavior of Inmates**
Inmates who are suspected of suicidal tendencies are provided with mental health assessment. Inmates have attempted suicide using blankets tied to the upper bunk or breaking light fixtures and using shards to cut themselves. Inmates have also attempted to use plastic cups to cut themselves.
36. **Accountability and Reporting of Incidents**
Generally all incident reports are sent once a month to the supervisor Greta Baker. Very serious incident reports are sent immediately to Greta Baker.

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Section 3**Facility Review****May 19, 2006**

1. Exterior Site Conditions
The exterior site conditions for this facility are extremely poor. The facility is accessible all around directly by the general public. Exterior brick wall indicates settling and exhibits cracks in several areas. The fascia at the entrance is peeling and in disrepair. There is a block-wall 'secure' vestibule which provides a passageway from the detention facility to the tribal court building. Several glass blocks have been shot at and others broken as a result of damage from impact by projectiles.
2. Exterior Exercise/Recreation Area
The exterior exercise and recreation area is small and incapable of holding all of the inmates in case of an emergency. This area is very insecure. Three strands of barbed wire are placed above the 9-foot perimeter brick fence. The area has a wrought-iron gate with horizontal crossbars that could form a stair-step for an easy walk over the barbed wire strands above the gate and through the open gates at the perimeter fence. The adjacent area is accessible to the general public who could toss over contraband items into this area. While there is a surveillance camera for the area, it cannot be monitored at the detention officer's station or at the dispatch since the monitors for the surveillance cameras do not function.
3. Exterior Perimeter Security
The exterior perimeter security is very poor. Besides the exercise and recreation area that is mentioned above, a chain-link fence surrounds the back portion of the building. This fence has permanent openings. The chain-link gate is in a permanent open position anchored with vegetation that has grown over the years. While the chain-link fence has three strands of barbed wire above it, one end of the chain-link fence is not anchored to the building and offers a permanent opening even if the chain-link gate was closed and secure.
The long connecting corridor of non-secure glazing is accessible from the parking lot and allows easy penetration and access into the building.
4. Sally Port Security
The Sally port is used as a drive-in garage. It is not secured in any way. The rollup gates are permanently open with access to the perimeter chain-link fence that has no secure gate and has additional openings in it.

5. **Building Interior Security**
There are six interior surveillance cameras in the building; however, they are meaningless, since they cannot be monitored at the nonfunctioning monitors at the detention officer's station and at the dispatch. All doors use the keyed-lock system except the entrance from the police to the detention facility, which uses an electronic keypad.
6. **Building Structure**
The building exteriors are brick walls with slab-on-grade floor. The interior walls are painted block-walls. The structure is settling noticeably as is evidenced by cracks resulting from the weight of the structure and disproportionate settlement of the underlying soil.
7. **Building Roof**
The building has a shallow-pitched tar roof though it is generally flat. The roof rises to a shallow pitch at the center of the building creating a parapet of 18 inches on the front and back perimeter of the building.
8. **Interior Ceilings**
Suspended ceilings are provided in the kitchen, pantry, dining area, offices and day room. Hard concrete panels 18 inches wide are provided in the cells and corridors.
9. **Interior Walls**
Interior consists of block walls.
10. **Interior Flooring**
The interior flooring generally consists of vinyl tile glued over concrete in the offices, corridors, kitchen, pantry and other areas of common use. The cell areas consist of painted concrete.
11. **Interior Dormitory Cells**
The interior of the dormitory-style cells houses up to six bunks in the cell. There is a common area that encloses up to three dormitory cells. This area is presently used as a day room or as in the case of the female cells as storage for mattresses.
Generally, all cells were extremely dirty and in disrepair.
12. **Interior Isolation Cells**
All of the interior isolation cells are dirty and unkempt. A camera is provided at the ceiling, which is of little use since the monitors for the camera do not function at the detention officer's station.
13. **Interior Detoxification Cells**
The interior walls of the detoxification cells were resurfaced to remove flammable services. Those cells are not in use anymore since an appropriate resurfacing could not be implemented. They now serve as storage areas. However, the new surfaces where implemented are hard.

which are prone to injuries that may be suffered by intoxicated individuals.

14. **Booking and Intake Area**
The booking and intake area opens from the Sally port and leads into the hallway leading to the cells. This area is presently used both as the booking space, and as the detention officer's workstation. Neither of the two functions is appropriate for the present configuration of this area. This area needs to be reconfigured for just the booking function, since it was designed to create access for the inmates through the Sally port.
15. **Visitation Area**
The visitation area provides a barrier between the inmate and the visitor. However, there are no cameras or an intercom system that can monitor the process during the visitation.
16. **Kitchen, Food Preparation and Pantry Area**
The kitchen is well equipped and clean. The pantry is well equipped and clean. Trustees work in the kitchen during the absence of the cook, two days a week. The kitchen and pantry have suspended ceilings, and even though the ceiling is surfaced with a washable coating, it serves as an escape route.
17. **Dining Area**
The dining area is spacious and sufficient to feed the number of inmates in more than one dining shift. This area also serves as a day room and has a television set for the inmates. However, the space also serves as an escape route because of the suspended ceiling. The work order is in place to provide a security mesh above the ceiling.
18. **Day Room Area**
There is no specific day room in the facility. However, the dining space and one of the dormitory common spaces are used as day rooms by the inmates. Each of these spaces has a television set that is used by the inmates. There are no cameras to monitor the activities of the inmates in these day rooms. The furniture takes a heavy beating. The furniture in each of these day rooms is not the institutional type and is in disrepair and needs to be replaced.
19. **Vocational Training Area**
There is no specific area in the facility that could be used for vocational training.
20. **First Aid and Medical Assistance Area**
There is no specific space to administer first aid and medical assistance. A first-aid kit is available.

21. **Toilets and Showers**
The toilets and shower areas were renovated relatively recently and appeared to be in good shape. Both males and females are scheduled to use the same facilities at a predetermined schedule.
22. **HVAC System**
The controls for the HVAC system do not function. The cell block area does not have sufficient ventilation and appropriate heating and cooling. Heating is provided through two boilers that utilize fuel oil. The boilers have been maintained and are in good repair. The cooling is provided through the refrigerated cooling system using two air handling units one of which serves the cell block area and the other serves the remaining administrative, dispatch and the police area. These units are also in good repair.
23. **Plumbing System**
The plumbing system is in good repair. There are no reported backups or sewage leaks. The entire sanitation drain lines were replaced about two years ago.
24. **Lighting System**
Lighting in general is adequate for the use of inmates and staff. Inmates complained of excessive lighting during the night. There are no night-lights.
25. **Electrical Power System**
The electrical power system consists of an 800 amp, 208 Y/120 volt, three-phase, four-wire service. A 75 KW backup generator serves the facility. Each of the two HVAC chillers draws 127 amps, 208Y/120 volts at three-phase. The electrical system capacity is sufficient for the building.
26. **IT System**
The IT system for the detention workstation consists of one computer, CISCO software and four borrowed intercom radios. There is a need for an additional computer station, and a reconfiguration of the detention officer's workstation.
27. **Building Security System**
The security system consists of keyed locked doors throughout the facility. The surveillance camera system is inadequate and does not serve any function at this time. The recreation yard is insecure. The fenced area around the Sally port is insecure.
28. **Energy Usage and Conservation**
There is little regard for monitoring energy usage and the conservation of energy. A fiberglass insulation held by chicken wire serves as ceiling insulation at the mezzanine level, mechanical room.

29. **Fire Egress – Exterior and/or Secured Areas**
The fire escape plan noted at the facility provides direction for evacuation to the Sally port. However, the Sally port is insufficient and adjacent to the building, to effect appropriate evacuation in case of an emergency. The recreation yard is too small, insecure and adjacent to the building as well, to serve as appropriate location for evacuation. There is no secure space to evacuate the building in case of an emergency.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**
There is a fire alarm system, appropriate fire extinguishers and a sprinkler system that serves the building. Sprinkler heads are located in individual cells.
31. **Building Access for Staff and Inmates**
Staff accesses the building from the front door, while the inmates are escorted from the Sally port.
32. **Hazardous Materials**
The building was built during 1983 and completed in March of 1984. No asbestos lead paint or other hazardous material was reported. Flammable material that lined the detoxification cells has been removed.
33. **Handicap Access for Staff and Inmates**
There are no provisions at this facility for access by disabled staff, visitors or inmates.
34. **Potentially Hazardous Elements**
Individual cells are furnished with the air vents. The screens on these air vents can serve as a potential location for tying articles of clothing to commit suicide.

Section 1

**Background Information
of the
Pine Ridge Reservation
Served by the Wamblee Law Enforcement Center**

Pine Ridge Reservation¹

Federal reservation

Oglala Sioux

Washabaugh-Jackson, Custer, Fall River, and Bennett counties, South Dakota

Pine Ridge Reservation

P.O. Box 2070

Pine Ridge, SD 57770

605-867-5821

605-867-1449 Fax

Total area (BIA realty, 2003) 1,775,412.72 acres

Total area (Tribal source, 2004) 2,800,000 acres

Tribally owned (BIA realty, 2003) 705,839.58 acres

Tribally owned (Tribal source, 2004) 706,340 acres

Federal trust (BIA realty, 2003) 1,067,877.15 acres

Individually owned (BIA realty, 2003) 1,695.99 acres

Allotted lands (Tribal source, 2004) 1,064,840 acres

Population (2000 census) 14,068

Tribal enrollment (Tribal source, 2004) 17,775

Total labor force (2000 census) 4,741

High school graduate or higher (2000 census) 68.8%

Bachelor's degree or higher (2000 census) 11.1%

Unemployment rate (2000 census) 33%

Per capita income (2000 census) \$6,298

LOCATION AND LAND STATUS

The Pine Ridge Reservation, second only in size of landmass to the Navajo Reservation, is located in southwestern South Dakota. The reservation borders Nebraska on the south, and it is approximately 50 miles east of the Wyoming border

¹ Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

on the west. Pine Ridge Reservation abuts the Rosebud Reservation on the northeast corner. Some tribal trust lands are located in northwestern Nebraska.

Interstate 90 runs east-west just north of the reservation. The community of Pine Ridge, which serves as tribal headquarters, lies approximately 97 miles south and slightly west of Rapid City. The nearest city of 250,000 or more is Denver, Colorado, 420 miles away.

PHYSICAL DESCRIPTION

The topography of the 11,000-square-mile reservation and trust lands is a diverse mixture of badlands and acres of rolling grassland hills, transected with river valleys and creeks and ridges dotted with spotted pine; hence the name Pine Ridge. The well-known Badlands National Park extends into the reservation, featuring a unique landscape of eroded ridges, peaks, multicolored columns, and abrupt mesas. The Buffalo National Grassland lies along the reservation's western border.

CLIMATE

Typical for the Great Plains, reservation temperatures fluctuate between seasonal extremes of 105° F and -30° F. The average temperature in July is 74° F; in January the average temperature is 21° F. The area normally receives 19 inches of precipitation annually.

GOVERNMENT

The Pine Ridge Reservation was established by an Act of Congress in 1889 as a home for the Oglala Lakota Sioux. Under an IRA constitution approved in 1936, the tribe is governed by a 16-member tribal council, presided over by the tribal council chairman, who acts as the administrative head of the tribe. The council is guided by a five-member executive committee, with elections held every two years to elect an at-large president and vice-president and representatives from nine districts: Eagle Nest, Pass Creek, Wakpamni, Lacreek, Pine Ridge, White Clay, Medicine Root, Porcupine, and Wounded Knee. A sergeant-at-arms and critic also serve with the council. All members serve four-year terms. Under PL-638, the tribe contracts with the BIA to administer key programs and services.

A tribal court system, established under the constitution, consists of one chief and three associate judges who are chosen by the tribal council. They also serve four-year terms.

INFRASTRUCTURE

State Highway 73, a north-south route, and U.S. Highway 18, an east-west route, are the major traffic arteries. Gordon, Nebraska, 45 miles away, is the nearest railroad shipping center, while the nearest international airport is at Rapid City, South Dakota, 130 miles from the reservation.

Electricity - The Consumers Power Company and the LaCreek Power Cooperative provide electricity.

Water Supply - The Oglala Sioux Rural Water Supply System supplies water on the reservation. The Mni Wiconi Project is under construction to supply clean water from the Missouri River to the communities that do not have potable water or have wells with poor water quality. The tribe provides solid waste collection.

Telecommunications - Golden West Telecommunications Company provides telephone service, and a tribal member provides cable TV service in the community of Pine Ridge.

COMMUNITY FACILITIES AND SERVICES

The tribe provides an elderly nutrition program, and it sponsors many community activities. Youth recreational services are provided through local nonprofit organizations including a rodeo club.

Education - Four high schools and 12 elementary schools serve approximately 5,577 private or public school children on the reservation aged 5–18. Healthy Start and Head Start programs work with preschool children. On March 4, 1971, the Oglala Sioux Tribal Council chartered the Lakota Higher Education Center. Pine Ridge High School was completed in 1994. Red Cloud Indian School, which operates elementary, middle, and high school campuses on the reservation, is a nonprofit corporation that operates as an accredited private school. The school emphasizes retaining traditional Lakota values, linguistic skills, and cultural heritage, while striving toward academic excellence. It had an enrollment in excess of 600 students in 2002.

Oglala Lakota College, founded in 1971, is a tribally chartered and operated university offering GED, associate and bachelor's degrees, and, more recently, master's study programs. In keeping with the college's mission—"Priya Wiconi," a Lakota expression meaning a new beginning for harmony in fulfillment of aspirations and dreams—the college is committed to continuous quality improvement in providing outstanding teaching, research, community services, and assessment. Accreditation by the Commission on Institutions of Higher Education, North Central Association of Colleges and Schools was first granted in 1983. Nursing graduates are certified by the South Dakota State Board of Nursing and are permitted to sit for the registered nurse examination. The college was responsible for beginning the first child and spouse abuse prevention programs on the reservation, for developing alcohol and drug abuse intervention programs, and for conducting economic development conferences leading to the formation of The Lakota Fund.

Health Care - In 1994, the Pine Ridge Reservation Comprehensive Health Care Facility, an Indian Health Service hospital, was dedicated and opened for patient care. An intensive care unit, modern monitoring equipment, a respiratory therapy program, and new pediatric care facilities have all been added since 1997. Decorated with tribal themes, the hospital welcomes traditional healers and medicine men along with Christian or other spiritual workers. A community health representative and an ambulance service serve for the reservation. The health department provides eye exams and eyeglasses to all residents at reduced rates. There is a dialysis center on the reservation.

Section 2**Program Review****May 12, 2006**

This facility was built in 1981 with the intent of use as a holding facility and a substation for the use by law enforcement, housing the police, fire and emergency services for the community. There are two cells that have fallen into disrepair since the facility is not used for incarceration anymore. The facility is still in use as a law enforcement substation that provides services to the local community.

1. **Funding of Operations**
The facility is owned by the BIA. The tribe provides for the operations of the building. Other details are not known.
2. **Funding of Repairs and Maintenance of Facility Structure**
The BIA provides for the repair and maintenance of the facility.
3. **Policies and Procedures**
There are no policies or procedures for the operations at the facility.
4. **Staffing**
There are two police officers who use the facility. There are no detention officers.
5. **Programs**
Since there are no inmates, there are no programs for the benefit of inmates at this facility.
6. **Staff Training**
The staff who uses the facility consists of two certified police officers.
7. **Space for Inmates On-Site**
There are two cells that lack any beds. The cells have fallen into disrepair over time and are now used as storage and work areas.
8. **Space for Inmates Off-Site**
All inmates are sent off site to the Pine Ridge facility.
9. **Staffing Capacity for the Inmates On-Site**
There are no detention officers. The facility will not be used for incarceration.

10. Staffing Capacity for Transportation and Escort for Inmates
The police officers provide for the transportation and escort of the inmates to off-site locations.
11. Office Supplies for Staff
There are sufficient office supplies for staff.
12. IT Equipment for Office Use
There is sufficient IT Equipment for office use.
13. IT Equipment for Communications Use
There is sufficient IT equipment for communications.
14. Personal Supplies for Inmates
Personal supplies for the inmates are not needed at the facility.
15. Uniforms for Staff and Inmates
There are adequate uniforms for the staff. Uniforms are not needed for the inmates.
16. Linen for Inmates
Blankets and mattresses are not needed for the inmates.
17. Furniture and Fixtures for Staff and Inmates
Furniture and fixtures for the staff are adequate though in very poor condition. There is no furniture in the cells for the inmates.
18. Transportation Vehicles
The law enforcement officers use their vehicles for transportation of the inmates.
19. Fuel for Vehicles
There is sufficient fuel for vehicles.
20. Utilities for Facility
There is sufficient funding for utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers
There is no kitchen, laundry or showers at the facility.
22. Adequate Lighting for Inmate and Staff Areas
There is adequate lighting for the staff areas. Lighting in the cells is insufficient.
23. Ongoing Repairs and Maintenance
There are no ongoing repairs or maintenance at this facility.

24. **Deferred Repairs and Maintenance**
The facility is in a state of disrepair. The facility is used in an inappropriate manner. The clear space for the storage and parking of fire trucks and other emergency vehicles is being used as a storage garage for miscellaneous vehicles, storage for construction material, carwash and an oil changing station for the law enforcement vehicles.
25. **Medical Response at the Facility**
There is no provision for medical response at the facility.
26. **Booking Process at the Facility**
There is no formal booking area at the facility.
27. **Food Service at the Facility**
There is no food service at the facility.
28. **Kitchen and Dining Staff at the Facility**
There is no kitchen or dining staff at the facility.
29. **Housekeeping Staff at the Facility**
There is no housekeeping staff at the facility. The facility is fairly dirty and unkempt. The public safety officer gathers and hauls all the trash from the facility at periodic intervals. However, the public safety officer reported that he visited the site about one year ago and cleaned it up with the help of his office staff.
30. **Repairs and Maintenance Staff at the Facility**
There are no repairs or maintenance staff at the facility. Repairs and maintenance are fairly poor. The facility requires repairs and maintenance for it appears as if the repairs and maintenance staff has not visited the site for several years.
31. **Inmate Services Provided at the Facility**
No inmate services are provided at the facility.
32. **Healthcare Assistance in the Community**
There is no healthcare assistance in the community.
33. **Other Support Agencies in the Community**
There are no specific support agencies in the community. All support agencies are located in Pine Ridge.
34. **General Reasons for Detention**
The general reasons for apprehension and detention are violent crime in the community.

35. Potentially Harmful Conditions and Behavior of Inmates
Inmates are not held at the facility even though two cells are provided. However, the cells are in disrepair and the facility is not expected to have inmates housed at this location.
36. Accountability and Reporting of Incidents
Incidents are reported to the Oglala Sioux Tribal Administration.

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Section 3**Facility Review
March 12, 2006**

1. Exterior Site Conditions
The exterior site conditions are fairly poor. The facility serves primarily as a substation for the local police officers who patrol this area. The local site is accessible to the general public from all sides.
2. Exterior Exercise/Recreation Area
Even though the facility has a provision of two cells for inmates and was meant to be used as a holding facility it is no longer used as one. The facility is used only as a local substation for the police officers serving the local community.
3. Exterior Perimeter Security
The exterior perimeter security is fairly poor. An insecure chain-link fence topped with barbed wire and held by the lodgepole pines remains of what used to be an exercise/recreation area for the inmates. There are no cameras that monitor the perimeter of the facility. The front door does have a lock that is capable of locking; however, the side door at the garage entrance cannot be locked and tumbler for the lock is missing. The facility could be penetrated by lifting up the rollup doors. An unfinished partitioning door has been installed to prevent any intrusion from the storage/garage area into the officer's office area.
4. Sally Port Security
There is no Sally port at the facility.
5. Building Interior Security
There is no interior security at the facility.
6. Building Structure
The building is slab-on-grade, block-wall structure.
7. Building Roof
The building has a flat metal deck roof with a tar and gravel cover. There have been no reported incidents or signs of leakage at the roof.
8. Interior Ceilings
Interior ceilings are in disrepair. These consist of dropped lay-in ceilings in the office areas and hard ceilings in the cell area. Ceiling tiles are stained, torn or missing.

9. Interior Walls
Interior walls are of block-wall construction.
10. Interior Flooring
Interior flooring is glued-on tile in the office and corridors, painted concrete in the cell area and unfinished concrete in the storage/garage area. All of the flooring is in disrepair.
11. Interior Dormitory Cells
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells
There are no interior detoxification cells at the facility.
14. Booking and Intake Area
There is no specific area designated as booking and intake area at the facility.
15. Visitation Area
There is no area designated as the visitation area at the facility.
16. Kitchen, Food Preparation and Pantry Area
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area
There is no dining area at the facility.
18. Day Room Area
There is no day room area at the facility.
19. Vocational Training Area
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area
There is no specific first aid or medical assistance area at the facility.
There is no first-aid kit at the facility.
21. Toilets and Showers
There are no showers at the facility. There are two toilets, one of which appears to have been plugged up for some time. Both toilets are in a state of disrepair.

22. HVAC System
The HVAC system is located on the roof and on the mezzanine above the cell area. There no reported deficiencies for the HVAC system.
23. Plumbing System
The plumbing system is in disrepair and the sanitation drains are plugged up and need to be replaced.
24. Lighting System
The light fixtures are in a state of disrepair. Lighting is fairly poor in what used to be the cell areas.
25. Electrical Power System
The electrical power system appears to be adequate for the size of this facility.
26. IT System
The existing IT system appears to be adequate for the use of the police officers at this facility.
27. Security System
There is no security system at the facility. The side door is pulled shut and cannot be locked.
28. Energy Usage and Conservation
There is no awareness of energy conservation at the facility. The facility needs weatherization to prevent cold drafts through all exterior doors and windows.
29. Fire Egress – Exterior and/or Secured Areas
The facility is fairly small and the path of egress is within a reasonable distance to the exit from the facility.
30. Fire Alarm, Fire Extinguishers and Sprinkler System
There is no fire alarm, fire sprinklers or fire extinguishers at the facility.
31. Building Access for Staff and Inmates
The staff uses the rollup doors to enter the facility.
32. Hazardous Materials
The facility does not have asbestos or lead paint. However, the facility needs to be environmentally abated for all the spilled fuel oil that has accumulated and drained through the interior wash drains over the years as the officers have used the site for oil-changes and repairs of automobiles.

33. Handicap Access for Staff and Inmates
There are no handicap access provisions for the use of disabled staff, visitors or inmates at the facility.
34. Potentially Hazardous Elements
Inmates are not held at the facility even though two cells are provided. However, the cells are in disrepair and the facility is not expected to have inmates located at this site any time in the near future.

DRAFT

Section 1

**Background Information
of the
Fort Berthold Reservation
Served by the White Shield Law Enforcement Center**

Fort Berthold Reservation¹

Federal reservation
Mandan, Hidatsa, and Arikara
Dunn, McLean, McKenzie, Mountrail, Ward, and Mercer counties, North Dakota

Three Affiliated Tribes Business Council
404 Frontage Road
P.O. Box 220
Tribal Administration Building
New Town, ND 58763
701-627-4781
701-627-3626 Fax
Website: mhanation.com

Total area (Tribal source, 2004) 922,750 acres
Federal trust lands (Tribal source, 2004) 422,750 acres
Fee lands (Tribal source, 2004) 500,000 acres
Tribally owned lands (Tribal source, 2004) 83,800 acres

Population (2000 census) 5,915
Tribal enrollment (BIA labor report, 2001) 10,789
Tribal enrollment (BIA labor report, 2001) 10,400

Total labor force (BIA labor report, 2001) 4,240
Unemployment rate (BIA labor report, 2001) 71%
Per capita income (2000 census) \$10,291

LOCATION AND LAND STATUS

The Three Affiliated Tribes Fort Berthold Reservation is located in west-central North Dakota, southwest of Minot and 2.5 hours northwest of Bismarck. While there are Indian families living throughout the reservation, the majority live in the communities of Mandaree, White Shield, Twin Buttes, Four Bears, and the incorporated towns of Parshall and New Town, the latter being location of the tribal headquarters.

¹ Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

The Fort Berthold Reservation boundaries were established by mutual consent at Fort Laramie, Wyoming, in the Fort Laramie Treaty of 1851. Congressional acts and executive orders gradually reduced the reservation to its present size from the initial 12.5 million acres. In 1972, a federal court ruling determined that land lost to homesteaders through the 1910 Homestead Act had, in fact, always been part of the reservation and that, therefore, boundaries had not been diminished or changed by that act.

Some land located north of New Town was donated to (and a portion was purchased by) the tribes. Called the Northern Lights Addition, the lands have been used for construction of the new North Segment Community Building, a new food distribution center, and Head Start administration and classrooms. The tribal Dreamcatchers Housing Program constructed housing, and some acreage will be used for construction of a detention center. Additional purchases are planned for construction of a clean fuels refinery in new Makoti, North Dakota. These lands, and those on which the Figure 4 Ranch were built, are all pending federal trust status.

PHYSICAL DESCRIPTION

The reservation has both flat prairie land and rolling terrain, intersected by the Missouri River. About 11 percent, or 156,000 acres, of the total surface area is covered by Lake Sakakawea, the reservoir formed behind the Garrison Dam on the Missouri River.

CLIMATE

The elevation at New Town, North Dakota, the location of tribal headquarters, is 1,879 feet above sea level. It is a cold, continental climate, dominated by the Arctic jet stream, with a year-round average daily high temperature of only 54°F. The year-round average daily low temperature is 30°F. The area receives approximately 16 inches of precipitation annually, with winter blizzards and summertime thundershowers, although it is a semiarid environment, overall.

GOVERNMENT

The Three Affiliated Tribes are organized through the Indian Reorganization Act of 1934, with a constitution and bylaws, as amended. The tribal government is legally entitled to the Three Affiliated Tribes Business Council, a body consisting of a chairman, a vice-chairman, a treasurer, a secretary, and three at-large members. Business council members are elected to four-year terms by the general membership.

The tribe, under PL-638, contracts with the BIA to administer key programs and services. They operate the Dreamcatchers Housing Program, which manages 786 low-rent HUD units and mutual self-help housing, along with a 36-unit apartment building in Four Bears Drags Wolf Village. There were housing units under construction in 2005. In addition to tribal administration, other services provided include aging, community health, commodity food distribution, criminal investigation, alcohol, cultural preservation, Boys and Girls Clubs, 477/JTPA, Johnson O'Malley, vocational rehabilitation, Healthy Start, and an education department consisting of early childhood, exceptional education, Head Start, and a higher education grant program. The following departments or programs also provide services to tribal members: human, enrollment, finance, MHA daycare, natural resources (emergency management, environmental, injury prevention, solid waste and sanitation, fire

White Shield Law Enforcement Center, Garrison, North Dakota Mandan, Hidatsa and Arikara Tribes
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management, fish and wildlife, animal control, rural water development, GIS, realty), small loans, tribal planning and development, property and procurement, roads, social (child welfare, general assistance, in-home and parent aide, fuel assistance), WIC, transportation, tax, veterans, and a plethora of tribal health services. The tribes have their own tribal law enforcement and operate tribal courts, including a juvenile court. Tribal courts consist of a judge, a judge magistrate, two to three other judges that work part-time in off-reservation locations, a court administrator, a juvenile officer, a public defender, and two or three other support staff.

BUSINESS CORPORATION

The Fort Berthold Reservation Planning Committee guides tribal economic development initiatives.

INFRASTRUCTURE

Interstate 94 runs east-west and is accessible either through Dickinson, 70 miles south, or in Bismarck-Mandan, 2.5 hours southeast. U.S. Highway 83 runs north-south approximately 60 miles east of New Town. U.S. Highway 85 runs north-south, 4 miles west of New Town. State Highways 22, 23, and 37 make up for most of the paved roads on the reservation. The Missouri River can only be crossed at Four Bear Bridge, located just west of New Town, creating a transportation barrier to many parts of the reservation. The tribes plan to construct additional roads and hiking paths and bike trails.

Electricity – Three rural electric cooperatives and two private companies provide electricity to the reservation.

Fuel – Montana-Dakota Utilities provides natural gas to the surrounding area but not yet onto the reservation. Several propane companies provide service to the region.

Water Supply – The Fort Berthold Rural Water Department is run by the tribes. This department pumps water from the lake into the six water plants they have created in each of the six segments. They also hire and train the water operators that run this system. Pipe will be laid to Fort Bear and White Shield homes in 2005. The rest of the segments will have pipe laid when more money becomes available for the project. Approximately 30 percent of tribal members rely on privately owned water wells for drinking water; 70 percent have access to a city-supplied system. Shallow groundwater is scarce and of poor quality in most parts of the reservation. Surface waters are also limited in the semiarid environment. Underlying aquifers have high saline and mineral content. Approximately 30 percent of tribal members rely on privately owned water wells for drinking water; 70 percent have access to a city-supplied system.

Transportation – Commercial air service is available at Minot (about 68 miles away) and at Bismarck (160 miles distant). Smaller, general aviation airports are located in nearby New Town (with a 3,000-foot runway) and Parshall, located 17 miles east. Amtrak and bus lines serve Minot, while commercial freight lines serve the reservation directly.

Telecommunications – Telephone service is provided by the Reservation Telephone Cooperative in Parshall, a non-Indian cooperative assisted by AT&T and Qwest, by the Consolidated Cooperative Telephone Services in Dickinson, and by West River Telephone

in Hazen. Internet services, including high-speed subscriber lines, are available throughout the reservation.

COMMUNITY FACILITIES AND SERVICES

Community facilities in the Four Bears area include a tribal administration building, an Indian Health Services Clinic and Dialysis Unit, KMHA radio station, MHA Times Office, MHA Day Care, 4 Bears Casino, C-Store, the bait shop, the lodge, the marina, and the Four Bears Museum. Social services are housed in a modular building retrieved from property formerly used as a radar installation. There are a total of six community centers on reservation lands, many of them with ball fields and/or a gymnasium with public access. There are also three senior centers.

Education – The reservation maintains five public school districts, and Fort Berthold Community College provides higher education opportunities for tribal members and others. The tribes operate a Head Start program. They also operate a unique drug and alcohol prevention and education program called “Unity Riders,” a tribal nonprofit organization that the tribal council created in 1996. The program utilizes riding therapy, capitalizing on the traditional Plains horse culture of the people.

Health Care – Health care is provided by the Mandaree Clinic, the Minne-Tohe Health Facility, the Parshall Clinic, the Twin Buttes Clinic and the White Shield Clinic. There are community health representatives in six locations throughout the reservation, and the tribes coordinate the provision of health services via a Comprehensive Health Planning Office. Alcohol programs, the WIC nutritional program, and dialysis care are also available to tribal members.

Section 2

Program Review
May 18, 2006

The White Shield Law Enforcement Center was added on in 1965 as an extension to an existing BIA facility that was built in the 1920s as a teacher's residence for the White Shield School across the street. The teacher's residence served as the BIA Land Management office until it was abandoned by the BIA in 1982. The Land Management office also used a standalone three-car garage adjacent to its offices. The garage structure is still used by law enforcement to hold evidence. The White Shield Law Enforcement Center serves as a short-term holding facility and a law enforcement substation serving the community of White Shield.

1. Funding of Operations
The facility is owned and operated by the BIA. Other details are not known.
2. Funding of Repairs and Maintenance of Facility Structure
The BIA provides for the repair and maintenance of the facility.
3. Policies and Procedures
There are no policies or procedures for the operations at the facility.
4. Staffing
There is one part-time law enforcement officer who uses the facility. There are no detention officers serving the facility. The facility is used for detention, especially during the first weekend of July during the festival time. On occasion the facility may be used to house a student from the elementary school across the street, who may have been arrested for possession of drugs. At other times the facility serves as a substation for law enforcement over an area that encompasses about 625 square miles extending about 25 miles in each direction. The site is located at about a 3-hour drive from the Canadian border.
5. Programs
There are no programs for the benefit of inmates at this facility.
6. Staff Training
Staff at this facility consists of one part time, certified police officer.
7. Space for Inmates On-Site
There are three cells that lack any beds. Mattresses are laid down on the floor. The cells do not have any functioning toilets and have fallen into disrepair. Inmates are not housed overnight at this facility.

8. Space for Inmates Off-Site
All inmates are sent off site to the new facility at New Town about 60 miles away.
9. Staffing Capacity for the Inmates On-Site
There are no detention officers. The facility will not be used for extended incarceration.
10. Staffing Capacity for Transportation and Escort for Inmates
The police officer provides for the transportation and escort of the inmates to off-site locations.
11. Office Supplies for Staff
There are sufficient office supplies for staff.
12. IT Equipment for Office Use
There is sufficient IT equipment for office use.
13. IT Equipment for Communications Use
There is no IT equipment for communications and none is needed.
14. Personal Supplies for Inmates
Personal supplies for the inmates are sufficient at the facility.
15. Uniforms for Staff and Inmates
There are adequate uniforms for the staff. Uniforms are not needed for the inmates.
16. Linen for Inmates
Mattresses are sufficient at the facility. However, there are no blankets that may be used by the inmates.
17. Furniture and Fixtures for Staff and Inmates
Furniture and fixtures for the staff is about 40 years old but adequate. There is no furniture for the inmates.
18. Transportation Vehicles
The law enforcement officers use their vehicles for transportation of inmates.
19. Fuel for Vehicles
There is sufficient fuel for vehicles.
20. Utilities for Facility
There is sufficient funding for utilities for the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers
There is no kitchen, laundry or showers at the facility.

22. Adequate Lighting for Inmate and staff Areas
There is adequate lighting for the staff areas. Lighting in the cells is insufficient.
23. Ongoing Repairs and Maintenance
There are no ongoing repairs or maintenance at this facility.
24. Deferred Repairs and Maintenance
The substation facility is in a state of disrepair. However, the adjacent BIA's Land Management facility which was abandoned in 1982 and built in the 1920s is in a state of severe disrepair and is a life-safety hazard detrimental to the community. The abandoned underground fuel oil tank, asbestos and lead paint in the ceiling and asbestos in the floor tiles and public access from the constantly open front door are hazardous. The structure itself and the adjacent three-car garage may collapse in a severe wind storm.
25. Medical Response at the Facility
There is no provision for medical response at the facility.
26. Booking Process at the Facility
There is no formal booking area at the facility. Booking is conducted in the office area.
27. Food Service at the Facility
There is no food service at the facility.
28. Kitchen and Dining Staff at the Facility
There is no kitchen or a dining staff at the facility.
29. Housekeeping Staff at the Facility
There is no housekeeping staff at the facility.
30. Repairs and Maintenance Staff at the Facility
There are no repairs or maintenance staff at the facility. Repairs and maintenance are fairly poor. It appears as if the repairs and maintenance staff have not visited the site for several years.
31. Inmate Services Provided at the Facility
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community
There is no healthcare assistance in the community.
33. Other Support Agencies in the Community
There are no specific support agencies in the community.

34. General Reasons for Detention
The general reasons for apprehension and detention are violent crime resulting from drugs traffic from across the border. Drug trafficking has been reported at the elementary school across the street from this facility.
35. Potentially Harmful Conditions and Behavior of Inmates
Inmates are not held at the facility overnight even though three cells are provided. Inmates can harm themselves using articles of clothing and the steel cross-members or bars that make up one of the walls of each cell.
36. Accountability and Reporting of Incidents
Incidents are reported to the BIA.

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Section 3

Facility Review

May 18, 2006

The White Shield Law Enforcement Center was added on in 1965 as an extension to an existing BIA facility that was built in the 1920s as a teacher's residence for the White Shield School across the street. The teacher's residence served as the BIA Land Management office until it was abandoned by the BIA in 1982. The Land Management office also used a standalone three-car garage adjacent to its offices. The garage structure is still used by the law enforcement to hold evidence. The White Shield Law Enforcement Center serves as a short-term holding facility and a law enforcement substation serving the community of White Shield.

1. Exterior Site Conditions
The exterior site conditions are fairly poor. The facility is located across the street from the local elementary/high school and serves primarily as a substation for the local police officers who patrol this area.
2. Exterior Exercise/Recreation Area
Even though the facility has a provision of three cells for inmates and was meant to be used as a holding facility, it is not in active use as a detention center. The facility is used only as a detention center during the July festival or if a student is arrested at the elementary/high school. At other times it is used as a local substation for the police officers serving the local community.
3. Exterior Perimeter Security
The exterior perimeter security is fairly poor. There is no fencing or any cameras that monitor the perimeter of the facility. The front door does have a lock that is capable of locking; however, the side door from the abandoned land management facility could be intruded through. The front door for the land management facility is left open at all times.
4. Sally Port Security
There is no Sally port at the facility.
5. Building Interior Security
There is no interior security at the facility.
6. Building Structure
The building is slab-on-grade, block-wall structure.

7. Building Roof
The building has a flat roof. There have been no reported incidents or signs of leakage at the roof.
8. Interior Ceilings
Interior ceilings are in disrepair. These consist of dropped lay-in ceilings in the office areas and hard ceilings in the cell area.
9. Interior Walls
Interior walls are of block-wall construction.
10. Interior Flooring
Interior flooring in the housing area is painted concrete slab, and the flooring in the office area consists of glued-on vinyl tile over the concrete slab.
11. Interior Dormitory Cells
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells
There are no interior detoxification cells at the facility.
14. Booking and Intake Area
There is no specific area designated as booking and intake area at the facility. Booking is conducted at the office.
15. Visitation Area
There is no area designated as the visitation area at the facility.
16. Kitchen, Food Preparation and Pantry Area
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area
There is no dining area at the facility.
18. Day Room Area
There is no day room area at the facility.
19. Vocational Training Area
There is no vocational training area at the facility.
20. First Aid and Medical Assistance Area
There is no specific first aid or medical assistance area at the facility. There is no first-aid kit at the facility.

21. Toilets and Showers
There are no showers at the facility. There are three nonworking toilets. The water connection has been turned off and the toilets are in a state of disrepair.
22. HVAC System
There is no HVAC system at the detention center. Only heating is provided through electrical baseboard heaters and an electric space heater that is mounted on the common hallway across the three cells. It appears that this is the original unit that was installed in 1965 and has not been refurbished over the last 40 years.
23. Plumbing System
The plumbing system is in disrepair and the sanitation drains are plugged up. Water has been disconnected at the main shutoff valve.
24. Lighting System
The original light fixtures installed in 1965 are still in use and in a state of disrepair.
25. Electrical Power System
The electrical power system appears to be adequate for the size of this facility. The electrical system consists of an overhead service drop of 60 amp 120/240 volt, single phase 3 wire system. There is no emergency backup source of power. There is no emergency battery-backed egress lighting at the facility.
26. IT System
The existing IT system appears to be adequate for the use of the police officers at this facility.
27. Security System
There is no security system at the facility.
28. Energy Usage and Conservation
There is no awareness for energy conservation at the facility. The facility needs weatherization to prevent cold drafts through the exterior doors and windows.
29. Fire Egress – Exterior and/or Secured Areas
The facility is fairly small and the path of egress is within a reasonable distance to the exit from the facility.
30. Fire Alarm, Fire Extinguishers and Sprinkler System
There are no fire alarms, fire sprinklers or fire extinguishers at the facility.
31. Building Access for Staff and Inmates
The staff uses the front entrance to enter the facility.
32. Hazardous Materials

The facility was built in 1965 and is attached to a structure that was built in the 1920s but was refurbished over time. All facilities have asbestos-containing material – ACM in the floor tiles and in ceiling. There may be additional fuel contamination at the underground fuel oil tank that was used in the boiler to heat the old abandoned structure built in the 1920s.

33. Handicap Access for Staff and Inmates
There are no access provisions for the use of disabled staff, visitors or inmates at the facility.
34. Potentially Hazardous Elements
Inmates can harm themselves using articles of clothing and the steel cross-members or bars that make up one of the walls of each cell.

DRAFT

Section 1

**Background Information
of the
Menominee Reservation
Served by the Keshena Law Enforcement Center**

Menominee Reservation¹

Federal reservation
Menominee
Menominee County, Wisconsin

Menominee Indian Tribe of Wisconsin

P.O. Box 910
Keshena, WI 54135
715-799-5114
715-799-3373 Fax
Website: menominee.nsn.us
menominee.com

Total area (Tribal source) 235,000 acres

Population (2000 census) 3,216
Tribal enrollment (BIA labor report, 2001) 8,074

Total labor force (2000 census) 1,168
Total labor force (BIA labor report, 2001) 3,259
High school graduate or higher (2000 census) 73%
Bachelor's degree or higher (2000 census) 7.6%
Unemployment rate (2000 census) 21.4%
Unemployment rate (BIA labor report, 2001) 68%
Per capita income (2000 census) \$8,555

LOCATION AND LAND STATUS

The Menominee Reservation is located in northeastern Wisconsin, about 45 miles northwest of Green Bay. It spans approximately 235,000 acres, of which 223,500 acres are heavily forested, representing the largest single tract of virgin timberland in Wisconsin. There are four communities on the reservation: the two main villages of Neopit and Keshena, a smaller village called Zoar, and the more scattered community of South Branch.

¹ Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

The present reservation was established in the Treaty of 1854, the last of a series of treaties that winnowed the tribe's ancestral territory from approximately 9.5 million acres down to 235,000 acres. The tribe resisted the 1887 Allotment Act and was able to maintain control of most of its tribal lands. In 1954, Congress passed the Termination Act, which resulted in the reservation's abolition on April 30, 1961. On December 22, 1973, Congress reversed itself, passing the Menominee Restoration Act, which the tribe implemented on February 9, 1979, by forming a tribal legislature.

PHYSICAL DESCRIPTION

The reservation ranges from 800 to 1,400 feet above sea level. Twenty-four miles of the Wolf River, a federally designated wild river, courses through the reservation. It is one of the last remaining pristine rivers in the state of Wisconsin. Over 400 miles of rivers and streams flow through tribal lands, and almost 4,000 acres of lakes are located within reservation boundaries. Almost 95 percent of tribal lands are forested. The reservation's forest was one of the first internationally certified "green cross" forests in the United States. Over 30 species of trees can be found on tribal lands, including white pines, many of which are over 200 years old. Eastern hemlock and Canadian yew are also common on tribal lands. The reservation is home to a number of wildlife species, including many endangered species, such as eagles, ospreys, red-shouldered hawks, cormorants, whitetail deer, bobcat, bear, and wolf.

GOVERNMENT

In 1977 the tribe adopted a new constitution and bylaws. The bylaws call for an elected nine-member tribal legislature, a tribal chairperson elected by the legislature, a tribal judiciary, and a general council. The legislature oversees approximately 40 social service and administrative programs.

Tribal government departments and offices include: language and culture, historic preservation, community development, economic development, enrollment, finance, general assistance, human resources, insurance, internal audit, job training, licensing and permits, loan fund, maintenance, MIS, social services, environmental services, utilities, program attorney, and tribal attorney.

The tribal law enforcement department provides patrol, administrative, investigative, and detention services on the reservation. The department also offers crime victims, police liaison, juvenile intervention, and K-9 divisions. The tribe's historic preservation department oversees the implementation of NAGPRA (Native American Graves Protection and Repatriation Act) in regards to Menominee remains. It has developed a historic preservation's repatriation plan and initiated the repatriation of Menominee remains from various museums and facilities. Tribal elders counsel the department, providing guidance during the processes. The tribal housing department offers elderly housing, low-income rentals, rental assistance, market-based rentals, rehabilitation, and security programs. It employs a staff of 40.

The tribe is a member of the Great Lakes Inter-Tribal Council. Comprised of tribes from across the Great Lakes region, the council supports member tribes in their

efforts to expand self-determination and to work collectively to improve the unity of tribal governments, communities, and individuals.

BUSINESS CORPORATION

Menominee Tribal Enterprises (MTE) is a chartered corporation that has been in operation since 1908. Elected tribal members serve on a board of directors and monitor the corporation's activities. The corporation offers lumber mix products. Menominee Computer Systems, a chartered division of MTE, provides computer services to the lumber and forests products industry and the federal government. MTE is certified by the Scientific Certification Systems Alliance and the Rainforest Alliance, and it was honored by the council on sustainable development. It is a member of the Forest Stewardship Council's Economic Council.

Wolf River Development Company is a tribally chartered business that operates in the housing development industry. The parent company, WICK Homes, has been in operation for over 30 years. It offers over 100 different models and styles of homes.

The Menominee Nation is a member of the Northwoods Nijii Enterprise Community, (NNEC), which was established in 1998. NNEC is comprised of the Lac du Flambeau Band, Menominee Tribe, Sokaogan Mole Lake Band, and eight rural communities. NNEC oversees funds that were the USDA awarded to improve each tribe's reservation and the surrounding communities. The organization's goals are business development, improved infrastructure, social development, improved education and technology, and protection of the environment and ecosystem of the Northwoods. Completed NNEC projects include granting micro-loans and loan guarantees totaling \$490,000; replacing 3.5 miles of water and sewer systems along Highway 47; constructing an elder housing complex at Manitowish Waters; improving 10 miles of tribal road at Lac du Flambeau; developing f the resource service center at Lac du Flambeau; and expanding the facilities at the College of the Menominee Nation. Future projects include developing retail space in downtown Lac du Flambeau; constructing a multipurpose trail system; and continuing a sustainable 10-acre strawberry farm at Lac du Flambeau. NNEC received a \$100,000 Minority Business Development Award in 2004.

INFRASTRUCTURE

State highways 47 and 55 pass directly through the reservation, providing access from Green Bay and points beyond. Commercial air service is available at the Shawano Municipal Airport, 15 miles from the reservation, as well as in Green Bay, 45 miles away. Regular commercial and charter bus lines serve the reservation, as do major commercial truck lines. As for rail service, the Soo Line provides a spur for the tribal sawmill in Neopit.

Electricity – The Menominee Tribal Utilities Department provides electrical services to reservation residencies.

Fuel – Bottled gas is the largest source of home heating on the reservation, followed by wood, fuel oil, and kerosene. All are available through local distributors.

Water Supply – Wells provide water for most homes on the reservation. The Menominee Tribal Utilities Department provides water to a large minority of reservation homes. It also provides septic services for residential septic tanks, and a public sewer system provides sewer services.

Transportation – The tribe has established the Menominee Public Transit system within the reservation and into the county of Menominee. The system provides four scheduled vans and two buses for public use. Special trips can be scheduled with the public transit coordinator.

COMMUNITY FACILITIES AND SERVICES

The tribe maintains a community center with a variety of facilities. A library is also available on the reservation. Community services offered by the tribe include the Child Support Agency, kinship care, social services, food distribution, and family preservation and support programs. The Community-Based Residential Facility offers programs for tribal elders. The tribe also maintains senior citizen's centers in Keshena and Neopit.

The tribe operates the respite care program for children from infancy to four years old whose families meet the criteria for family crisis or respite care needs. The Eagle's Nest Emergency Shelter provides emergency and temporary assistance to homeless individuals and families and to victims of domestic violence. It is located in a three-story home and offers 20 three-bed rooms, and a shared kitchen, dining room, and living room space. The shelter offers case management, referral, eviction prevention, move-out, first months rent and security deposit, utility assistance, budget counseling, daily living skills, classes, transportation, housing, computer learning, clothing, and mentoring services.

Education – The reservation is served by the Menominee Indian School District, which provides employment for nearly 12 percent of the tribal workforce. Programs include elementary, middle, and high school. The tribe also operates a private K–8 school, the Menominee Tribal School. The tribe operates the Delores K. Boyd Head Start program, the Neopit Head Start program, and the tribal daycare facility on the reservation as well. The tribe contracts the Johnson O'Malley Program for the Menominee, Menominee Tribal School, and Shawano/Gresham and Suring School districts.

The tribe's education department provides assistance with completing admissions and financial aid forms, assistance processing BIA grants for eligible students, career counseling, and a GED/HSED program.

The tribe also operates the College of the Menominee Nation (CMN). It was chartered in 1993 by the Menominee Tribal Legislature and is a member of the American Indian Higher Education Consortium. The college offers a technology lab, new library, and distance education center. CMN offers associate degree programs in accounting, counseling, business administration, carpentry, computer science, education, liberal studies, natural resources, nursing, social work, and tribal legal studies. The college features an English department, a culture institute, and the

sustainable development institute. The college library contains an extensive collection of print, nonprint, and electronic information on Native American studies and on subjects related to the school's academic curricula. The library contains a special Native American collection of materials that do not circulate, offers interlibrary loan services to students, and has 10 Internet access computer stations.

Health Care – In 1977, the tribe successfully acquired congressional and Hill-Burton funds and constructed the first Native American-owned and operated health facility in the United States. It serves the tribe's total health care needs. The clinic has been accredited by the Joint Commission of Accreditation of Healthcare Organizations. It employs two full-time doctors, two dentists, two ambulances, and a number of nurses and pharmacists.

The tribe also operates the Maehnowesekiyah Treatment Center. This facility offers comprehensive outpatient services. All programs are nationally accredited by community-based residential facilities and the State of Wisconsin. The center includes primary alcohol and other drug abuse (AODA) day treatment, adult AODA education, Menominee Nation early childhood, family therapy, and an aftercare program. The tribal health program also offers an adult residential treatment program.

Section 2

Program Review

July 24, 2006

1. **Funding of Operations**
Operations are funded through an equal contribution from the PL 638 program and from the tribal contributions. Funding for October through March uses the PL 638 funds and funding from April through September uses the tribal funds. Funding for operations for detention is approximately \$850,000.
2. **Funding of Repairs and Maintenance of Facility Structure**
Funding for the repairs and maintenance of the facility is approximately \$125,000. The PL 638 contract is negotiated every five years and has not kept pace with the actual market needs for the facility.
3. **Policies and Procedures**
The facility has used a locally developed set of policies and procedures based on the 1969 BIA Manual which was used as a guideline. This set of policies and procedures has never been approved by the BIA. The formal approval process requires both the tribal Legislature and the BIA to approve the manual. The last approval was obtained from the Legislature 16 years ago in 1989. Since then local political waves have prevented the formal approval of the policies and procedures.
4. **Staffing**
Staffing has been reduced to work part-time as a result of reduction in funding. There is a total staff of 15 individuals. This includes one jail administrator, two cooks and 12 full-time detention officers. Of all of these, only eight are certified. The remaining officers have been on the workforce for less than 12 months. They are awaiting appropriate certification.
It is a challenge to recruit qualified individuals. The first job posting priority is to recruit individuals from the local tribal individuals of the Menominee tribe. Upon failure to recruit appropriate individuals from the first posting, a second job posting is made which is open to all. The starting salary for a line officer is \$9.72 per hour with a graduated increase of \$.30 to \$.50 per year up to a maximum of \$15 per hour for a supervisory position. On average an officer reaches hourly wages of \$11 per year after having an experience of six years at the facility. In all surrounding counties, similar positions are offered at least \$4 per hour more for equivalent responsibilities. Starting wage for the County is between \$14 per hour to \$17 per hour. Thus trained officers often leave

within one to two years, taking away the investment in them that was made by the facility.

5. **Programs**
The facility provides educational services to the inmates so they could attain a GED. On average five to six inmates complete this requirement every year. The clergy provides church services. Smudging and prayer circle meetings are held once per year. Domestic violence counseling is provided once per week.
6. **Staff Training**
None of the officers at this facility have been trained at the Academy in Artesia because of a lack of time and sufficient backup staffing to cover for those who are sent to training. All officers are certified by the state of Wisconsin which is recognized by the BIA as an appropriate certifying agency. Two new detention officers who started working last week are on probation. Two other officers are awaiting acceptance for training. The remaining eight detention officers are certified.
7. **Space for Inmates On-Site**
There is space for 45 inmates at this facility. These consist of 34 beds for male inmates and 11 beds for female inmates. The population peaks on or about May 22nd to between 60 and 70 inmates. It reached 56 inmates this past year. Had it not been for the arrangements negotiated with the courts, the population count would be approximately 80 inmates today.
8. **Space for Inmates Off-Site**
Arrangements have been made with Shano County to accept the overflow of inmate population from this facility. However, that facility is often filled to capacity as well. The Shano County Jail charges \$40 per day per inmate.
9. **Staffing Capacity for the Inmates On-Site**
The facility is short on staff. The facility works on four twelve-hour shifts with alternating schedules for the officers. Generally the facility is staffed with one supervisor and two correctional officers per shift. The facility has lost eight officers in the last five years.
10. **Staffing Capacity for Transportation and Escort for Inmates**
Detention officers provide transportation and escort for inmates. The health care clinic and the court are within a five-minute drive from the facility.
11. **Office Supplies for Staff**
Office supplies are sufficient for staff at this time.
12. **IT Equipment for Office Use**
IT equipment is adequate at this time.

13. **IT Equipment for Communications Use**
There have never been sufficient funds to purchase appropriate radios for communications. Detention uses radios that have been discarded by the Police Department. At this time these radios are serviceable. There are two additional spare radios to serve as a backup.
14. **Personal Supplies for Inmates**
Personal supplies for the inmates are provided by the families through the commissary program. Families provide commissary funds on behalf of the inmates. These funds are used by the inmates to purchase personal supplies and articles of hygiene. The facility operates the commissary program as a 'for-profit' business. The profits are used by the facility to serve its own needs. Funds were used to purchase a dryer for the laundry. Funds are also used for the GED program.
15. **Uniforms for Staff and Inmates**
There are insufficient funds for the purchase of uniforms for the staff. Inmates are provided new uniforms as they wear out. Such purchases are made at least once per year.
16. **Linen for Inmates**
There are adequate blankets and mattresses for the inmates at this time. Purchases are made at least once per year.
17. **Furniture and Fixtures for Staff and Inmates**
Furniture and fixtures for the staff are adequate at this time. Some of the institutional furniture is in disrepair. Appropriate work orders have been issued for such repairs.
18. **Transportation Vehicles**
The detention facility does not have the use of any transportation vehicles. Inmates are transported in police squad cars. Because of the insurance requirements, detention officers other than the detention supervisor are not permitted to drive. Thus every transportation and escort requires both a transportation officer and a police officer. A small six-passenger van with a transportation cage is needed.
19. **Fuel for Vehicles**
At this time the detention facility does not have a need for fuel for their vehicles.
20. **Utilities for Facility**
Utilities for the facility have appropriate funding.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**
There is adequate hot and cold water for kitchen, laundry and showers.

22. **Adequate Lighting for Inmate and Staff Areas**
There is adequate lighting for the inmate and staff areas. Five years ago, all light fixtures were replaced with vandal-resistant light fixtures and with appropriate night-lights.
23. **Ongoing Repairs and Maintenance**
This facility maintains good records of all service calls, work orders and fire drill reports. There is one individual who shares the repair and maintenance of this facility with other facilities. However, this individual is incapable of providing sufficient time and attention for all of the repairs and maintenance that are needed at this facility. The individual provides a reactive response rather than a proactive approach to the repairs and maintenance. The checklist log that is maintained for the repairs and maintenance is inappropriately designed to project the needs in the future and prevent costly repairs later. Lack of such a response was indicated by the inattention to appropriate drainage, resulting in ponding on the flat roof and consequent roof leaks.
24. **Deferred Repairs and Maintenance**
1. Plumbing system for potable water and sanitation needs to be replaced.
 2. Building is degrading in some areas. Divider walls have come loose and almost fell on an inmate since there is no rebar between the floor and the wall. Remove existing divider walls and build structurally sound new divider walls.
 3. All individual shower stall finishes need to be sandblasted, sealed and refinished in for all shower stall areas.
 4. The HVAC distribution system for the entire building needs to be air balanced.
 5. Clean interior of the entire distribution duct system.
 6. Adjust new DDC controls for appropriate are balance.
 7. Provide a new lightning protection system to the building including protection for generator building and the radio tower adjacent to the generator building.
 8. Additional 48-camera security system that should be compatible with the existing camera system.
25. **Medical Response at the Facility**
The medical response includes visitation by a nurse from the local clinic on a weekly basis to assess the health care needs of the inmates. The nurse checks for tuberculosis and other communicable diseases because the inmates do not know if they carry such diseases. The facility does not isolate the inmates unless it is known that an inmate is a carrier for such a disease. For emergencies, the tribal dispatch pages and an EMS arrives at the facility in two to five minutes. If an inmate were to be transported, then a detention staff accompanies such transportation. The facility is in the process of working out a system with a local health clinic so that an M.D. is available at least once a week for specific use by the facility.

26. **Booking Process at the Facility**
Booking is conducted on a desktop adjacent to the entry from the Sally port followed with additional booking work that is conducted in a space adjacent to the central control room. Neither of the two spaces is appropriate for the booking process. The desk mentioned earlier is in an open hallway and the smaller space is too confined to carry a proper booking with the booking officer on one side of a small countertop and the inmate and another officer on the opposite side behind the closed door within this entryway alcove the central control room. Appropriate jail management software is not used. The software that is in use is borrowed from law enforcement.
27. **Food Service at the Facility**
Food service is generally adequate at the facility. All appliances have been replaced in the past two years. However, the kitchen lacks adequate storage and adequate secure cabinets and storage of kitchen knives and utensils.
28. **Kitchen and Dining Staff at the Facility**
There are two cooks who provide all meals. A trustee helps out with additional duties that are required in the kitchen.
29. **Housekeeping Staff at the Facility**
The kitchen, laundry and associated corridors are cleaned by the trustees. Control room and associate offices are cleaned by the detention staff. The housing units are cleaned by the inmates. These housing units were found to be fairly dirty.
30. **Repairs and Maintenance Staff at the Facility**
There is one individual who is designated for all repairs and maintenance at this facility. This individual also provides janitorial functions and other maintenance chores for the changing seasons. The individual does not have sufficient time to properly repair and maintain the building.
31. **Inmate Services Provided at the Facility**
The facility provides educational services to the inmates so they can attain a GED. On average, five to six inmates complete this requirement every year. The clergy provides church services. Smudging and prayer circle meetings are held once per year. Domestic violence counseling is provided once per week. No other inmate services are provided at this facility. No inmates have been given any outdoor time during the past two and one-half years. Such services would require staffing time for four to five hours each day and there is insufficient staff to carry out this function.

32. **Healthcare Assistance in the Community**
The Indian Health Services provides healthcare services to the community. Dental and mental health services are provided by the county, which also provides child healthcare services.
33. **Other Support Agencies in the Community**
Family counseling services and drug/alcohol counseling are provided by the community.
34. **General Reasons for Detention**
Most detainees are incarcerated as a result of violent crimes, which have a rate of 959 per 100,000 inhabitants. The rate for property crime and all other crimes is 2817 and 8022 per 100,000 inhabitants respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**
Potentially inmates may use articles of clothing or may find a way to slash their wrists. There are one to two suicide attempts every year and one successful suicide was carried out 20 years ago. The state of Wisconsin is invited to provide assessments since the BIA does not provide them. The BIA inspection team has not inspected the facility in a long time. The BIA inspector visits once a year, walks around for ten minutes and considers that an inspection of this facility, which is generally part of an overall inspection tour of several other buildings within the community.
36. **Accountability and Reporting of Incidents**
All incidents are reported to the tribal office. There has been almost no contact with the BIA.

Section 3**Facility Review
July 24, 2006**

1. **Exterior Site Conditions**
Exterior site conditions are poor. The facility was built in 1983 on a site that is fairly congested. The site is located between a river and other publicly accessible roads and facilities. Exterior walls windows of the cells are accessible to the general public, as is all of the exterior fencing of the recreational areas.
2. **Exterior Exercise/Recreation Areas**
The exterior exercise/recreation areas are enclosed with a chain-link fence and razor wire above. There are two exercise/recreation areas, one for males and one for females, each of which is interconnected by a chain-link fenced and covered walkway leading to a secure staging area for use in emergencies.
The chain-link recreation area was approached and breached by the general public leading to an escape from this area. These areas have not been used in the past 2 1/2 years because of a lack of staff to supervise the inmates while they are in this area.
3. **Exterior Perimeter Security**
Exterior perimeter security is poor. While there are cameras that have been installed around the perimeter, there are a large number of blind spots that are not monitored by these stationary, single, cone-of-vision cameras. In addition, the cameras derive their power source from plugs that are plugged into receptacles on the exterior of the buildings and which may be freely unplugged by the general public.
4. **Sally Port Security**
The Sally port is secure and one of the windows from the central control room has a direct view of the Sally port.
5. **Building Interior Security**
The existing camera system consisting of 40 cameras leaves several blind spots that do not cover all areas that need to be monitored. The system was installed by the detention staff in the year 2000. The system provides poor resolution at the monitors in the control room. The monitors in the control room are located such that they are not within the peripheral vision of the detention officer who is on duty at the control room. The monitor is monitored only on occasions when the detention officer does not have her attention diverted to three other direct line-of-sight windows and her computer monitor, which is in active use. The system is

inadequate and needs to be supplemented with an additional 48-camera system that should be compatible with the existing camera system.

The building design is extremely dense with linear functionality. As such it requires a large number of officers to supervise all of the inmates. One individual officer is required to supervise each cell and each dorm unit.

6. Building Structure

The facility is a slab-on-grade structure with steel studs plywood and brick veneer for siding. The housing area consists of block-wall construction.

7. Building Roof

Inter building has the mezzanine interstitial space that is covered with the steel pitched roof. The central section is a flat roof with a plywood deck and a rubberized membrane.

The central section is prone to leaking when the drains are clogged. Generally, the roof is in good repair.

8. Interior Ceilings

The ceiling in all the housing space consists of steel plate deck. Ceilings in general office areas consist of glued tile on sheetrock and lay in drop ceilings with steel deck above.

9. Interior Walls

Interior walls for the offices consist of drywall and steel studs. Interior walls in the housing area consist of block-wall construction.

10. Interior Flooring

Interior housing floor consists of painted concrete slab. Flooring and the offices and in general use areas include carpeting VCT tile and linoleum.

11. Interior Dormitory Cells

Interior dormitory cells are adequate. VCT tile is used for flooring in the interior dormitories.

12. Interior Isolation Cells

Interior isolation cells are adequate.

13. Interior Detoxification Cells

Interior detoxification cells are adequate.

14. Booking and Intake Area

The booking and intake area is very small. Inmates are not medically screened at the time of booking. There is no barrier between the detention officer and the inmate at the time of booking.

15. Visitation Area
The visitation area consists of a small space with a sound barrier between the inmate and the visitor. The intercom between the inmate and the visitor does not work. The entry and waiting area for the visitors is awkward as it leads the visitors from one of the back doors. There are no restrooms for the visitors and there are no cameras to cover the visitation area.
16. Kitchen, Food Preparation and Pantry Area
All of the kitchen appliances in the kitchen have been replaced in the last two years. Though small, the kitchen is maintained and operated in an efficient manner. However, there is insufficient storage space. Kitchen knives and utensils are unsecured. There is no secure cabinet for all of the utensils and knives that are in use in the kitchen. Inmate trustees are employed in the kitchen as kitchen help.
17. Dining Area
There is no specific dining area at the facility. Inmates eat in their cells.
18. Day Room Area
The multipurpose room is used as a day room. This space is also used to conduct GED classes and other meetings for the benefit of the inmates.
19. Vocational Training Area
There are two computer stations located in the multipurpose room. These computers provide the only vocational training at this facility. Arts and crafts classes have been suspended for lack of staff.
20. First Aid and Medical Assistance Area
There is a specific space to render first aid and medical assistance at the facility. Medical supplies are adequate.
21. Toilets and Showers
Toilets and showers are in disrepair. There are sufficient hot and cold water for inmates.
22. HVAC System
The air-balance of the HVAC system needs to be adjusted since some areas are either too hot or too cold. At this time the temperature setting during the summer is kept cooler at 68°F instead of 72°F to compensate for the inefficient airflow. Similarly the temperature setting during the winter is kept warmer at 75°F instead of 72°F.
23. Plumbing System
The plumbing system is adequate. No problems have been reported with the sewer system. Only one clogged drain has been reported in the last four years. One of the toilets-sink combination units were replaced 11

years ago in 1995. Hot water pipes are not insulated and additional shutoff valves are required to isolate each cell.

24. Lighting System

The lighting system is adequate. Night-lights are provided in the light fixtures; however, inmates cover up the lenses to reduce the level of lighting.

25. Electrical Power System

The electrical system consists of 1200 amps, 208Y/120 volt, three-phase four wire system. An LP gas-fired 75 KW generator with 287 hours on the hour meter is located in a separate building away from the main facility. This generator is exercised once per week. However, no logs were available to determine if the generator is load tested at least once per month. A 400 amp – 3pole transfer switch interconnects the commercial power to the emergency power. Battery-backed egress lighting is provided inside the building.

During a lightning storm on May 31, 2006 regular commercial power was interrupted from the utility. The emergency generator came online.

However, lightning struck the radio tower which is located very close to the generator room. The lightning traveled down to the generator and damaged the controls of the generator, which caused the generator to shut down. The battery-backed emergency egress lighting within the building did not work for lack of maintenance. Thus all three power sources shut down and the building plunged into darkness, leaving all security and safety systems inoperable.

There is no lightning protection on the radio tower or the building in a geographic location where lightning storms are commonplace.

26. IT System

The IT functional system for the building is adequate. However, a large amount of IT cabling has been added throughout the plenum space and in the network room that is used by the law enforcement. Disorganized cabling, improper supports and unknown insulation of the plenum cables are a fire hazard. The building was not designed to accommodate the extent of IT systems that have been added over time.

27. Security System

The building security camera systems are inadequate at this time. A new 48-camera system needs to be added that is compatible with a new base system that was installed about two months ago.

28. Energy Usage and Conservation

The facility uses T8 lamps and LED exit lights. The facility is aware of the loss of energy as a result of an unbalanced HVAC system which causes the facility to be excessively cooled and excessively heated to compensate for temperatures in those areas that have insufficient airflow and inadequate air circulation.

29. **Fire Egress – Exterior and/or Secured Areas**
Fire egress is adequate and there are sufficient secured staging areas to evacuate the inmates. With optimum conditions the facility can be evacuated in three minutes; that is, if all power sources are in operation.
30. **Fire Alarm, Fire Extinguishers and Sprinkler System**
There is a fire alarm system which includes smoke detectors and manual pull stations in appropriate locations. There is no sprinkler system except one sprinkler head in the laundry room and two sprinkler heads in the clothing storage room. The fire alarm system is checked on an annual basis. The kitchen hood suppression system is also checked on an annual basis.
31. **Building Access for Staff and Inmates**
Inmates are escorted through the Sally port. Visitors enter through the back door. The Police Department and staff at the detention facility use the front main entrance.
32. **Hazardous Materials**
The showers in the dormitories are potential areas for the growth of mold. There is no asbestos or lead paint that was observed or noted at the facility.
33. **Handicap Access for Staff and Inmates**
The facility is provisioned partially to allow accessibility for the disabled. A ramp and two additional doors are being provided that will be compliant with the ADA requirements. Additional work is in progress to provide appropriate toilets for public access. All new combination toilet-sink combination units in the housing area are equipped with a grab-bar.
34. **Potentially Hazardous Elements**
Articles of clothing in combination with the grab-bars mentioned above could be used by the inmates to harm themselves. The suspended television platforms in the cell areas, the ropes used for shower curtains and for privacy curtains, the electrical cords for the television sets combined with articles of clothing may be used by the inmates to harm themselves.

Section 1

**Background Information
of the
Bois Forte Reservation
Served by the Nett Lake Law Enforcement Center**

Bois Forte Reservation¹

Federal reservation
Chippewa or Ojibway
Koochiching, Itasca, Lake, St. Louis and Cook counties, Minnesota

Bois Forte Band of Chippewa

P.O. Box 16
Nett Lake, MN 55772
218-757-3261
218-757-3312 Fax
Website: boisforte.com

Total area (BIA realty, 2004) 43,789 acres
Tribally owned (BIA realty, 2004) 31,624 acres
Individually owned (BIA realty, 2004) 12,160 acres
Federal trust (BIA realty, 2004) 5 acres

Population (2000 census) 717
Tribal enrollment (BIA labor report, 2001) 2,857

Total labor force (2000 census) 315
Total labor force (BIA labor report, 2001) 1,069
High school graduate or higher (2000 census) 80%
Bachelor's degree or higher (2000 census) 11.3%
Unemployment rate (2000 census) 7.9%
Unemployment rate (BIA labor report, 2001) 5%
Per capita income (2000 census) \$11,790

LOCATION AND LAND STATUS

The Bois Forte Reservation is divided into three sections: Nett Lake, the largest and the location of Bois Forte tribal headquarters; Deer Creek, in Itasca County; and Vermilion. Tribal members currently live in the Vermilion and Nett Lake sectors,

¹ Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

and on trust lands. The reservation lies 75 miles south of the Canadian border in Minnesota.

Originally spanning 103,863 acres, the Bois Forte Reservation was established by treaty in 1866. An executive order on December 30, 1881, set aside additional parcels for the "use and residence of the Bois Forte Band of Chippewas." Currently, the reservation totals 132,000 acres; approximately 11,500 acres of the land base are allotted.

PHYSICAL DESCRIPTION

The Nett Lake Sector straddles the Koochiching and St. Louis county line; both the Nett Lake River and the Little Fork River intersect the Nett Lake sector. The Deer Creek sector lies in Itasca County and is crossed by the Big Fork River. The Vermilion sector lies within a peninsula on Lake Vermilion. Nett Lake contains the largest contiguous wild rice (manoomin) beds in the world, totaling almost 8,000 acres near Spirit Island.

CLIMATE

There is no climate information recorded for Nett Lake, Minnesota. However, the community lies approximately 40 miles south of International Falls and temperatures would not differ significantly. The year-round average daily high temperature at International Falls is 48°F, with the highest temperature ever recorded of 99°F. The year-round average daily low is 26°F. The lowest temperature on record is -46°F. The area receives approximately 24 inches of rain annually and 64 inches of snow.

CULTURE AND HISTORY

Ojibway is generally interpreted as "To roast till puckered up," referring to the puckered seams of moccasins, or as a mispronunciation of O-jib-i-weg, "Those who make pictographs." The name Chippewa, widely used in treaties and other official documents, is a corruption of the early spellings of Ojibway or Otchipwe. Anishinabe (Anishinabeg, plural) is the name by which the people call themselves, and it indicates "Original or Spontaneous Man" or "The People." Bois Forte, a French phrase translated as "Strong men (or Strength) of the woods," Chippewa speak an Algonquian based language.

The Bois Fortes originally lived in small self-governing villages in Canada. The tribe first encountered French explorers in the 1600s near Sault Sainte Marie, Canada. Later, they prospered in the fur trade and expanded their population and territory. By the late eighteenth century, the Iroquois had driven the Chippewas out of the Ontario peninsula, and they began to move into western Wisconsin and northeastern Minnesota. Arriving in what is now Minnesota, the Chippewas encountered the powerful Santee Sioux. Conflicts between the two tribes persisted until the Chippewas successfully drove the Sioux westward. When Euro-American settlers arrived, the Chippewas occupied more than half the state. The Minnesota Chippewas lived in four great divisions, each containing a number of bands.

Living in isolated villages throughout the early nineteenth century, the Chippewas were able to avoid the increasing number of westward-moving settlers. In the March

19, 1867 Treaty, the 10 chiefs of the Chippewa of the Mississippi ceded their treaty rights to land that extended northwest to Thief River and north to Turtle Lake. They retained land in an area quite similar to the present Leech Lake Reservation boundaries. The 1889 Nelson Act designated that all Chippewas living in Minnesota be moved to the White Earth Reservation. The Native people resisted this decree, and finally the U.S. Chippewa Commission was directed to negotiate for the complete cession of all lands belonging to the different bands except for the Red Lake and White Earth reservations. The Chippewas were able to retain seven reservations in Minnesota: Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, White Earth, and Red Lake, all located in the northern half of the state. Land losses by the turn of the twentieth century as a result of allotments were so massive that today the reservations are a fraction of their original size.

Chippewa in the twenty-first century are a diverse group active in contemporary society. Determined to maintain their culture and improve the living conditions of tribal members, the Minnesota Chippewas have a long tradition of political and legal activity to reclaim lost lands. Many contemporary members excel and have received national recognition in the visual, literary, and traditional arts.

GOVERNMENT

The original constitution and bylaws of the Minnesota Chippewa Tribe were ratified in 1936, in accordance with the Indian Reorganization Act. The six member reservations of the Minnesota Chippewa Tribe sought a single consolidated tribal government without relinquishing governance at the local level. Each member reservation elects its own tribal government, generally called the Reservation Business Committee, which governs locally as well as provides representation to the consolidated organization, which is governed by a tribal executive committee. The headquarters of the Minnesota Chippewa Tribe are located in the community of Cass Lake, on the Leech Lake Reservation. Enrolled members in the Minnesota Chippewa Tribe totaled 40,000 in 1993.

The Bois Forte Reservation is governed by a five-member elected tribal council, each member serving staggered four-year terms. The council includes a chairman, a secretary-treasurer, and district representatives.

The tribal council operates Head Start and other child care programs, conservation enforcement programs, roads and community maintenance, tribally owned enterprises, and central administration. They have their own criminal and judicial court system. The community maintenance program provides street and road maintenance, public building maintenance, and general community grounds upkeep and beautification.

The tribe, under PL-638, contracts with the BIA to administer key programs and services, such as the Indian Health Service clinic. The Bois Forte tribal council participates with that of Grand Portage in the 1854 Authority, an entity that regulates off-reservation tribal hunting, fishing, and gathering rights stemming from the 1854 treaty.

BUSINESS CORPORATION

In 1992, the tribe formed the Bois Forte Business Development Program, which provides loans for tribally owned small businesses.

INFRASTRUCTURE

The community of Bois Forte, in the Nett Lake Sector, lies along State Highway 65 and State Highway 23, the latter leading to the eastern edge of Nett Lake. State Highway 1 crosses the Deer Creek Sector and intersects west of Deer Creek at the town of Effie with Highway 38. The Vermilion Sector may be accessed from State Highway 17 off of Highway 169.

Water Supply - Water and sewage systems are provided by the Bois Forte Water and Sanitation Department.

Transportation - Falls International Airport, 80 miles northwest of Nett Lake, provides the closest commercial air service. The City of Orr, 20 miles from Nett Lake, has commercial train and bus services. The nearest truck line stops in Cook, 36 miles from Nett Lake. The Chishom Hibbing Airport lies southwest of the Vermilion Sector.

COMMUNITY FACILITIES AND SERVICES

The tribal community center provides a gathering place for special events, and it houses the elderly nutrition program and other senior events. The Nett Lake recreational area has facilities for softball and skating, as well as a permanent powwow grounds. The Nett Lake Post Office is located in the Bois Forte Reservation tribal office building.

Education - Reservation students (grades K-12) are enrolled in Nett Lake School, Independent School District #707. Younger children may attend the Head Start program and the Bois Forte Reservation daycare center. The tribe's adult basic education program provides GED testing and a comprehensive adult curriculum. The Bois Forte Reservation Tribal Academic Scholarship Program awards scholarships to graduating seniors at both Orr and Tower high schools.

Health Care - Nett Lake Health Center (full-time) and Vermilion Lake Health Station (two days a week) are staffed by a full-time physician, physician's assistant, registered nurse, LPN, and part-time lab technician. Community Health representatives provide liaison and follow-up services. Community Health Nursing employs one community health nurse, and it emphasizes early detection of illness and preventative health services. Emergency medical service is provided by the tribally operated, licensed ambulance program. The mental health department provides mental health and social services. The child welfare program provides children's advocacy services in abuse and custody situations. There is a dental clinic with a tribally hired dentist, dental assistant and dental assistant/receptionist.

Section 2**Program and Facility Review****July 22, 2006**

There was no individual to be met at this facility even though a proper appointment was made and we were there at the facility prior to the appointment time. The facility was locked.

There appear to be no inmates at this facility. There are no cameras around the perimeter and the exercise/recreation yard is used as a secured trash dump for the safekeeping of crushed aluminum cans. There were two BIA Police pickup trucks — one used as a snow plough—parked at the facility, both of which appeared to be in good condition. Smell of dead carrion emanated from the eaves at the front entrance. Signage for the municipal center, police department and the Bois Forte tribal court are located on the highway, but the facility appeared to be deserted.

Pictures were taken and measurements were made to ascertain the size and general condition of the facility. The physical building does not appear to be vandalized at this time. However, there are a number of areas of disrepair on the eaves. Generally the siding and the roof appear to be in good condition. A general assessment was made for the potential repairs and maintenance that may be needed based on the overall condition and age of similar buildings.

Law enforcement functions for this tribe have been partly relocated to a new public safety building that is located about 7 miles away on the Bois Forte Reservation. Detention is contracted out.

Section 1

**Background Information
of the
Navajo Reservation
Served by the Chinle Adult Detention Center**

Navajo Nation¹

Federal reservation

Apache, Coconino, and Navajo counties, Arizona; Bernalillo, Cibola, McKinley, Rio Arriba, Sandoval, San Juan, and Socorro counties, New Mexico; and San Juan County, Utah

Navajo Nation

P.O. Drawer 9000

Window Rock, AZ 86515

928-871-6352

928-871-4025 Fax

Web site: indianaffairs.state.az.us/tribes/tribes.html

Population 180,462

High school graduate or higher 55.93%

Bachelor's degree or higher 7.29%

Per capita income \$7,269.00

¹ Excerpts provided under license and permission to Shubnum, from Tiller Research, Inc. Tiller's Guide to Indian Country: Economic Profiles of the American Indian Reservations, 2005 Ed.

Navajo Nation Land Area by Types and States

Types of Lands	Arizona	New Mexico	Utah	Total Land
Navajo Nation Trust	10,158,784.82	2,795,418.26	1,223,933.96	14,178,137.04
Navajo Nation Fee	585,169.98	357,000.00	424.90	942,594.88
Individual Indian Allotment	81,963.81	671,043.50	9,741.80	762,749.11
State Lands Lease	256,905.79	126,760.10		383,665.89
BLM Leases		150,002.23		150,002.23
U.S. Forest Service Permit	174,000.00			174,000.00
Government E.O. PLO & School Tract		91,838.99	5.99	91,844.98
New Lands	345,032.00			345,032.00
Total Lands	11,601,856.40	4,192,063.08	1,234,106.65	17,028,026.13

The Navajo Nation has: 17,028,026.13 acres of land or
26,606.29 sections square miles of land or
739.06 townships of Navajo Nation lands and lease lands.

LOCATION AND LAND STATUS

The Navajo Nation, comprised of 26,606 square miles, is the largest Indian reservation in the United States, both in terms of land base and tribal enrollment. The land base, comparable in size to the state of West Virginia, is located in northeast Arizona, northwest New Mexico, and southeast Utah. Window Rock, Arizona, in the southeast corner of the reservation, is the capital of the Navajo Nation. The Navajo Tribe is the only Arizona tribe not served by the Bureau of Indian Affairs' Phoenix Area Office; because of its size, the tribe has its own area office, located in Gallup, New Mexico.

The original Navajo Reservation, established pursuant to treaty concluded on June 1, 1868, and ratified by Congress on July 25, 1868, contained 3,414,528 acres, only about 10 percent of the land the Navajos earlier owned and used. The original reservation was

expanded by Executive Orders in 1878, 1880, 1882, 1884, 1900, 1901, 1905, 1907, and 1908. In 1911, lands in New Mexico were restored to the public domain. Minor revisions to the Navajo Reservation's size were made in 1912, 1913, 1914, 1915, and 1917. Executive Orders in 1917 and 1918 again expanded the reservation. In 1930 and 1931, the reservation was expanded by Congressional Acts. In 1933, Congress added 552,000 acres in Utah to the reservation and in 1934 provided for some smaller additions. Minor changes were made to the size of the reservation in 1948, 1949, and 1958. Court decisions in 1962, 1963, and 1977 reallocated some areas of the Navajo reservation to the Hopi.

In addition to the main Navajo reservation, there are three satellite areas of Navajo land located in New Mexico. The Cañoncito Reservation, the present boundaries of which were established in 1960, contains 57,863 acres of trust land. The Alamo Reservation, established in 1964, contains 62,000 acres. The Ramah Reservation, established in 1931, contains 91,456 acres. Today, the total acreage of the Navajo Reservation, including the main reservation, trust lands of the Eastern Navajo, and the satellite lands of Cañoncito, Alamo, and Ramah, is 16,224,896 acres.

PHYSICAL DESCRIPTION

The landscape varies from arid deserts to alpine forests, with elevations varying from 5,500 feet to more than 10,500 feet. The elevation at Window Rock, the Navajo Nation's capitol, is 6,760 feet above sea level. Wind, water, and volcanic activity have shaped the spectacular canyons, mesas, mountains, and deserts of the Navajo Nation over millions of years. The effects of these natural forces can be seen in scenic wonders located within the Navajo Reservation, including Canyon de Chelly, Monument Valley, Shiprock, Grandfalls, the Chuska Mountains, the Rainbow Bridge, and the Painted Desert.

CLIMATE

The average year-round high temperature is 64°F. The average year-round low temperature is 32° F. The area receives almost 12 inches of precipitation annually, with 30 inches of snowfall.

CULTURE AND HISTORY

The Navajos (Ni'hookaa Diyan Diné, or "Holy Earth People" or "Lords of the Earth") have been in the Southwest since at least the year 1300 AD after migrating southward from western Canada over 1,000 years ago. During the 1600s, Navajos acquired horses and sheep from the Spaniards, along with the knowledge of working with metal and wool.

The Navajos resisted Spanish domination during the late eighteenth and nineteenth centuries, also fighting against Anglo colonization after 1846, when the Americans took over the southwestern territory once owned by Mexico. Fighting continued throughout the 1850s until 1864, when the Navajos were rounded up and forced onto the infamous "Long Walk" to Fort Sumner, New Mexico, where they were taught a sedentary, agricultural lifestyle. However, by 1868 the experiment was recognized as a failure, and a new treaty established the Navajo Reservation, allowing the people to return to a portion of their land. There they practiced a mixed subsistence economy of agriculture and herding. The discovery of oil and gas on the reservation in 1921, and the later discovery of uranium, provided the stimulus for modern economic development. Today, the people call themselves Diné, meaning "The People." They call their traditional homelands Dinetah.

Dinetah, the Navajo homeland, is defined by four sacred mountains, which represent the four cardinal directions. Mount Blanca (Tsisnaasjimi' or "Dawn or White Shell Mountain") is the eastern reference point, near Alamosa, Colorado. It is the tallest mountain in the Colorado Sangre de Cristo range. In the south, Mount Taylor (Tsoodzil, or "Blue Bead Mountain" or "Turquoise Mountain") rises high and majestic, north of Laguna, New Mexico. The San Francisco Peaks (Doko'ooliid, or "Abalone Shell Mountain") define the westernmost edge of Dinetah, near Flagstaff, Arizona. Mount Hesperus (Dibe Nitsaa or "Big Mountain Sheep") is the sacred mountain of the north, located in the La Plata range of the Rocky Mountains in Colorado.

The Navajo people are most closely related by language and culture to the Apache peoples of the Southwest; their language also shows a relationship to the Athabaskan peoples of Alaska and Canada. Navajo religion shares many elements with the religions of nearby Pueblo peoples, and it was the Tewa Indians who first called them "Navahu," which means "the large area of cultivated land."

The extended kin group, made up of two or more families centered on a mother and her daughters, is an important unit of Navajo social organization. It is a cooperative unit of responsible leadership, bound together by ties of marriage and close family relationships. Women hold an important social position in the tribe. Religion and language are still at the core of Navajo culture. Ceremonial sand paintings are used in healing rituals for many types of physical, emotional, and social imbalances. About 80 percent of the Navajo people still speak their language, although the elderly are disturbed that fewer children attempt to practice and maintain it. During World War II, the Navajo language was used as a code to confuse the enemy. These "code talkers," although shrouded in secrecy at the time, have become heroes to the American people, thanks to a movie extolling their courage under fire. It was the only code never broken during World War II.

According to census 2000 data, 168,000 enrolled tribal members are living on the Nation's tribal lands. The rest of the population is made up of nonmembers who live and work on the reservation. Another 80,000 Navajos reside in or near the bordering towns: Farmington, Gallup, and Grants, New Mexico; Page, Flagstaff, Winslow, and Holbrook, Arizona; and Cortez, Colorado, and Blanding, Utah. Others live in small towns and metropolitan areas throughout the United States.

GOVERNMENT

The Navajo Tribal Council was first formally recognized by the federal government in 1923. The Navajo Tribe rejected the Indian Reorganization Act of 1934 (IRA) and is, therefore, not organized under that Act. Between 1936 and 1938, the Navajos attempted a Constitutional government; it was refused by the Secretary of the Interior, who cited factionalism among the tribal members as a reason for denial. The Bureau of Indian Affairs (BIA) issued federal regulations, "Rules for the Governance of the Navajo Tribal Council," in 1938, and democratic elections to the Navajo Nation Council have been held every four years since then. The rules, as amended in December 1989, are the basis for all tribal operations. The Navajo Nation, under PL-638, contracts with the Bureau of Indian Affairs to administer key programs and services.

The Nation is headed by a council, consisting of 88 members, which represents the 110 local government subdivisions (chapters) that make up the Navajo Nation. Twelve standing committees conduct business between quarterly full council sessions. Representation is also included from the Alamo, Cañoncito, and Ramah reservations in New Mexico. Each of the 110 chapters also has an elected president, a vice president, a secretary-treasurer, and a grazing committee member, serving four-year terms. All programs and projects are processed through the appropriate standing committee before submission to the Navajo Nation Council.

The Navajo Nation has a three-branch government, similar to that of the United States. The Navajo Nation Bill of Rights is similar in structure, as well, to that of the federal government. The executive branch is headed by a tribal president, chosen by popular election every four years. During the same election year, the 88 council delegates are elected. Every two years, the council elects a "speaker," who presides over all council sessions, in addition to administratively overseeing the legislative branch. The judicial branch, created April 1, 1959, is headed by a chief justice who is nominated by the president and confirmed by the council. The judicial branch consists of a Supreme Court, seven district courts, seven family courts, and traditional peacemaker courts. Peacemaker courts are alternatives to typical courtroom settings, in that these courts use traditional Navajo laws and procedures in mediation to resolve disputes. The Navajo Nation Code, a comprehensive set of written rules and laws, is enforced by the Navajo Nation Courts, which dispose of over 90,000 cases per year. Courtrooms are open only to those attorneys who are members of the Navajo Nation Bar Association.

In 1974, the Navajo Nation established the Navajo Nation Tax Commission to, in part, levy and collect taxes. Although the Commission does not levy franchise, income, personal property, or unemployment taxes, it does levy the following taxes on the Navajo Nation:

i. Possessory Interest Tax (PIT): This is a tax on the taxable value of a possessory interest granted by the Navajo Nation. A possessory interest is the right to be on Navajo land performing a particular activity. The most common forms of possessory interests are oil and gas leases, coal leases, rights-of-way, and business site leases. The Office of the Navajo Tax Commission uses common appraisal methods to place a market value on the possessory interest. Then, the tax rate of 3 percent is applied to the taxable value. Possessory interests with a taxable value of less than \$100,000 are not taxed.

The PIT is assessed annually on August 1, with one-half of the payment due November 1 and the remainder due the following May 1.

ii. Business Activity Tax (BAT): This is a tax on the net source gains (gross receipts less deductions) from the sale of Navajo goods or services, with the legal incidence of the tax on the party receiving the gross receipts. The net source gains are taxed at a rate of 5 percent.

iii. Oil and Gas Severance Tax (SEV): This is a tax on the removal of oil and/or gas from any lands located within the jurisdictional territory of the Navajo Nation, regardless of ownership of such lands. The tax rate is 4 percent.

The SEV is a self-reporting tax, with monthly returns due 45 days after the end of the month.

iv. Hotel Occupancy Tax (HOT): This is a tax on the amount paid for the rental of a room in a hotel, motel, or bed and breakfast. The tax rate is 8 percent.

v. Tobacco Products Tax and Licensing Act (TOB): This is a tax on the sale of tobacco products within the Navajo Nation by a distributor or retailer. The tax rate is 40¢ per pack of cigarettes.

vi. Fuel Excise Tax (FET): The Navajo Nation Fuel Excise Tax became effective on October 1, 1999. This tax, with a rate of 18¢ per gallon, is administered in a manner similar to state gasoline taxes.

vii. Sales Tax: This tax went into effect on April 1, 2002; it replaced the Business Activity Tax for Construction. The tax rate is 3 percent of gross receipts. It is very similar to state gross receipts taxes. The tax is imposed on all sales of goods or services within the Navajo Nation.

INFRASTRUCTURE

Transportation – U.S. Highway 89 crosses the western part of the reservation running north-south, U.S. 666 runs north-south in the eastern part of the reservation, U.S. 160 crosses the northern part of the reservation from east to west, and Interstate 40 runs along the southern boundary of the reservation. In addition, there are a number of state and tribal roads connecting Navajo communities. Altogether there are more than 2,000 miles of paved roads on the reservation. Motor freight carriers serve all major reservation communities. Window Rock Airport, at Window Rock, Arizona, has a 7,000-foot lighted runway and provides charter service. Chinle Airport has a 4,800-foot unpaved landing strip. Other communities within the Navajo Nation, including Tuba City, Arizona, have unpaved landing strips. The nearest commercial airline and train services are at Gallup and Farmington, New Mexico, and Flagstaff, Winslow, Grand Canyon, and Page, Arizona.

Utilities – The Navajo Tribal Utility Authority is the major supplier of electricity, natural gas, water, and sewer services on the reservation. In a few areas, Arizona Public Service supplies electricity, and bottled gas is marketed by private companies. Dine Power Authority (DPA), a Navajo Nation enterprise, in partnership with Western Area Power Administration (Western), a power-marketing agent of the Department of Energy, has proposed the construction of the Navajo Transmission Project (NTP), a 500-kilovolt transmission line to deliver power from northwest New Mexico across northern Arizona to southern Nevada. According to DPA and Western, NTP will provide an economical source of transmission capacity that would reduce heavy loads in the region. In addition, the NTP would meet a portion of the electrical load growth projected in the area, while providing additional sources of revenues for the Nation and increase employment opportunities on the reservation.

Telecommunications – Telephone services are available from the Navajo Communications Company, doing business as the Frontier Company in 2003. It was 100 percent digital in

2003, providing Internet and wireless technologies to Nation residents. It is the largest provider of cable TV service on the reservation as well, with 4,000 subscribers.

Housing – The Navajo Housing Authority first received funding and support from the 1937 Housing Act, which permitted implementation of Mutual Help, Public Rentals, Homeownership and Section 8, and voucher programs. Under Section 184, that Act funded loan-guarantee programs as well.

In 1996, passage of the Native American Housing Assistance and Self-Determination Act made the construction of sustainable communities a reality, with appropriations amounting to an average of \$91 million annually between 1998 and 2002.

COMMUNITY FACILITIES AND SERVICES

Public Safety – Law enforcement is provided throughout the reservation by the Navajo Nation Police Department. Local communities maintain community centers.

Education – Educational facilities include 57 state-supported public schools, 13 community-contracted schools, 47 Bureau of Indian Affairs schools, and a few private mission schools. There are 123 Head Start programs dotting the Navajo Nation. Higher education can be obtained at the Northland Pioneer College and at the Crownpoint Institute of Technology. The former Navajo Community College, now known as Diné College, is located at Tsaile, Arizona. The 15,000-square-foot Karigan Child Care Center, completed in September 2001, is located on 113 acres purchased from privately held Karigan Estates. It can serve up to 170 children.

Diné College, chartered by the Nation in 1968, is a four-year accredited, multicampus postsecondary public institution, integrating key cultural principles throughout various courses of study. It was the first college established by Native Americans for Native Americans, setting a precedent for future tribal development of educational facilities. The school was first fully accredited by the North Central Association (NCA) Commission on Institutions of Higher Education in 1976. The college is governed by an eight-member board of regents confirmed by the Government Services Committee of the Navajo Nation Tribal Council. In a unique collaborative partnership with Arizona State University, Diné College bestowed its first baccalaureate degrees under the Diné Teacher Education Program in 1998. In 1999, the state of Arizona amended the tax codes to allow distribution of Transaction Privilege Tax revenues collected on the Navajo Nation to Diné College. This amendment ensures that the school receives \$1.75 million annually for 10 years for the institution's maintenance, renewal, and capital expenditures. With the increased revenues, Diné College plans to build new buildings at all of its Arizona campuses. Beyond the main campus at Tsaile, ("place where the stream flows into the canyon"), Arizona, there are satellite locations in Window Rock, Chinle, Ganado, Kayenta, and Tuba City, Arizona, and in Shiprock and Crownpoint, New Mexico. General education programs are offered at all campuses, and each eight years of accreditation in 2002.

In Farmington, the Navajo Preparatory School (NPS) serves over 200 Navajo and other Native American high school students. Four new dormitory buildings increased capacity at the school to 300 in the early years of the twenty-first century. The facility boasts that over 90 percent of NPS graduates enroll (and most graduate) from colleges or technical

programs throughout the United States. The school features a low faculty-to-student ratio, culturally diverse staffing, summer enrichment programs, and a plethora of quality after-school activities. In 2004, many of the buildings on the campus were/are in need of rehabilitation.

Health Care – The Navajo Area Indian Health Service (NAIHS) delivers comprehensive health services to all American Indians in portions of the states of Arizona, New Mexico, Colorado, and Utah. These services include inpatient, outpatient, and community programs in 6 hospitals, 7 clinics or health centers (some of which include emergency care), and 15 part-time health stations. The six hospitals range in size from the 32-bed Crownpoint, New Mexico, facility to the Gallup Indian Medical Center in Gallup, New Mexico, with 99 beds. The Navajo Tribe itself operates the Navajo Division of Health, created in 1977 and headquartered in Window Rock, Arizona. This agency oversees quality and guarantees that culturally acceptable health care is available and accessible to all Native Americans. The Navajo Nation also provides health-related and educational services in the areas of nutrition, aging, substance abuse, community health representative (outreach), and emergency medical services (ambulance). The NAIHS is one of 12 regional administrative units of the Indian Health Service, an agency of the U.S. Public Health Service Department of Human Health Services.

There are 12 health care centers in the region: Chinle Comprehensive Health Care Facility, Crownpoint Health Care Facility, Dziłth-Na-O-Díth-Híe, Fort Defiance Indian Hospital, Gallup Indian Medical Center, Inscription House Health Center, Kayenta Health Center, Shiprock-Northern Navajo Medical Center, Tohatchi Health Care Center, Tsaile Health Center, Tuba City Indian Medical Center, and the Winslow Health Center.

A unique feature of the NAIHS is that all staff is trained to provide cross-cultural medicine, so cultural taboos among various populations of Native Americans are avoided, and subtleties in intertribal and interpersonal relationships are honored. Care is provided in a cultural context so correct remedies may be pursued.

Section 2

Program Review July 15, 2006

This is a 48-hour holding facility operating under the consent decree, Silver vs. Pahe, dated, November 17, 1992.

1. Funding of Operations

The operations are funded through a combination of the PL 638 funds and those contributed by the tribe. Additional details of operations could not be determined.

The following was reported: "Nothing is set in stone. All monies are controlled and transferred around by ... he tells the supervisors where they are low... This facility requested \$5,000 for food in the month of May to last through September 30th, however she cut it to \$2250 to last for food to September 30th. He said they were short on budget not enough budget to take care of all inmates till September 30th..."

2. Funding of Repairs and Maintenance of Facility Structure

Funding for the repairs and maintenance of the facility could not be determined. A requisition is submitted for any repairs or maintenance at the facility.

3. Policies and Procedures

The facility uses tribal policies and procedures. A combination of the tribal and BIA policies and procedures have been prepared as a draft. They will meet with someone the following Tuesday to determine the scope of work for the BIA.

4. Staffing

There are ten full-time detention officers, six of whom are certified. One officer resigned last Friday. The officers work is rotated through four shifts; generally there are only two officers for each shift. It is very difficult to find new officers. Only tribal members or nonmembers who are married into the tribe may apply for these positions. Most who do apply fail the background test.

5. Programs

Alcoholics Anonymous provides a weekly service every Thursday at the facility. The clergy provides church services every Sunday evening. The public health services (PHS) holds a sweat lodge service every other day. On other occasions inmates may be relieved for one to two days with a court order, to attend ceremonies.

6. **Staff Training**
Once an officer has been certified at the Academy, the facility does not provide any additional training off the reservation because of a shortage of staff. All off-reservation training requires approval from the tribal president. The following was reported:
"The officers do not have an opportunity to go to Artesia. The past boss was very reasonable before ... came, and used to allow officers to go to Artesia. Now ... objects and says – "not enough funding for gas and a travel vehicle." It takes a 9 hour drive to get there. They relay to Window Rock for this length of travel to share expenses. Also, if an officer is dismissed at Artesia, they cannot stay on the grounds. Other officers (from the facility) are asked to come down and pick up. Some individuals drive all the way to Artesia and bring back the dismissed officer in one continuous drive, for there is no money for stay at the motel in Artesia and the Academy will not allow them to stay at the dorms. This is a financial hardship for both officers. So they are very reluctant to request for training."
7. **Space for Inmates On-Site**
This is a 48-hour holding facility as decreed by the court order in 1992. But often inmates overstay. One inmate reported, pointing to article 1.1 on page 15 on the posted decree on the wall across his cell, "I was brought here on Thursday and it is already Saturday and I am still here and there will be no court until Monday. This is lot more than 48 hours. This is wrong according to the rules. Can you do something?"
There are eight male and six female beds at the facility. At the time of the visit there were 31 inmates being incarcerated. However, the detention facility booking logbook pages 68, 69 and 70 showed a total of 72 inmates who were booked in July 1, 2006 at this facility. In contrast, page 5 of the decree dated November 17, 1992 notes that the maximum number of 27 males and 4 females for a total of 31 inmates may be held at Chinle.
8. **Space for Inmates Off-Site**
The facility contracts out with an undetermined number of beds at the McKinley County Jail and at the Window Rock facility. And this time twelve males and two females are housed at the McKinley County Jail and nine males and two females are housed at the Window Rock facility for a total of 25 inmates that are presently being housed off-site.
The facility pays thirty-six dollars per inmate per day at the McKinley County Jail. The facility generally negotiates with the courts to have their inmates released within 30 days from the off-site facility.
9. **Staffing Capacity for the Inmates On-Site**
Presently there are ten detention officers and one supervisor who provide services during the day shift, swing shift, graveyard shift and relief shift.
10. **Staffing Capacity for Transportation and Escort for Inmates**
The detention officers provide transportation and escort for the inmates. The detention officers use a relay method where an inmate is transported to an

intermediate point where the next relay team follows transporting the inmate to the final destination. This allows the first team to prevent using excessive duty hours for the round trip transportation of one inmate. On occasion law enforcement officials assist with the transportation of the inmates.

11. **Office Supplies for Staff**
There is a severe shortage of funds for the purchase of office supplies. Officers use personal funds to purchase items such as copying paper, sacks for properties from inmates, stapler, scotch tape, money envelopes, typewriter ribbon and toner for the printer. The health services provide gloves. Other entities donate janitorial supplies.
12. **IT Equipment for Office Use**
There is insufficient funding for IT equipment that is needed at the facility. One computer was installed recently by the IMS (Information Management Systems) using the Cody system. This system provides software for booking and release of inmates. Sometimes another computer is used to provide daily logs. Since the system often goes down manual logs are maintained for all operations at the facility. The Cody system is inoperative at Window Rock very often.
13. **IT Equipment for Communications Use**
The radios used for communications were issued in 2000. Batteries in the old radios have worn out and do not hold a charge. New batteries are needed for the existing radios and six additional radios with battery chargers and batteries are needed to provide communications between detention officers.
14. **Personal Supplies for Inmates**
There are insufficient funds to provide personal supplies for the inmates. This facility calls other facilities to provide such supplies if they are in stock and if they can afford to send such supplies. Short of that, the detention officers purchase such supplies from the personal funds. "The officers have spent up to \$50 for such individual purchases. They have never been reimbursed and have stopped asking for such reimbursement. They generally go to Wal-Mart to purchase such supplies. There is no control or accountability. This has been going on for years."
15. **Uniforms for Staff and Inmates**
Officers have recently received a memo that they need to order uniforms up to a maximum value of \$300 for each individual. There are insufficient funds to provide sufficient orange suits for the inmates.
16. **Linen for Inmates**
Officers do not place any orders for blankets, towels, sheets or pillowcases, all of which are running low. Inmates have complained about being cold with the blankets that were provided. Upon review of such blankets it was noted that they were threadbare with large holes. Such was the case both with the

blankets that were in use by the inmates at their bunks as well as those that have been washed, folded and ready for issue to the incoming inmates.

17. **Furniture and Fixtures for Staff and Inmates**
There is one picnic-bench-style institutional setup at each of the dormitories. Though there is a need for appropriate furniture for the staff, there is physically no space to accommodate such furniture.
18. **Transportation Vehicles**
The facility has two vans that are used for transportation. The older van has 201,419 miles and the newer van has 18,917 miles. Both vans have built-in cages.
19. **Fuel for Vehicles**
There are not enough funds to purchase fuel for the vehicles. Mileage restrictions have been placed because of lack of funding. This has caused a financial hardship to the facility to comply with the requirements of the consent decree as it pertains to the number of inmates that can be held on-site.
20. **Utilities for Facility**
Electricity and gas utilities are paid by the tribe at the district level. Expenses for the utility are prorated between law enforcement and detention who share the building. Last month, the share for detention for the utilities was \$2000 for the month.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**
There is hot and cold water for the kitchen and showers. Even though hot water is provided at the laundry, the washer is incapable of using hot water. The plumbing system dates back to 1959 when this facility was built. A cosmetic upgrade with new sink/toilet combination units was provided in 1999 but the original plumbing system behind the walls and underground is 46 years old and in disrepair.
22. **Adequate Lighting for Inmate and Staff Areas**
There is sufficient lighting for the staff and inmate areas. Fixtures were upgraded in 1999. There are no night-lights in the housing unit. Battery-backed emergency lighting is provided.
23. **Ongoing Repairs and Maintenance**
Response to the repairs and maintenance is very poor. The same repair team services the entire Navajo Nation. As such they are late in responding to the routine requirements for repairs and maintenance.

24. **Deferred Repairs and Maintenance**
 The building has deteriorated for lack of appropriate repairs and maintenance at the facility. The following deferred repairs and maintenance are needed:
- 1) Remove and replace the HVAC system including all units, distribution ductwork and controls.
 - 2) Provide a separate HVAC unit distribution ductwork and controls for the kitchen.
 - 3) Provide a new roof.
 - 4) Replace old underground plumbing and sanitation sewers.
 - 5) Replace sixteen sink/toilet combination units with new units.
 - 6) Replace eight shower stall units with new showerheads, mixing valves and shower enclosure units.
 - 7) Provide new windows for the kitchen.
 - 8) Provide a restroom for the use by kitchen staff.
 - 9) Provide new electrical distribution.
 - 10) Provide separate detoxification cell for the females.
 - 11) Provide a new booking space away from the central control station.
 - 12) Provide an appropriate central control station.
 - 13) Provide a complete intercom system.
 - 14) Provide a complete camera system for 36 cameras and a central camera control console at the central control station.
 - 15) Provide lead abatement for all existing interior paint. Repaint all interiors.
 - 16) Provide new flooring for office space. Refinish all flooring in the housing unit.
 - 17) Provide provisions for handicapped staff inmates and visitors.
 - 18) Stabilize all foundations for the building.
25. **Medical Response at the Facility**
 A first-aid kit is provided at the central control station. An IHS clinic serves the community. Any EMT from the IHS can respond within five minutes if he or she is not busy. The inmates are not tested for tuberculosis, HIV or hepatitis. There is no screening for STD. Confidentiality of medical information prevents the IHS from disclosing any existing medical conditions of the inmates. Thus detention officers and other inmates may be exposed to diseases carried by an inmate.
26. **Booking Process at the Facility**
 The booking process is very poor. Booking is conducted through a window in the corridor and at the counter top of the central control station. There is no physical barrier between the inmate and the detention officer at the countertop. There is a partial plexiglass barrier at the corridor window. There is no recording camera to record the process of booking. The Cody booking software that is loaded on the computers is generally not available and therefore not used at all by the detention officers. There is no space available to provide fingerprinting or crosschecks on the past history of the inmate. The common countertop at the central console that serves for booking also provides storage space below for janitorial supplies, medical supplies, medicines and personal

hygiene supplies for the inmates. There is constant foot traffic around this countertop at the central control station.

27. **Food Service at the Facility**
A small kitchen serves the facility. There is insufficient room for all of the dry storage and refrigerators. There is no restroom for the use of kitchen staff at the facility. The kitchen has poor air circulation and is generally hot and stuffy. Circulation fans are used and windows are kept open for ventilation. Kitchen knives are kept in an unlocked cabinet drawer in the cook's office. The cook's office has a marginal lock on the door. Other utensils are stored by hanging on racks in the kitchen. Grease is collected in coffee cans. The kitchen hood fire suppression system and fire extinguishers are inspected annually and were within the inspection time period as indicated by the inspection tags. All doors in the kitchen area have marginal locks and the exterior door leading from the kitchen corridor to the exterior needs repairs so it can be securely shut and locked.
28. **Dining Staff at the Facility**
One cook and two food handlers provide all the staff services at the kitchen.
29. **Housekeeping Staff at the Facility**
Detention officers provide all housekeeping other than in the inmate housing area. Trustees are not permitted in the kitchen.
30. **Repairs and Maintenance Staff at the Facility**
A team of seven to eight individuals at the Navajo Nation's main office at Fort Defiance provide repairs and maintenance services for the entire nation. One individual is assigned to this specific area. He is often slow in responding, considering the number of facilities that he has to respond to even in a local area.
31. **Inmate Services Provided at the Facility**
No inmate services are provided at the facility. Inmates are sent to take specific classes off-site such as at Window Rock, if the judge orders them as such.
32. **Healthcare Assistance in the Community**
The Indian Health Services Community Healthcare Center provides such services.
33. **Other Support Agencies in the Community**
There is a behavioral health service that serves the community.
34. **General Reasons for Detention**
Lately most of the incarceration is related to violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.

35. Potentially Harmful Conditions and Behavior of Inmates
Inmates could harm themselves with articles of clothing such as socks, underwear and T-shirts. Accessible items within the facility that lend to supporting weight are the steel bars around the dormitory and corner posts of bunk beds. There has been one successful suicide attempt in the past 20 years where an inmate hanged himself with a T-shirt.
36. Accountability and Reporting of Incidents
All incident reports are sent to someone at the Navajo Nation and the BIA.

DRAFT

Section 3**Facility Review
July 15, 2006**

This is a 48-hour holding facility based on the consent decree, Silver vs. Pahe, dated, November 17, 1992.

1. **Exterior Site Conditions**
Exterior conditions at the facility are fairly poor. The general public has access through the unsecured and constantly open fence gates all around the building.
2. **Exterior Exercise/Recreation Area**
The exterior exercise/recreation area has been abandoned and is being currently used to store evidence. Remains of three old vehicles are being stored, as evidence for the federal prosecutors. It appears that the exercise yard has not been used in many years.
3. **Exterior Perimeter Security**
The exterior perimeter security is very poor. There are no cameras at the front entrance. One camera on the building monitors the movement of inmates as they are escorted from the detention facility to the court nearby, while the other camera monitors the Sally port door. The doors themselves are left open. This includes the exterior doors of the jail cell dormitory building. The two gates at the chain-link fence and all four doors into the detention facility were found open. The razor wire along the perimeter of the roof was found bent and broken with carpet remnants strung over them at two locations above the kitchen exterior door.
4. **Sally Port Security**
There is no Sally port. And exterior side door to the building is used as an entrance to escort the inmates into the facility and up to the booking location in the corridor.
5. **Building Interior Security**
The interior security of the building is very poor. Sixteen cameras monitor the building, three of which are located outside. The monitors are located high, up and away from the peripheral vision of the detention officers working in the central control room at their desk or at the countertop. The resolution on the monitors is very poor. Identity of inmates cannot be clearly determined on the monitors. There are several blind spots that the cameras do not monitor. The kitchen window is left open. The exterior doors on the perimeter at the dormitory, kitchen, the Sally port and the front entrance are all left open – primarily for ventilation. The general public can walk in and the inmates can

walk out through any of these open doors and on through the open gates at the chain-link fence.

6. **Building Structure**
The building is a slab-on-grade brick structure built 45 years ago. The foundation is settling. The interiors are in disrepair.
7. **Building Roof**
The building is a flat roof with metal sidings and razor wire around some of the perimeter. There have been occasional leaks that have been repaired.
8. **Interior Ceilings**
Generally the ceilings consist of glued-on tile on sheetrock for most of the offices and non-housing space. Sheets of concrete tiles are used in the housing area. Peeling paint was noticed at several locations including that at and around piping insulation.
9. **Interior Walls**
Generally the walls are of block-wall construction in the housing area and wood framing and wood paneling for interior office walls.
10. **Interior Flooring**
Flooring consists of vinyl tiles on concrete floors in the offices and painted slab in the housing area. Most of the floor both in the offices and in the housing area is in disrepair and extremely worn out.
11. **Interior Dormitory Cells**
Interior dormitory cells consist of steel bars with steel cross-members. Each dormitory contains a separate space with an institutional table and a bench that serves as a dining area. Based on the logbook entry pages 68, 69 and 70 there were 72 inmates that were booked on July 1, 2006. This month had a high of 60 inmates at the facility. At Fair-time August 2005, the maximum number of inmates booked was 300 within a 24-hour period. It is very hot and stuffy with little or no air circulation. One small circulating fan provides little relief.
12. **Interior Isolation Cells**
There is one male and one female isolation cell. Each isolation cell is capable of holding one inmate only. The female isolation cell is also used as the female detoxification cell since there is no separate detoxification cell for the females.
13. **Interior Detoxification Cells**
There is only one detoxification cell with a capacity of 18 inmates. During Fair-time August 2005, there were so many inmates in the detoxification cell that there was no place for the inmates to sit down; everyone was standing.
14. **Booking and Intake Area**
There is no specific booking and intake area. Booking is conducted at the window in the corridor and at the countertop at the central control station.

There is no recording camera and there is no operating booking software. The corridor is blocked during the booking process. An inmate shower in the corridor that was used at one time by incoming inmates has been abandoned and is used as a janitor's closet.

15. **Visitation Area**
There are four stand-up visitation stations with no direct visual contact between the visitor and the inmates. Visitors and inmates shout through a small 4" x 6" screen to make themselves heard.
16. **Kitchen, Food Preparation and Pantry Area**
A very small kitchen, food prep and pantry area serves the facility. There is no restroom for the use of kitchen staff. The exterior door from the kitchen and the kitchen window are constantly left open to allow for ventilation. There is no walk-in refrigerator or dishwasher. The excessive grease from cooking is collected in a coffee can.
17. **Dining Area**
There is no specific dining area for the inmates. All inmates eat in the dormitory or in the cells.
18. **Day Room Area**
There is no day room to the facility. A radio is provided in the space between the exterior wall and the dormitory walls.
19. **Vocational Training Area**
There is no vocational training area at the facility.
20. **First Aid and Medical Assistance Area**
There is no specific first aid and medical assistance area at the facility. A first-aid kit is provided at the central control station.
21. **Toilets and Showers**
Because of the long-term neglect in repairs and maintenance at the facility and because of the hard water in the area, all of the plumbing systems have been encrusted with salts. Replacement parts are not available for the combination sink-toilet units, all of which need to be replaced.
22. **HVAC System**
The HVAC system does not provide heating ventilation or air-conditioning. No cooling units are in use. Minimal heating is provided by baseboard heaters and a small furnace. Spaces are either very hot or very cold. There is very poor air circulation. Almost every space has a small air circulation fan. All exterior doors are kept open most of the time to allow for air circulation and this compromises security at the facility.

23. **Plumbing System**
The plumbing system is in disrepair with neglect over the past 45 years. Aboveground piping and fixtures were changed in 1999 but they have fallen into disrepair since then.
24. **Lighting System**
Lighting level is very low. Lenses of light fixtures are broken and in disrepair. The light fixtures are not vandal resistant. There are no night-lights provided in the housing area.
25. **Electrical Power System**
There is an overhead 400 amp – 120/240 V, single phase 3 wire system that was installed in 1959. The electrical distribution system does not provide the capacity and distribution needed for all the electrical appliances and equipment that are presently in use. All electrical panel boards are in disrepair. A 15 KW backup generator provides electrical power in an emergency. There were no testing logs available to ensure that the system is tested regularly. It is unknown if this generator is operated on a weekly basis or tested with the full load on a monthly basis.
26. **IT System**
The facility has the use of a few old computers.
27. **Security System**
The building has a 16-camera system with monitors that have very poor resolution and are located in areas that do not facilitate viewing by the detention officer. The camera system has several blind spots and does not monitor all spaces appropriately. There are no recording cameras and the cameras that are there cannot zoom in, pan or tilt. All locks for all the housing unit and the remainder of the facility are of the mechanical type. Only one set of keys is carried by the officer on duty. The mechanical door operators and the lock tumblers are lubricated on an annual basis.
28. **Energy Usage and Conservation**
There is no awareness of energy conservation at this facility. Doors are kept open most of the time to facilitate ventilation. As the building has settled, the door jams for the exterior doors have skewed and are not square with the hanging door. Thus they are difficult to close and are often left open.
29. **Fire Egress – Exterior and/or Secured Areas**
All exterior doors to the facility are constantly kept open. Thus the facility can be evacuated within three minutes. However, there is no secured space away from the building to evacuate the inmates in an emergency. The exercise/recreation yard has been abandoned and is now used for the storage of evidence, which at this time includes a few old cars being stored for the federal prosecutor. A fire egress door was installed in the exterior wall near the kitchen to permit evacuation of inmates in an emergency. This door cannot be opened

even if unlocked, for it has been blocked by drifting sand that has solidified with moisture and sand over the years.

30. **Fire Alarm, Fire Extinguishers and Sprinkler System**
There is a basic fire alarm. There are fire extinguishers. Both systems are tested on an annual basis. There is no sprinkler system.
31. **Building Access for Staff and Inmates**
The general public and staff use the front entrance. Inmates are escorted in through the side door which serves as the Sally port.
32. **Hazardous Materials**
There is reason to believe that there is asbestos and lead paint in the building that have not been abated. There are no records of abatement for lead paint or asbestos at the facility. Several areas of peeling paint were noticed at the ceiling and around piping insulation.
33. **Handicap Access for Staff and Inmates**
There are no provisions at this facility for staff, visitors or inmates who are handicapped.
34. **Potentially Hazardous Elements**
Inmates could use articles of clothing to harm themselves. There are a number of steel cross members and bars throughout the facility that could be used to support the weight. There are holes in the metal steel pans of the bunk beds – all of which could be used by the inmates to harm themselves.

Section 1**Background Information
of the
Navajo Reservation
Served by the Chinle Youth Correctional Facility**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

Section 2**Program Review
July 16, 2006**

1. **Funding of Operations**
The funding of operations could not be determined. There are chronic delays of up to nine months in receiving the actual funding for the operations of facilities. These delays affect the quality of operations.
2. **Funding of Repairs and Maintenance of Facility Structure**
The funding of repairs and maintenance of the facility could not be determined. The Bureau of Indian Affairs owns the building but it is leased and operated by the Navajo Nation through the PL 638 program. The delays in receiving funding for the repairs and maintenance affect the quality of operations.
3. **Policies and Procedures**
The facility has been working for the last three to four years in developing its policies and procedures. Information at this time has not been turned in to the Department of Justice at the Navajo Nation. The facility is requesting help in creating policies and procedures for this site.
4. **Staffing**
There are 25 full-time detention officers at this facility. Of these, 15 are certified officers and the remaining have been hired recently and are awaiting certification. The passing rate of new individuals for the certification at the Academy is approximately 40%.
In addition, there are four individuals who serve in the food service department, three individuals who provide maintenance and three individuals who provide administrative functions.
There are generally three officers on duty, with four or five officers on occasion. Presently the staff to inmate ratio is 1:5.

5. **Programs**
The facility provides education in a conventional classroom setting. An educational specialist works for the inmates on a long-term setting. PLATO software is used. The facility provides a computer lab, a library for discussion groups and traditional classrooms. The facility also provides traditional counseling and the ODY program for the youth. The facility provides religious services through the visiting clergy. A sweat lodge is under construction at this time.
6. **Staff Training**
The facility is awaiting certification of 10 detention officers that were recently hired. The facility believes that training in Artesia is excellent except that it is not held in a tribal setting and does not take tribal considerations into account in planning and executing its training for detention officers who will serve on tribal lands.
7. **Space for Inmates On-Site**
There are 50 beds that are available on-site. The average population is about 25 inmates. The peak load at this facility has been 30 inmates. The facility is working out a memorandum of understanding with other tribes such as the Ute, Apache and Hopi to accept their inmate youth at this facility. The youngest inmate housed at this facility was nine years old.
8. **Space for Inmates Off-Site**
The facility does not contract out any space off-site. Rather, it is interested in accepting youth from other facilities. The only other youth detention facility on the Navajo Nation is the Tohatchi Youth Detention Facility.
9. **Staffing Capacity for the Inmates On-Site**
There is insufficient staffing for the number of inmates at this facility. Staffing for youth is more intensive and the facility expects to have a staff to inmate ratio of 1:3.
10. **Staffing Capacity for Transportation and Escort for Inmates**
Detention officers provide the transportation and escort for the inmates. Rovers have been designated and are generally on a call-in basis. Distances to the Window Rock facility and the Remah facilities are large, and use up one whole day for the transportation of one inmate.
11. **Office Supplies for Staff**
The facility is always short on office supplies. The Department has slashed the budget. Personal funds are now being used to provide office supplies. Individuals have used up to \$50 of their own funds to provide office supplies for routine operations at the facility.

12. IT Equipment for Office Use
The facility uses old but serviceable IT equipment at this time. The facility needs additional workstations. The Cody software system has not been set up at this time at this facility. The Cody system servers at the Navajo Nation headquarters are often inoperative and inaccessible to the satellite units in the Nation.
13. IT Equipment for Communications Use
The intercommunication system is inoperative at this time at this facility. Officers use radio communications. Ten additional Motorola mode EX 600 - XLS with the push-to-talk switch are needed.
14. Personal Supplies for Inmates
There is insufficient funding for personal supplies for the inmates at this facility. Purchase requests have been pending for six months with no relief in sight.
15. Uniforms for Staff and Inmates
The uniforms for the inmates need to be replaced once every two to three years. Staff needs uniforms replaced at least once a year. Neither of these needs is being met at this facility at this time for lack of funding.
16. Linen for Inmates
Worn-out blankets have been put aside. However, 40 new blankets are needed for the upcoming winter. There are sufficient mattresses for the use of the inmates.
17. Furniture and Fixtures for Staff and Inmates
There are insufficient chairs for the staff. Twenty-five office chairs are needed for the staff and eighty metal chairs are needed to conduct training in the multipurpose room at the facility. Appropriate institutional seating is needed for the inmates.
18. Transportation Vehicles
The facility uses three transport vans, one 4x4 pickup truck and one sedan for its routine operations. On average each of these vehicles has operated 125,000 miles at this time. As these vehicles are worn-out over the next 12 months, two additional transport vehicles will be needed to meet the present demands. The facility needs one full-size transportation van with appropriate metal cage for the transportation of inmates and one 2 x 4 pickup truck that is needed for the routine repairs and maintenance.
19. Fuel for Vehicles
The facility lacks funding for the purchase of fuel. The Navajo Nation has placed restrictions on mileage that is permissible for the operations of all vehicles.

20. Utilities for Facility
There is sufficient funding for utilities at the facility.
21. Hot and Cold Water for Kitchen, Laundry and Showers
There is sufficient hot and cold water for the kitchen and laundry and showers. One of the two boilers has aged prematurely as a result of using untreated hard water. It needs replacement in the next 12 months.
22. Adequate Lighting for Inmate and Staff Areas
There is adequate lighting for the staff and inmate areas throughout the facility.
23. Ongoing Repairs and Maintenance
There is insufficient funding for routine repairs and maintenance. Purchase requisitions have been pending for over six months. Very often quotations from suppliers are good for 30 days during which time such repairs cannot be funded for lack of funds. Repeated quotations from suppliers often escalate as the facility waits for the funding to come through. The staff at the facility could not determine the reason for such delays and lack of funds.
24. Deferred Repairs and Maintenance
The building has been neglected ever since it was built in 1998. Deferred repairs and maintenance now include:
- 1) Replace the existing intercom system with a new system that includes the master communication panel and hardware for 80 stations throughout the facility. Each intercom station is capable of transmitting and receiving written manual overrides for such functions.
 - 2) Repair individual low-voltage switching modules at each of the doors for 30 doors. Provide controls at the central control station.
 - 3) Relocate the compressors for the walk-in coolers from the kitchen plenum glaciated area on the roof.
 - 4) Provide a new booster-heater for the commercial dishwasher in the kitchen.
 - 5) Provide two door-operators on each of the rollup door at the Sally port. Provide new limit switches and interlock control wiring.
 - 6) Repair the HVAC unit in the multipurpose room to prevent vibration and noise.
 - 7) Provide a new commercial washer for the laundry to meet the present demands.
 - 8) Provide additional storage of approximately 50 sq. ft for each laundry rooms in each of the three pods.
 - 9) Provide additional storage of approximately 100 sq. ft. with two-hour fire-rated walls to store flammable chemicals.
 - 10) Provide an exit through the courtyard to serve as a path of egress during an emergency. Provide a fenced and secure enclosure outside and 50 feet away from the building walls to securely stage 70 inmates and staff during an emergency.

- 11) Provide a new water softening system for the facility.
- 12) Provide a workshop space of approximately 200 sq. ft. for small repairs and maintenance at the facility.
- 13) Provide 3 additional water fountains, one at the recreational yard two at the remote pods by the control stations.
- 14) Provide a sliding cover plate at each of the keyhole/locks for each of the exterior doors to prevent blowing sand from entering the keyholes. Repair and lubricate all tumblers at all exterior doors.
- 15) Repair the oven/range in the kitchen.
- 16) Repair the deep fryer unit in the kitchen.
- 17) Repair the overhead exhaust fan in the hood in the kitchen.
- 18) Repair the inoperative fire suppression Ansul™ system.
- 19) Provide refrigerant servicing to the air-conditioning unit that serves the kitchen.
- 20) Provide a new reach-in cooler that can maintain a 40°F or below temperature.
- 21) Add window barriers and countertop at the booking window.
- 22) Stabilize the sinking foundations of the building.

25. Medical Response at the Facility

The facility provides basic regular medical response at the facility. EMTs are called in for an emergency. Every Monday and Wednesday a registered nurse comes in to provide routine medical services to the inmates. This includes STD testing. The staff is aware of a need to provide testing for TB, HIV and hepatitis but no such testing is conducted at the facility. There is a shortage of medical supplies at the facility. The local IHS has requested that the practice of supplying medical supplies to the facility be curtailed. However, there are no funds to support this function at the facility. The facility requires a medical clearance for acceptance into incarceration at the facility.

26. Booking Process at the Facility

The booking process is inadequate. Inmates are escorted from the Sally port to the detention control station. There are wide openings between the lower section of the booking officer window and the inmate. Inmates spit at the booking officers. There is insufficient space for the booking officer, arresting officer and the inmate since the booking is conducted in the walkway surrounding the control station.

27. Food Service at the Facility

The facility runs out of food very often. There is insufficient funding for food for the inmates at the facility. Roughly \$1200 is allocated per month for food which would support about 12 inmates or less on average. However, the facility has an inmate population of 25 inmates on average. As such the routine menus are not adhered to. "It is a gross exaggeration when the facility reports that the inmates are provided with 2300 calories of food per day" as reported by the staff. "Food is actually being diluted with sauces and carbohydrates so it could be stretched to serve all inmates."

“Carbohydrates and fats are fed excessively including to diabetics. One inmate lost 9 pounds in a month at this facility.”

28. **Kitchen and Dining Staff at the Facility**
There are three food handlers and one food services coordinator for a total of four staff members at the facility. These individuals provide all of the meals at the facility.
29. **Housekeeping Staff at the Facility**
The custodian provides all the housekeeping at the facility.
30. **Repairs and Maintenance Staff at the Facility**
Two individuals provide full-time repairs and maintenance at this facility.
31. **Inmate Services Provided at the Facility**
The facility provides education services through the Internet using the Plato educational software. The facility provides a computer lab, a library for discussion groups and traditional classrooms.
32. **Healthcare Assistance in the Community**
The community provides public health services and behavioral health services.
33. **Other Support Agencies in the Community**
The community provides the services of a ‘Chapa House’ and an ‘Adabi’ – home for the domestically abused.
34. **General Reasons for Detention**
Most of the incarceration is related to property crime and violent crime resulting from the abuse of methamphetamines. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
35. **Potentially Harmful Conditions and Behavior of Inmates**
Articles of clothing are used by the inmates to harm themselves. In one such incident an inmate used a pillowcase around his neck. The inmate died at the hospital.
36. **Accountability and Reporting of Incidents**
Incidents are reported through the administrative hierarchy of the Department of Justice at the Navajo Nation.

Section 3
Facility Review
July 16, 2006

1. **Exterior Site Conditions**
The exterior site conditions are poor. The site is located on eight acres with two perimeter fences. The general public has access up to the facility.
2. **Exterior Exercise/Recreation Area**
The exterior exercise and recreation area is located in an inner courtyard that is surrounded by the physical structure of the facility. This courtyard is a fire trap for there's no appropriate egress and inmates could be trapped in their pods on the far side. This courtyard does not provide sufficient space or distance to serve as a staging area for evacuating inmates in an emergency.
3. **Exterior Perimeter Security**
The exterior perimeter security is poor. The outer fence topped with razor wire lacks about 750 feet of fencing to complete the perimeter. The sliding gate in the fence is constantly open. There are no cameras to monitor the gate. One inmate escaped by simply walking away. Work is underway to provide electrical connections to a proposed guard shack near the gate. There are insufficient cameras to provide viewing of the entire perimeter. There are several blind spots and building protuberances that are detrimental to unobstructed views by camera. There is a need for 20 additional cameras with 3 recording cameras to support the 36 cameras already on site. A central console for a 64-camera system that is compatible with the existing cameras is needed. Relocate all existing cameras to provide appropriate coverage.
4. **Sally Port Security**
The Sally port is an enclosed structure with two rollup doors. One of the rollup doors cannot be opened for lack of appropriate door operators. The cameras have poor resolution and cannot view blind spots close to the entry door to the building.
5. **Building Interior Security**
They are insufficient cameras with several blind spots in the building interiors. Blowing sand in the keyhole mechanism of several keyed locks in the courtyard and building exteriors has made several locks difficult to operate. In case of an emergency, inmates cannot be evacuated in three minutes from the building.

6. **Building Structure**

The building is settling down at a rate of about three to four inches in seven years or about one-half inch per year. There are signs of such settlement as the building sinks and the adjoining concrete slabs are lifted up. Concrete has to be chipped at every exterior door to allow for it to open. The sinking is also evident at the concrete foundations for each of the lighting poles in the courtyard. It is unknown why this building is experiencing such rapid settlement. It may be speculated that: 1) The soil was not compacted well enough for the weight that it had to support. 2) The geotechnical analysis and soil testing were insufficient or inaccurate. 3) Foundation design was inappropriate for the type of soil. 4) There were inappropriate construction techniques, final testing and acceptance of the project. or 5) There are other geological phenomena that may have caused underlying soils to move below the foundation. The phenomena need attention. Note that other buildings in the area have also experienced settling. However, these buildings were lighter and single-story structures. They experienced settling of about one-half inch in 30 to 40 years.
7. **Building Roof**

The building consists of pitched and flat roof structures. Most of the flat roofs have been leaking. The sunroom atrium at the lobby is leaking at the attachment to the building structure.
8. **Interior Ceilings**

The interior ceilings consists of lay-in ceilings in the office areas, drywall ceilings in kitchen and pantry areas, concrete paneled ceilings in the inmate housing area and sloped gypboard ceilings in the day room area of each pod. A lightning strike in the past damaged one of the high celestial windows in the day room, as lightning traversed through the sloped ceiling to the ground.
9. **Interior Walls**

Generally all walls within the facility are of block-wall construction.
10. **Interior Flooring**

Generally the flooring consists of vinyl tile and vinyl sheeting on concrete slab. Carpeting is provided in the offices. The detention central control room and the individual pod control rooms have raised flooring.
11. **Interior Dormitory Cells**

There are no interior dormitories at this facility. The entire facility consists of 50 individual cells.
12. **Interior Isolation Cells**

There are four cells specially designated for segregation or detoxification. The cells provide only a sink/toilet combination unit and do not have any institutional furniture.

13. **Interior Detoxification Cells**
The detoxification cells provide only a sink/toilet combination unit and do not have any institutional furniture. Walls are not padded. The plumbing drains from the cells have a very shallow pitch that makes it very difficult to flush the solid waste from the floor drain.
14. **Booking and Intake Area**
The booking area is poorly designed for the use. Inmates are in close proximity to the detention officers. The windows of the countertop have large openings. There is a need for recording cameras at each of the three detention control stations within the facility.
15. **Visitation Area**
The visitation area is appropriate for its use. The visitor can see the inmate and communicate through an intercom handset.
16. **Kitchen, Food Preparation and Pantry Area**
The kitchen food preparation and pantry area are adequate except for those items that have been mentioned in the listing of deferred repairs and maintenance items.
17. **Dining Area**
The multipurpose room/gymnasium serves as a dining area with females on the one side and males on the other side.
18. **Day Room Area**
There are two day rooms for each of the four pods, for a total of eight day rooms. The day rooms are used as an extension of the classrooms. One of the day rooms has a television set connected to a dish network satellite antenna.
19. **Vocational Training Area**
The facility has educational classrooms, a computer lab with 10 computer stations, art rooms with physical space to create artwork, a library with donated books and a Plato software system to provide educational material through the Internet.
20. **First Aid and Medical Assistance Area**
The facility has a medical exam room which provides first aid and other medical assistance to the inmates. The facility is often short on medical supplies for lack of funds.
21. **Toilets and Showers**
The toilets and showers are in disrepair. The plumbing lines are clogged up with accumulated salts because of hard water. The water softening system has not been used for lack of funds to buy necessary supplies and maintain it. Six combination toilet/sink units need to be replaced.

22. HVAC System
There is a total of ten heat pump units on the rooftops. Five of these units have been shut down because of a lack of refrigerant. Work orders have been placed for these repairs. Air distribution is very poor. Areas are either too hot or too cold. A complete air balance is needed once all the heat pumps are functional.
23. Plumbing System
The plumbing system is in disrepair. The food service area needs to be cleaned out. A lift station needs to be installed.
24. Lighting System
Generally lighting is adequate within the facility. There is a need for emergency lighting and duplex receptacles in the Sally port by each of the rollup doors. There is a need for six exterior wall-mounted wall-pack lighting units with cold weather ballasts and four high bay mounted gymnasium light fixtures.
25. Electrical Power System
The facility is served with a 1000 amp 480 Y/277 volt, three phase four wire system. Part of this service is transformed to 208 Y/120 volt through a 300 KVA transformer. A natural gas operated 115 KW generator serves as an emergency backup. The generator need to be exercised once per week in addition to a full load test of once per month. All such operations need to be logged. The facility also provides uninterruptible power supply through a 50 KVA UPS unit. A lightning suppression system is provided on the building. These electrical services are adequate for the building.
26. IT System
The IT system for the facility is adequate.
27. Security System
The facility does not have an appropriate security system. There is a need to relocate all existing 36 cameras and add 20 additional cameras with a new camera console for 64 cameras.
All of the keyed locks on exterior doors need to be repaired and replaced; in addition, the lock tumblers and keyholes need to be protected from the blowing sand. Covers need to be placed on all such locks.
28. Energy Usage and Conservation
The facility uses energy-efficient fluorescent lighting fixtures that include T8 and PL lamps for all interior lighting. The facility also uses high-pressure sodium lamps for exterior lighting.
29. Fire Egress – Exterior and/or Secured Areas
Fire egress is fairly poor at this time. In an emergency, it will take more than 40 minutes (instead of 3 minutes) to evacuate all of the inmates. Inmates

who are housed away from the exterior doors, on the other side of the inner courtyard will get trapped. Additional fire egress needs to be provided.

30. **Fire Alarm, Fire Extinguishers and Sprinkler System**
There is a fire alarm system at the facility. Appropriate fire extinguishers are located throughout the facility and there is a fire sprinkler system at the facility. Routine testing records for such systems could not be determined. The detention officers reported that the systems are tested every six months the last test being conducted in November 2005.
31. **Building Access for Staff and Inmates**
All inmates are escorted through the Sally port. All staff uses the main entrance through the lobby to ingress and egress the building.
32. **Hazardous Materials**
There is no known hazardous material such as asbestos or lead paint at the facility.
33. **Handicap Access for Staff and Inmates**
There is no access ramp at the facility for handicapped visitors, staff or inmates. There is no handicap-accessible restroom for male visitors at the facility. There are four cells that provide toilets accessible to handicapped inmates. There are two showers that provide access to handicapped inmates.
34. **Potentially Hazardous Elements**
One of the cells across from the central control station has an exterior door that opens into the Sally port. The door has hardware that includes a door handle. This provides an opportunity for an inmate to hang himself.

Section 1**Background Information
of the
Navajo Reservation
Served by the Dilkon Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

Section 2**Program Review
July 17, 2006**

1. **Funding of Operations**
The salaries for law enforcement and detention operations are funded by the PL 638 program. The remaining general funds are provided by the tribal program.
2. **Funding of Repairs and Maintenance of Facility Structure**
Tribal funding provides for the repairs and maintenance of the facility.
3. **Policies and Procedures**
The policies and procedures for law enforcement are a set of rules and regulations that include the general orders rules and regulations for public safety of the Navajo Nation. There are no specific policies and procedures for detention.
4. **Staffing**
There are 22 law enforcement officers who provide services rotated over four shifts. There is no specific detention officer or staff that serves the detention needs of the facility. The facility is actively recruiting for additional officers but it is difficult to find qualified individuals. In addition, the low wages and lack of appropriate benefits and retirement plans are detrimental for such recruiting efforts. Recruitment is open to individuals from any other agencies and other nations.
5. **Programs**
There are no programs for the benefit of the inmates.
6. **Staff Training**
There is no continuing training for the law enforcement staff.

7. Space for Inmates On-Site
Space for the inmates is limited on-site. Two chairs are available inside a cage. The steel bench with welded anchors and handcuffs provides additional seating for the inmates. On average there are three arrests per shift and about five to seven arrests per shift during the first part of the month. There are about 20 arrests per day for intoxication. There is a tribal court in the vicinity. It could not be determined if the inmates are held overnight at the facility.
8. Space for Inmates Off-Site
Inmates are sent to the Window Rock Detention Facility.
9. Staffing Capacity for the Inmates On-Site
There are no staff or detention officers to serve the inmates on-site.
10. Staffing Capacity for Transportation and Escort for Inmates
Law enforcement officers provide the transportation and escort of inmates to other facilities.
11. Office Supplies for Staff
Office supplies for the staff are insufficient.
12. IT Equipment for Office Use
There are five separate computers that are used by law enforcement. The Cody system software is available at one of the computers.
13. IT Equipment for Communications Use
Not applicable.
14. Personal Supplies for Inmates
Not applicable.
15. Uniforms for Staff and Inmates
Not applicable.
16. Linen for Inmates
Not applicable.
17. Furniture and Fixtures for Staff and Inmates
Not applicable.
18. Transportation Vehicles
Not applicable.
19. Fuel for Vehicles
Not applicable.

20. Utilities for Facility
Not applicable.
21. Hot and Cold Water for Kitchen, Laundry and Showers
Not applicable.
22. Adequate Lighting for Inmate and Staff Areas
There is adequate lighting for the inmate and staff areas.
23. Ongoing Repairs and Maintenance
There are no ongoing repairs and maintenance.
24. Deferred Repairs and Maintenance
Entrance steps need repair. Electrical service entrance panelboard upgrade and complete electrical distribution upgrade is needed at this time.
The double-wide trailer is about thirteen years old. The trailer has a physical functional remaining life of five years at which time it will need to be replaced. However, at this time the trailer does not meet the program's functional requirements of law enforcement and needs to be replaced.
25. Medical Response at the Facility
Inmates are transported to a medical facility in Tuba City or Window Rock about one hundred miles away.
26. Booking Process at the Facility
Inmates are escorted in through the side door. Booking is conducted in the work area designated for law enforcement officers.
27. Food Service at the Facility
There is a refrigerator at the facility.
28. Kitchen and Dining Staff at the Facility
There is no kitchen or dining staff at the facility.
29. Housekeeping Staff at the Facility
There is no housekeeping staff at the facility.
30. Repairs and Maintenance Staff at the Facility
There are no repairs or maintenance staff at the facility. Upon request the tribal maintenance staff responds to such needs.
31. Inmate Services Provided at the Facility
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community
There are no healthcare services in the community. An IHS clinic is planned for the future.

33. Other Support Agencies in the Community

There are no support agencies in the community.

34. General Reasons for Detention

Dilkon is a rapidly growing community, which has also brought an increase in the crime rate. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.

35. Potentially Harmful Conditions and Behavior of Inmates

There is little that the inmate can do in the cage except hurt himself by hurling against the two chairs.

36. Accountability and Reporting of Incidents

Incidents are reported to the tribal Department of Justice.

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Section 3**Facility Review
July 17, 2006**

The detention facility is a "custom-built cage with security mesh walls" located on one end of a double-wide trailer that is used by law enforcement. Two chairs are located inside the cage. The cage is about 4 feet wide, 5 feet long and 6 feet high. A custom-made steel bench adjacent to the cage serves as additional seating for use by inmates. The bench is equipped with welded anchors and permanently anchored handcuffs reminiscent of the medieval ages. The double-wide trailers are 26' x 60' or 1560 sq. ft. and are expected to serve the needs for all law enforcement in the Dilkon district.

1. Exterior Site Conditions
The exterior site conditions for the facility are very poor. The site is located in an area that is accessible by the general public.
2. Exterior Exercise/Recreation Area
There is no exercise or recreation area provided for the inmates.
3. Exterior Perimeter Security
There is no exterior perimeter security other than three cameras that do not work and/or cannot be monitored at the dispatch and/or detention control center.
4. Sally Port Security
A camera monitors the side entrance to the trailer which is used as the Sally port entrance.
5. Building Interior Security
There is no security inside the trailer.
6. Building Structure
The building is a 13-year-old double-wide trailer with wood-framed walls and poor flooring and roof.
7. Building Roof
The building roof is adequate. There have been no reported leaks.
8. Interior Ceilings
Interior ceilings consist of lay-in vinyl sheeting.

9. Interior Walls
Interior walls consist of 3-inch wood-framed partitions with wood paneling.
10. Interior Flooring
Interior flooring consists of vinyl tile and carpeting. The detention cage is carpeted.
11. Interior Dormitory Cells
There are no interior dormitory cells at the facility.
12. Interior Isolation Cells
There are no interior isolation cells at the facility.
13. Interior Detoxification Cells
There are no interior detoxification cells at the facility.
14. Booking and Intake Area
The booking and intake area is inadequate. Booking is conducted in a work area used by law enforcement officers.
15. Visitation Area
There is no visitation area for the inmates at the facility.
16. Kitchen, Food Preparation and Pantry Area
There is no kitchen, food preparation or pantry area at the facility.
17. Dining Area
There is no dining area for the inmates at the facility.
18. Day Room Area
There is no day room area for the inmates at the facility.
19. Vocational Training Area
There is no vocational training area for the inmates at the facility.
20. First Aid and Medical Assistance Area
There is no first aid or medical assistance area for the inmates at the facility. A first-aid kit is available at the dispatch.
21. Toilets and Showers
A staff toilet and shower are provided for use by the inmates.
22. HVAC System
The HVAC system consists of two Bard unit heat pumps located at either end of the double-wide trailer. This provides sufficient heating and cooling to the interior space.

23. Plumbing System
The plumbing system is adequate.
24. Lighting System
The lighting system is adequate. Lenses for the light fixtures are in disrepair.
25. Electrical Power System
An overhead 200 amps 120 /240 volt single phase 3 wire service serves the facility.
There is no backup emergency generator or battery-backed emergency lighting. There are insufficient electrical outlets for the needs of law enforcement.
26. IT System
There are five separate computer systems serving the needs of law enforcement at this facility.
27. Security System
There is no functional security system at the facility. Three cameras monitor the exterior of the facility; however, the monitor itself at the dispatch is inoperative.
28. Energy Usage and Conservation
There is no awareness of energy conservation at the facility.
29. Fire Egress – Exterior and/or Secured Areas
There is no exterior secured area to evacuate the inmates in case of an emergency.
30. Fire Alarm, Fire Extinguishers and Sprinkler System
There are two fire extinguishers located in the corridor. It could not be determined if they were tested. There is no fire alarm system in the facility. There is no sprinkler system in the facility. There is no emergency battery backup lighting for a safe egress out of the facility.
31. Building Access for Staff and Inmates
Inmates are escorted in through the side door which serves as the Sally port entrance. Staff uses the two other remaining doors for entrance and egress.
32. Hazardous Materials
There is no reported asbestos or lead paint in the facility.
33. Handicap Access for Staff and Inmates
A handicapped ramp is provided at one of the end doors at the facility. There are no additional provisions for the use of any staff or inmates who are handicapped.

- 34. Potentially Hazardous Elements
Inmates may potentially hurt themselves by hurling themselves against each other or against the two chairs in the cage.

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Section 1**Background Information
of the
Navajo Reservation
Served by the Kayenta Detention Center**

The background information for the Navajo Nation is provided earlier, in Section 1, Chinle Adult Detention Center.

Section 2**Program Review
July 18, 2006**

The facility is operated under the Consent Decree of 1992 as a 36-hour holding facility only. The facility is owned and operated by the Navajo Nation.

1. **Funding of Operations**
Funding of operations could not be determined. A combination of funds from the PL 638 program and contributions from the Navajo Nation are used to operate this facility. Up to five years ago each district had a distinct and separate budget; however, the new director at Window Rock has set up a different financial management system. Someone at the Navajo Nation controls all funding to the facilities without input at the facility level. The facility has reported that funds are being transferred into 'law enforcement' causing hardships for the 'detention'. Such hardships compromise the safety and security of the inmates and officers.
2. **Funding of Repairs and Maintenance of Facility Structure**
Funding for the repairs and maintenance of the facility could not be determined.
3. **Policies and Procedures**
There are no formal policies and procedures that are used to operate this facility. Standards were developed working with the Department of Justice of the Navajo Nation but they have not been finalized. Even though training was provided, deadlines were set and samples were handed out; no one has worked with the facility on a one-on-one basis to provide the language, format and content that is specific to this facility for their policies and procedures. The facility acknowledged and signed the formalities with the understanding that additional help could be provided through professional

writers but such is not the case. An attorney at the Department of Justice at the Navajo Nation provided some assistance but not enough to finalize and implement the policies and procedures. Thus there are no policies and procedures for the facility. The process is at an impasse.

4. Staffing

There are one full-time administrator, four full-time officers and one temporary staff member. Of these, two individuals, the administrator and one of the detention officers, is certified. The facility is operated using the four-shift plan; each shift is eight hours with an eight-hour relief shift as needed. The facility is seeking to recruit two additional officers. However, the recruitment search is a challenge. Potential employees do not qualify, often as a result of an adverse background that disqualifies them. At other times the prevailing wages are a deterrent. The present starting wage is \$9.77/hr. leading to annual increases at 14 cents/hr. with the maximum salary range at \$10.25/hr. for a certified detention officer with about seven years of experience. The facility lost an experienced and capable officer recently who left for a job as a bailiff at \$13/hr.

Given such financial hardships, officers and staff that stay do so as a result of dedication and loyalty to the Navajo Nation and the local community. These officers very often work long hours without requesting reimbursement or being offered any reimbursement. The facility administrator has served her position at this facility for 18 years, starting at \$6.72/hr.

5. Programs

There are no specific programs at the facility for the benefit of inmates.

6. Staff Training

Officers regularly attend training and fire safety in-service, CPR, first aid and food handling, which generally adds up to about 40 hours per year per person.

Upon recruitment the officers have 12 months to complete their certification training at Artesia. At this time all personnel other than the administrator have less than one year of experience and are awaiting training at Artesia. Since the local facility is unable to perform in-depth background checks and the training facility at Artesia does, it is uncertain if the remaining four individuals will qualify for training at Artesia after their background checks.

7. Space for Inmates On-Site

There are no beds for the inmates on-site. Rather, there are only two detoxification cells, one for male inmates and one for female inmates. Inmates are generally released for lack of adequate space at the facility. More than 30 inmates are housed at the facility at the beginning of each month. This count reaches an excess of 50 if the inmates are not released, with the corresponding continuous intake of new inmates.

8. Space for Inmates Off-Site
Inmates are sent to the Window Rock, Shiprock, Mc Kinley and Tuba City facilities as needed.
9. Staffing Capacity for the Inmates On-Site
There is insufficient staff for the inmates at the facility. The facility administrator works one of the shifts herself. One person from the Tuba City facility is assisting with duties as a detention officer.
10. Staffing Capacity for Transportation and Escort for Inmates
The detention officers provide transportation and escort of the inmates to the health facilities, the courts and the other detention facilities.
11. Office Supplies for Staff
There are sufficient office supplies for the staff.
12. IT Equipment for Office Use
There is sufficient IT equipment for office use at the facility.
13. IT Equipment for Communications Use
The staff uses portable radios as a means of communication. There is a need for four additional radios with push-to-talk switches, eight additional battery chargers and a set of batteries for eight radios.
14. Personal supplies for Inmates
Personal supplies for the inmates are borrowed from other facilities or donated by local charities.
15. Uniforms for Staff and Inmates
Uniforms for inmates are borrowed from the Window Rock facility. There are sufficient uniforms for the inmates. Staff has not been provided with any new uniforms for the last three years. There is a need for 6 'officer kits' at this time. These officer kits provide an allowance of \$250 for the uniform, \$220 for the duty belt, \$30 for the handcuffs case, \$30 for the baton holder, \$30 for the handcuffs, \$200 for the badges and \$40 for other miscellaneous equipment, for a total of \$800 per kit.
16. Linen for Inmates
There is insufficient funding to provide appropriate blankets to the inmates. The local Holiday Inn donates blankets and towels for the inmates. The local Catholic Church donates other miscellaneous supplies for the inmates.
17. Furniture and Fixtures for Staff and Inmates
There are only two detoxification cells for the inmates. These do not require any institutional furniture. Furniture and fixtures for the staff is six years old and at this time is serviceable for the next few years.

18. **Transportation Vehicles**
There are two transportation vehicles at the facility. One sedan 2002 model is used for administrative purposes and one van 2004 model with 77,090 miles are used to transport inmates to Chinle, Tuba City, Mc Kinley and Shiprock. These vehicles make a minimum of five relays per week. Each relay transports the inmate an approximate halfway distance. The relays are arranged so that the transportation officer could provide a round-trip transportation trip within an eight-hour shift.
19. **Fuel for Vehicles**
There is sufficient fuel for the vehicles at this time.
20. **Utilities for Facility**
Propane and electricity are used at the facility. There is sufficient funding for the utilities at this time.
21. **Hot and Cold Water for Kitchen, Laundry and Showers**
There is sufficient hot and cold water at the facility for the laundry. The facility does not have a permit to operate a kitchen and there are no showers for the inmates.
22. **Adequate Lighting for Inmate and Staff Areas**
Lighting levels are very low for both the inmate and the staff areas.
23. **Ongoing Repairs and Maintenance**
The repairs and maintenance staff from the Navajo Nation does not respond for up to three weeks when a request is made. There is only one repair crew that serves the five districts at the Navajo Nation. Detention officers generally provide all the routine repairs and maintenance at the facility. One detention officer was observed painting the central control station on her off-duty day.
24. **Deferred Repairs and Maintenance**
The facility, which consists of three single-wide trailers (36' x 66'), was built in 1980. A block-wall structure consists of the two detoxification cells (24' x 32') was added in 1982. The facility has suffered continuous neglect for the past 26 years. The facility is in severe disrepair and has outlived its useful life.
The following deferred repairs and maintenance are needed:
- Provide new roof to replace the one that was damaged during a fire and has not been repaired.
 - Provide three new Bard units for the trailer and roof-mounted swamp coolers for the detoxification cells.
 - Provide a new fenced area with gate to serve as a secured entrance for the Sally port.
 - Provide a 16-camera system with high resolution cameras and monitors for the interior and exterior of the facility.
 - Provide a new booking and intake area.

- Provide four new shower stalls for the inmates.
- Provide a new control station area.
- Provide a new kitchen hood with special supports for the weight of the hood that the present roof is incapable of supporting.
- Provide a new electrical service and a complete electrical distribution. Provide new lighting and power outlets for the facility. Provide a 15 KW backup generator.
- Provide battery-backed emergency egress lighting.
- Provide fire detection and alarm system.
- Provide exterior lighting.
- Provide new flooring for the facility. Redo the flooring with nonskid surface in the two detoxification cells.
- Provide new ceilings for the facility.
- Provide exterior paint covering for the new facility.

25. Medical Response at the Facility

The facility summons medical assistance from a hospital which is about two miles away. There is a first-aid kit available at the facility.

26. Booking Process at the Facility

The booking process at the facility is poor. Inmates are escorted through the back door into a makeshift countertop in the corridor in front of the detoxification cells. There are no barriers between the inmate and the booking officer.

Two months ago the facility was switched over to using the CODY system which has not been successful as a result of constant software crashes and unavailability to the users. The facility thus uses a manual system of booking as well as the CODY system to electronically record the manual files.

27. Food Service at the Facility

Although there is a small kitchen at the facility, the kitchen does not have an operating permit since it does not have an appropriate institutional hood above the stove top. The hood could not be installed because the roof structure of the trailer cannot withstand the concentrated weight of an institutional hood.

The local grocery store, Basha's, prepares and serves the food for the inmates. The grocery store charges \$4.99 for each breakfast and \$5.99 for each lunch and dinner.

28. Kitchen and Dining Staff at the Facility

There is no kitchen and dining staff at the facility.

29. Housekeeping Staff at the Facility
The detention staff provides housekeeping for their office space. Community service workers provide the remaining housekeeping for the administrative areas and for the inmate housing.
30. Repairs and Maintenance Staff at the Facility
There are no repairs and maintenance staff at the facility.
31. Inmate Services Provided at the Facility
No inmate services are provided at the facility.
32. Healthcare Assistance in the Community
Healthcare assistance is provided by the Indian Health Services Hospital. Behavioral health services are also provided through the Indian Health Services.
33. Other Support Agencies in the Community
There are no other support agencies in the community.
34. General Reasons for Detention
The general reasons for apprehension and detention are violent crime in the community. The crime rate at the Navajo Nation is 237, 911 and 62,232 per 100,000 inhabitants for violent crime, property crime and other crimes, respectively.
35. Potentially Harmful Conditions and Behavior of Inmates
There have been two attempts to commit suicide at the facility. Inmates have attempted to harm themselves by attempting to drown themselves in the toilet or using their articles of clothing to hang themselves from the bars to the side or the vent screen at the ceiling directly above the toilet.
36. Accountability and Reporting of Incidents
All of the incidents are reported to the Department of Justice at the Navajo Nation. They are also sent to the BIA.