

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

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FOR FURTHER INFORMATION Office of the Deputy Director -- Justice Services		DATE MAY 09 2007

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter provides the basic authorities and responsibilities for adult and juvenile detention and corrections programs within the jurisdiction of the Bureau of Indian Affairs, Office of Justice Services.

This policy establishes procedures regarding corrections standards. This replaces release #97-02, 7/29/97.


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FILING INSTRUCTIONS:

Remove: Release #97-02, 7/29/97

Insert: 40 IAM 3 (New)

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3.1 Purpose. This chapter provides the basic authorities and responsibilities for adult and juvenile detention and corrections programs within the jurisdiction of the Bureau of Indian Affairs, Office of Justice Services.

3.2 Scope. Under the regulations in 25 CFR Part 10 the provisions of this part of the Indian Affairs Manual apply to all corrections programs operated by the Bureau of Indian Affairs and to all contractually required Indian Tribes or tribal organizations under a Self-Determination contract. Indian tribes which have negotiated Self-Governance compacts are encouraged to comply with the standards contained in Part 40 of the IAM and the handbooks.

3.3 Policy. It is the policy of Indian Affairs to follow recognized detention and corrections standards to the extent possible.

3.4 Authority.

A. Statute.

- (1) 18 U.S.C. 3065, *Act of June 25, 1948*, 62 Stat. 817, P.L. 80-722; P.L. 103-322
- (2) 25 U.S.C. 2801 et seq., *Indian Law Enforcement Reform Act*, 104 Stat. 473, P.L. 101-379
- (3) 5 U.S.C 5305, *Federal Law Enforcement Pay Reform*, 104 Stat. 1465, P.L. 101-509, Title IV; P.L. 103-322

B. Regulations.

- (1) 25 CFR Part 10, "Indian Country Detention Facilities and Programs."
- (2) 14 CFR, 108.11, "Carriage of Firearms."
- (3) 14 CFR, 108.21, "Carriage of Passengers Under the Control of Armed Law Enforcement Escorts (1995)"

C. Court Rulings.

None Referenced

D. Guidance.

- (1) All applicable laws and policies shall be referenced to ensure all procedures affecting this area followed.
- (2) Adult and Juvenile American Correctional Association Standards.

E. Handbooks.

(1) "*Division of Corrections Handbook*." This national handbook will provide specific policy and procedures for accomplishing detention and corrections duties and responsibilities throughout Indian country. The regulations in 25 CFR Parts 10 contain references to chapters 69 of the Bureau of Indian Affairs Manual (BIAM). Chapter 69 was never

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officially issued; however, as this handbook is noted in 25 CFR Part 10, it shall continue to be adhered to, until other directives are released. The "Division of Corrections Handbook" shall eventually replace the entirety of the 69 BIAM. All references to detention and corrections in IAM 40, Chapter 1, dated 07/29/97 are also replaced. The format of this handbook will be in accordance with the "Indian Affairs Directive System."

(2) *"Division of Corrections Facility Handbook."* This local handbook shall address facility specific detention and corrections policy and procedures, as required by the "Division of Corrections Handbook", and as determined necessary. The format for the facility handbook will be the same as the national "Division of Corrections Handbook", and in accordance with the "Indian Affairs Directive System", and will be concurred with by the Chief of Corrections.

(3) *"Division of Corrections Inmate Handbook."* This handbook shall be a reference document covering day to day facility house keeping information inmates need to know, and will be developed by each individual correctional/detention facility. The format of this handbook will be determined and approved by the Chief of Corrections. The handbook will be issued to every inmate upon initial intake/booking into the facility.

(4) The handbooks used in carrying out detention and corrections programs do not enlarge staff civil or criminal liability in any way. These handbooks should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Failure to follow procedures contained in these handbooks may, however, result in disciplinary actions of an administrative nature. The original signed handbooks will be located in the Office of the Deputy Director, Office of Justice Services, Washington, DC. A signed copy of the handbooks shall be available in the Central Office West office, Albuquerque, NM, and at each detention and corrections facility.

3.5 Definitions.

None

3.6 Responsibilities.

A. Deputy Director, Office of Justice Services. The Director, Bureau of Indian Affairs, Office of Justice Services, has been delegated the responsibility for the development of law enforcement and corrections policies, standards, and management of all Bureau of Indian Affairs law enforcement and corrections initiatives in the BIA and by tribal contract under Indian Self-Determination and Education Assistance Act, Public Law 93-638, as amended, 25 U.S.C 450.

B. Associate Director of Corrections. The Associate Director of Corrections, Bureau of Indian Affairs, Office of Justice Services, has been delegated the responsibility for the development of corrections policies, standards, and management of all Bureau of Indian Affairs corrections initiatives in the BIA and by tribal contract, as necessary, to meet the correctional needs within Indian Country.

C. Chief of Corrections. The Chief, Division of Corrections, Bureau of Indian Affairs, Office of Justice Services, is responsible for ensuring policies, procedures, and standards for the operations of correctional programs in the BIA and by tribal contract are adhered to, and to ensure correctional needs within Indian Country are being met.

D. Supervisory Correctional or Detention Specialist. The District

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Supervisory Correctional or Detention Specialist, or designee, Bureau of Indian Affairs, Office of Justice Services, is responsible for the management or oversight of BIA and P.L. 93-638 detention/corrections facilities, and full implementation of all district-wide policies, procedures, and standards within their assigned District.

E. Supervisory Correctional Program Specialist (SCPS). The SCPS is responsible for assisting the District Supervisory Correctional or Detention Specialist in the management or oversight of BIA and P.L. 93-638 detention/corrections facilities, and full implementation of all policies and procedures within their district. In the absence of a District Supervisory Correctional or Detention Specialist, the SCPS will ordinarily perform the duties of this position.

F. Law Enforcement Assistant (LEA). A district LEA is supervised by either a Supervisory Correctional or Detention Specialist, or SCPS. They are responsible for assisting the assigned supervisor in day to day administrative detention/corrections duties and responsibilities, and for following all policies and procedures.

G. Supervisory Correctional Specialist (SCS). The SCS is the supervisor in charge of the management operations and staff of their assigned detention/corrections facility, when identified on the official organizational chart. The SCS is responsible for ensuring policies and procedures are implemented and followed.

H. Supervisory Correctional Officers (SCO). The SCO is the supervisor in charge of the management operations and staff of their assigned detention/corrections facility, when no SCS position is identified on the official organizational chart. When a facility has an identified SCS, the SCO will be supervised and assigned duties by the SCS. The SCO is responsible for ensuring policies and procedures are implemented and followed.

I. Lead Correctional Officer (LCO). LCO's are supervised by the SCS or SCO, and responsible for day to day detention/corrections shift duties. LCO's are not supervisors, but senior correctional officers responsible for ensuring themselves and staff assigned to their shift complete their duties, and ensure policies and procedures are followed.

J. Correctional Officer (CO). CO's are supervised by either a SCS or SCO. CO's are responsible for following the directions of SCS's and SCO's, and LCO's assigned to their shift regarding the performance of day to day detention/corrections shift duties. They are also responsible for following all policies and procedures.

K. Law Enforcement Assistant (LEA). Detention/correction facility LEA's are supervised by either a SCS or SCO. They are responsible for assisting the SCS or SCO in day to day administrative detention/corrections duties and responsibilities, and for following all policies and procedures.

L. Cook and Food Service Worker (FSW). Cook's and FSW's are supervised by either a SCS or SCO. They are responsible for carrying out the day to day food service duties, and for following all policies and procedures.

3.7 Standards, Requirements, and Procedures. The following areas shall be specifically addressed in the national *"Division of Corrections Handbook"*, and when required by this handbook, in the *"Division of Corrections Facility Handbook"*.

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A. Safety. Appropriate and recognized safety codes and practices for all matters relating to the operation of corrections/detention facilities shall be adhered to, to ensure the safety of all persons.

B. Security. Recognized security and safety procedures and practices, which address the protection of the community, staff, contractors, volunteers and inmates.

C. Order. An inmate discipline program, to maintain an orderly correctional/detention environment, with clear expectations of behavior and systems of accountability, will be established.

D. Care. Basic needs and personal care to address inmate nutritional, hygiene, health care, and any other needs to ensure inmates are housed in a humane manner will be ensured.

E. Program Activity. Programming, when feasible, to assist an inmate in their successful return to the community, and to reduce the negative effects of confinement.

F. Justice. Procedures that address the fair treatment of inmates and respect for their legal rights.

G. Administration and Management. Procedures, which address the professional and responsible administration and management of correctional/detention facilities, which are consistent with legal requirements.